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Wednesday
September 9, 1981

Highlights

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The President

Proclamation 4855 of September 4, 1981

National Hispanic Heritage Week, 1981

By the President of the United States of America

A Proclamation

The Hispanic peoples, their traditions, language and culture are a vital part of the American heritage. Their influence on our nation began with the Spaniards long before our revolution brought independence from England. This heritage can today be found almost everywhere in our daily lives: the arts and music we enjoy, the architecture of the homes and buildings in which we live and work, the history we read, and the language we use.

The Hispanic peoples today add to our strength as a nation with their strong devotion to family, deep religious convictions, pride in their language and heritage and commitment to earning a livelihood by hard work. Outstanding Hispanic men and women have advanced our nation in science and technology, business and public service. From the Southwest to the Northeast of the United States, they carry on their tradition of service to the communities in which we all live. This year, San Antonio has joined Miami and other American cities in electing a prominent Hispanic citizen as its mayor. Hispanic Americans bring to us, as well, a tradition of respect for the role of women both at home and in the workplace. Hispanic Americans serve with distinction in our military services today as they have served with leadership and courage on the battlefield in defense of this nation in the past.

Their contributions all too often go unrecognized. It is, therefore, fitting that we set aside this week to honor the Hispanic peoples that are among us as a nation of Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 13, 1981, as National Hispanic Heritage Week in honor of the Hispanic peoples who have enriched our daily lives, our traditions and our national strength. In this spirit, I ask all of our citizens to reflect on the sense of brotherhood that binds us together as one people.

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

Ronald Reagan

[FR Doc. 81-26500
Filed 9-8-81; 11:26 am]
Billing Code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1981–82 season, with the objective of assuring adequate supplies and orderly marketing.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. A final impact analysis on the marketing policy is available on request from Mr. Porter.

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

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

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

The marketing policy and regulation were unanimously recommended by the Florida Celery Committee following discussion at a public meeting in Orlando on June 10.

The committee recommended a Marketable Quantity of approximately 8.2 million crates of fresh celery for the 1981–82 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 27 1981, **Federal Register** (46 FR 38374) inviting written comments by August 11, 1981. None was received.

The 8.2 million crate Marketable Quantity is 40 percent more than the approximately 5.8 million crates expected to be marketed fresh during the season which ended July 31, 1981. Each producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1980–81 total Base Quantities is authorized for new producers and for increases by existing producers, with the only application, for a 50,000 crate increase, being approved.

To maximize the benefits of orderly marketing the regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 10, where it was unanimously recommended by the committee. This regulation is similar to ones in effect for past seasons.

Findings

On the basis of all considerations it is believed that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice was given of the handling regulation set forth in this section through publicity in the production area and by publication in the July 27, 1981 **Federal Register**, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1981–82 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the later part of October, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

§ 967.316 [Removed]

Section 967.316 (45 FR 52143, August 6, 1980) is removed and a new § 967.317 is added as follows:

§ 967.317 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1981–82 Season ending July 31, 1982.

(a) The Marketable Quantity is established under § 967.36(a) as 8,238,685 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(f) *Forms.* 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.

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

Dated: September 2, 1981, to become effective September 9 1981.

D. S. Kuryloski,

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

[FR Doc. 81-26285 Filed 9-8-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for the months of September through November 1981 the limits on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The revisions are made in response to a request by a cooperative association representing a substantial number of producers supplying the market to prevent uneconomic movements of milk.

EFFECTIVE DATE: September 9, 1981.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Proposed temporary revision of diversion limitation percentages: Issued August 13, 1981; published August 19, 1981 (46 FR 42074).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limitation on the amount of milk that may be moved directly from producer farms to manufacturing plants for September 1981 would be modified. The initial request for the action was received on August 7, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1065.13(d)(4) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 42074) concerning a proposed increase in the diversion limitation percentages for the months of September through November 1981. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. One comment was received in support of the proposed increase. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed, and other available information, it is hereby found and determined that for the months of September, October and November 1981 the diversion limitation percentages should be temporarily increased 10 percentage points from the present 40 percent to 50 percent.

Pursuant to the provisions of § 1065.13(d)(4) the diversion limitation percentages as set forth in § 1065.13(d) (2) and (3) may be increased or decreased up to 20 percentage points during any month to encourge additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., which represents, a substantial number of the producers associated with the market, requested that the diversion limits be relaxed 10 percentage points for the months of September through November 1981. The cooperative indicated that such temporary revision in diversion limitations beginning in September will prevent unnecessary and uneconomic movements of milk solely for the purpose of assuring that producers who are regular suppliers of milk for the fluid market will continue to have their milk pooled and priced under the order.

Mid-America Dairymen, Inc., which represents a large number of the producers supplying the Nebraska-Western Iowa market, filed a view in support of the proposed increase in diversion limitation percentages. The cooperative association stated that relaxing diversion limits beginning in September is necessary to prevent the uneconomic handling of the anticipated increase this fall in the market's reserve milk supplies in order to maintain producer status for all such milk.

Reserve milk supplies in this market, most of which are diverted from pool plants to nonpool plants by the proponent cooperative and other handlers, usually decline during the fall months. However, a review of current market data indicates that during the forthcoming fall months reserve milk supplies associated with the market are expected to exceed the quantity of producer milk that can be diverted under the present diversion limits and still maintain producer status for all such milk.

The present build up in the market's reserve milk supplies is largely due to a substantial increase in receipts from producers regularly supplying the market. Producer receipts are above year earlier levels (up over 14 percent for the first seven months of 1981 compared to the same months in 1980). At the same time, fluid milk sales (Class I disposition) have declined (down 0.2 percent during the first seven months of 1981 from the comparable period in 1980). The lower fluid milk sales and increased receipts of producer milk indicate that a significantly higher proportion of the market's producer milk will have to be channeled to manufacturing outlets at least during the next several months.

Under these supply-demand conditions, it is concluded that the market situation requires a temporary increase of 10 percentage points in the diversion limitation percentages to 50 percent for each month of September through November 1981. This temporary revision will provide greater flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

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

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September, October and November 1981;

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

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of September, October, and November 1981.

It is therefore ordered. That the aforesaid provisions of the order are hereby revised for the months of September, October, and November 1981.

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

Effective date: September 9, 1981.

Signed at Washington, D.C., on September 3, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-26315 Filed 9-8-81; 8:45 am]

BILLING CODE 3410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL—1924-3]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving the public transit improvement related parts of a revision to the New York State Implementation Plan (SIP) for the New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties). The other parts of the SIP revision, not related to public transit improvements, have been dealt with in earlier **Federal Register** notices prepared by the EPA. With this approval the entire SIP for the New York City metropolitan area becomes conditionally approved.

The public transit parts of the SIP revision discussed in today's notice of final rulemaking were prepared by the State to satisfy the requirements of Sections 110(c)(5) and 172 of the Clean Air Act, as amended. These sections relate to the attainment and maintenance of national ambient air quality standards and to the establishment, expansion and improvement of public transportation measures to meet basic transportation needs.

EFFECTIVE DATE: This action is effective September 9, 1981.

ADDRESSES: Copies of the SIP revision submitted by New York State, supplementary information, public comments, and a "Rulemaking Support Document" are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region II, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278;

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

A copy of the SIP revision, including the supplementary information, is also available for inspection during normal business hours at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 110(c)(5) of the Clean Air Act, as amended in August 1977, provides for the elimination of intracity bridge toll requirements contained in an applicable State Implementation Plan (SIP) upon application of the Governor. However, as a part of this application, the Governor has to certify that the SIP will be revised to meet the provisions of Section 110(c)(5)(B) to:

—Establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable;

—Implement transportation control measures necessary to attain and maintain national ambient air quality standards;

—Use federal grants, state or local funds, or any combination thereof (consistent with the terms of the legislation providing the funds) as may be necessary to implement these measures; and

—Provide for emission reductions equivalent to those expected to have been achieved by the eliminated bridge tolls.

In addition, Section 172 of the Clean Air Act requires the submittal of a SIP revision for each area within a state that is not meeting a national ambient air quality standard. The revision is to provide for attainment of the contravened standard by December 31, 1982 or, for ozone and carbon monoxide under certain specified conditions, no later than December 31, 1987. States granted such an extension beyond December 31, 1982 are additionally required by Section 110(a)(3)(D) of the Clean Air Act to meet the Section 110(c)(5)(B) provisions described earlier.

The New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties) was affected by all of these SIP revision requirements. Consequently, on May 24, 1979 New York State submitted to the Environmental Protection Agency (EPA) two documents.

The first document was intended to meet the requirements of Section 172 of the Clean Air Act. With the exception of those parts of this plan revision relating to public transportation, it was conditionally approved by EPA on May 21, 1980 (45 FR 33981). The second document, entitled "New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979," was intended to meet the SIP revision requirements of Section 110(c)(5) of the Clean Air Act. This SIP revision request, along with the public transportation measures included in the first document, were proposed for disapproval by EPA on June 30, 1980 (45 FR 43794). It is this proposal which is the subject of today's final rulemaking notice.

The preceding discussion should be viewed as only a brief summary of Clean Air Act requirements and the history of New York State plan revision submittals. A more detailed discussion of these subjects and other related issues can be found in the May 21, 1980 and June 30, 1980 **Federal Register** notices referred to earlier.

In a September 18, 1980 **Federal Register** notice (45 FR 62172) EPA reopened for an additional 30 days the 60-day public comment period established through its June 30, 1980 proposal. Among other reasons for taking this action was the fact that, also on September 18, 1980, the U.S. Department of Transportation (USDOT) and EPA jointly proposed policy and guidance on the Clean Air Act's requirement for meeting "basic transportation needs" (45 FR 62170). Additional comments were solicited on the impact of this action on EPA's proposed disapproval.

EPA again reopened its public comment period (for 15 days) through a December 15, 1980 **Federal Register** notice (45 FR 82280). This action was taken to notify the public of EPA's intent

to honor a request to consider a November 25, 1980 document entitled "Metropolitan Transportation Authority Staff Report of Capital Revitalization for the 1980's and Beyond" and to announce the document's availability.

II. Comments Received

EPA received 525 letters, including five from the State of New York, on its June 30, 1980 notice of proposed rulemaking. Comments were submitted by private citizens, elected and appointed officials, governmental agencies and private organizations. These covered a wide range of issues and represented many different perspectives. A detailed summary of these comments and EPA's response to them appears in a separate "Rulemaking Support Document" to today's notice. This document is available for public review at the locations identified in the "Addresses" section to today's notice.

Forty-four separate issues were addressed by commentators. These can be grouped into eight major categories as follows. Comments Relating to Legal and Procedural Matters:

1. EPA's Authority With Regard to Transportation Matters.
2. The Content of the New York SIP.
3. Discrepancies Within the New York SIP Submittal Documents.
4. Uniform Standards for SIP Review.
5. Conditional Approval of the New York SIP.
6. The Timeliness of EPA's Review.
7. Part D Requirements for Defining Basic Transportation Needs.
8. Consultation During SIP Development.
9. Section 108 Guideline Documents.
10. Unfulfilled Federal Actions.
11. Constitutional Issues.

Comments Relating to the Definition of Basic Transportation Needs:

12. Effect of the Proposed National Basic Transportation Needs Policy on EPA's Review.
13. EPA Expertise in Defining Basic Transportation Needs.
14. Nationally Established Performance Standards.
15. EPA's Failure to Define Basic Transportation Needs.
16. Adequacy of SIP Measures to Meet Basic Transportation Needs.
17. Use of Private Auto Characteristics in Defining Basic Transportation Needs.

Comments Relating to Information Used by EPA in its Review of the New York SIP:

18. Data Obtained After Plan Submittal.
19. Data Obtained From "A New Direction in Transit".
20. Public Transit Usage Data.

Comments Relating to the General Ability of the State to Commit to the Implementation of Specific Projects:

21. Relationship of Projects to Meeting Basic Transportation Needs.
22. Relationship of Projects to Air Quality.

Comments Relating to the New York SIP's Provisions to Meet Basic Transportation Needs:

23. The Condition of Public Transit.
24. Comfort.
25. Environment.
26. Security.
27. Preventive Maintenance.
28. Fare Stability.
29. Effect on the SIP of a Recent Fare Increase.

Comments Relating to the New York SIP's Financial Commitment:

30. The General Adequacy of the SIP's Financial Commitment.
31. Public Transit Funding In New York Compared to Other Areas.
32. The Need to Review All Potential Funding Sources.
33. The Availability of Federal Funds.
34. Adequacy of the Plan's Operating Budget.
35. Adequacy of the Plan's Capital Expense Budget.
36. Funds From the Port Authority.
37. Capital vs. Operating Expenses.
38. The Merits of a Westway "Trade-in".

Comments Relating to the Original East and Harlem River Bridge Toll Strategy:

39. Requirements for Eliminating the Bridge Toll Strategy.
40. Potential Revenues From Bridge Tolls.
41. Emission Reductions From Bridge Tolls.

General Comments:

42. Air Quality.
43. Emission Inventory Requirements.
44. The "MTA Management Study".

III. EPA's Final Action

EPA is today approving the public transit improvement element of the New York SIP for the New York City metropolitan area. This action coupled with EPA's May 21, 1980 (45 FR 33981) final rulemaking action has the effect of conditionally approving the entire SIP for the New York City metropolitan area.

The New York SIP for the New York City metropolitan area was submitted to EPA in the spring of 1979. However, EPA's proposal to disapprove the public transit improvement element of this submittal was not published until over one year later, on June 30, 1980. In the intervening period, a great deal of significant information regarding the physical and financial aspects of the area's public transit system became known. As a result, in its notice of proposed disapproval EPA noted many statements and projections in the State's submittal which appeared inaccurate in view of the new data which came to light after New York submitted its SIP.

As mentioned, EPA received over 500 letters pertaining to the public transit improvement elements of the New York SIP. Some of these comments supported EPA's proposed disapproval and others urged EPA to reconsider its proposal. EPA has carefully evaluated all of the comments received and decided that it should approve the SIP's public transit improvement provisions.

Several commentators pointed out that neither Section 110(c)(5) nor Section 110(a)(3)(D) define basic transportation needs (BTN). They maintained that the State should have primary responsibility for identifying BTN and for determining which transit improvements are needed to meet these needs. Several commentators also complained that EPA had judged New York's submittals against its own unofficial definition of BTN.

EPA agrees that the State should have ultimate responsibility for identifying its transit needs and deciding how to meet them. In its notice of proposed rulemaking, EPA stated that these determinations were the State's responsibility. Also, this approach appears in the proposed EPA/USDOT national policy on basic transportation needs. EPA did not evaluate the State's submittals against any unannounced EPA definition of BTN. However, EPA was concerned because local authorities who were also familiar with the New York City metropolitan area's transit needs had consistently asserted that the area's needs and the costs of meeting these needs were greater than provided for by the State's plan. Nevertheless, consistent with EPA policy, EPA will accept the State's definition of BTN. EPA continues to urge the State to consult with local entities regarding the scope of its public transit improvement measures and the implementation of specific projects.

EPA's notice of proposed rulemaking also identified a number of areas in which the public transit improvement elements of the New York SIP appeared to fall short of being capable of meeting the goals established therein. Comments from the State and recent developments have convinced EPA that some of these concerns were unfounded.

First, EPA has decided that its concerns about the State's ability to finance its transit improvements were unwarranted. The State's 1979 public

transit improvement submittals contained a commitment to obtain funds needed to meet the level of funding identified in the submittals. The submittals also attempted to project specific amounts of funds the State would obtain from several funding sources.

In its comments the State again committed to obtaining the funds needed to meet the level of funding which it identified as necessary. The State also pointed out that it had managed to secure adequate funding for the first year of its 5-year transit improvement program. The State predicted that it would have similar success in future years.

Moreover, EPA has been encouraged by recent developments in the area of transit financing. EPA has learned that in July 1981 the New York legislature authorized taxes expected to raise up to $400 million annually for two years to enable the Metropolitan Transit Authority (MTA) to make up the current deficit in its operating budget. The legislature also authorized a $5 billion, 5-year capital improvements program. EPA views this as significant progress toward providing the amount of funding needed to meet the goals in the State's plan.

In addition, EPA recognizes that it is often difficult to identify specific sources of funding for future years because the federal, state and local appropriations processes generally commit funds to projects only on an annual basis. Accordingly, EPA is not requiring New York to submit at this time specific information on funding for all five years of its transit improvement program. However, to satisfy Section 110(c)(5)(B)'s requirement that the State utilize all available funds for transit improvements, EPA expects the State to submit updated funding information on an annual basis as such information becomes available.

With regard to the need to "trade-in" interstate highway funds, as advocated by many commentators, EPA believes that New York State must decide on how it will provide the funding necessary to implement its plan.

Accordingly, EPA has decided to approve the State's funding commitment as meeting the requirements of Sections 110(c)(5)(B) and 172(b)(7).

Second, EPA has recently received information clarifying the State's transit fare policy. The short term objective of the SIP's fare policy, to maintain the New York City Transit Authority fare at 50 cents through 1981, has not been achieved; the fare was increased in July 1980 and July 1981. Assumptions regarding economic conditions and inflation of transit costs on which the State had relied in its SIP proved to be erroneous and increases in federal and other transit operating subsidies have not kept pace with the increase in transit deficits. EPA has recently received from the State an evaluation of the transit ridership and air quality impacts of the transit fare increase that became effective in July 1980. EPA is evaluating this report and will submit its comments to the State. EPA also expects that the State will submit an analysis of its July 1981 fare increase.

Third, EPA has decided that the State should be allowed more time to identify specific transit improvement measures that will be undertaken. EPA has been persuaded by the State that it ought to be allowed to develop updated public transit improvement provisions on a schedule similar to that to be followed by those States which are required under Section 110(a)(3)(D) to develop public transit improvement plans. Such states, which have received attainment data extensions, are required to submit detailed plans to EPA by July 1, 1981. Outlines of planning processes and commitments to carry out their plans were submitted by these states in 1979. EPA believes that it is justified in also providing New York State with additional time to update its submittals. Section 110(c)(5), like Section 110(a)(3)(D), requires coordination with the Part D planning process. Moreover, this additional time is particularly appropriate because the New York City metropolitan area is a nonattainment area which has been granted an attainment date extension up to 1987. As such, today's action is taken with the under standing that, as required by Section 129(c) of Public Law 95–95, on or before July 1, 1982 the SIP for the New York City metropolitan area will be revised to demonstrate that the provisions of Section 110(c)(5)(B) of the Clean Air Act are being met.

In summary, EPA has reevaluated the State's public transit improvement submittals and has found that the State has submitted enough information to merit approval.

IV. Consequences of EPA's Action

A. New Source Growth

Since July 1, 1979 the construction or modification of major stationary sources of carbon monoxide and volatile organic compounds in, respectively, carbon monoxide and ozone "nonattainment" areas of the New York City metropolitan area has been prohibited. This results from the nondiscretionary provisions of Section 110(a)(2)(I) of the Clean Air Act and regulations at 40 CFR 51.24. As a result of today's action, an approved SIP for these areas will be in effect and this moratorium will end.

B. Status of Earlier EPA Actions With Respect to the New York SIP

1. Existing Conditions. Today's approval of those parts of the New York SIP dealing with public transit improvements supplements EPA's May 21, 1980 conditional approval of the remainder of the SIP for the New York City metropolitan area. It should be noted that, on July 1, 1980 (45 FR 44273), January 27, 1981 (46 FR 8477), and May 26, 1981 (46 FR 28155) EPA found that the State had met several of the conditions promulgated for this area. Any requirements remaining unfulfilled from EPA's May 21, 1980 promulgation still must be met by the State.

2. The 1973 SIP. On April 17, 1981 EPA received a report prepared by the New York State Department of Environmental Conservation which demonstrates how the transportation control measures contained in the 1973 SIP for the New York City metropolitan area were addressed in the 1979 SIP revision. Although the report itself was not submitted by the State as a SIP revision, and will not be treated as such by EPA, it does provide additional information clarifying the contents of 1979 SIP which relate to transportation control measures and does discuss how the 1973 SIP measures were treated in the 1979 SIP. EPA also notes that additional clarification of the transportation related measures of the 1979 SIP was provided by the State in response to the requirements of 40 CFR 52.1674(e)(4), in the form of separate listings covering transportation related studies, demonstration projects and permanent projects committed to in the 1979 SIP. EPA approved these listings on January 27, 1981 (46 FR 8477), as noted earlier.

On August 4, 1981 (46 FR 39612), EPA proposed to delete all control measures contained in the 1973 SIP. This proposal was based on EPA's review of the 1979 SIP, including its public transit improvement part, in light of the State's April 17, 1981 report. It was found that there had been adequate demonstration made by the State that the 1973 SIP measures are not reasonably available or that they had been adequately addressed, in at times modified form, in the 1979 SIP as now approved by EPA.

It should be noted that the August 4, 1981 notice proposed to delete the public transit measures contained in the 1973 SIP once the public transit measures contained in the 1979 SIP were approved or conditionally approved. These 1979

SIP measures are being approved today. Therefore, EPA final action with regard to all the 1973 SIP measures (including the three public transit measures to be discussed as follows) will be dealt with in a future Federal Register rulemaking action on EPA's August 4, 1981 proposal.

The 1973 SIP measures considered by EPA in its review were those classified as either "primary" or "maintenance" strategies. These include the public transit strategies C–1, "Marketing Public Transit;" C–6, "Integration of Bus and Subway Facilities;" and C–7, "Rehabilitation of the Existing Transit System."

Strategy C–1 is being implemented through 41 specific service and marketing campaigns to promote the use of transit. These include the establishment of a Metropolitan Transportation Authority marketing department, television and newspaper advertisements, transit maps and guide books, "Guide-a-Ride" signs and a New York City Department of Transportation transit promotion campaign.

Strategy C–6 is being advanced through a series of New York City Transit Authority service sufficiency studies in order to determine better ways to coordinate transit service and to accommodate passenger needs. It should be noted, however, that the studies apparently do not consider the adequacy of service for potential transit users; this group is of major concern to the air pollution control program.

According to the State, Strategy C–7 is being fully implemented. The New York State Department of Transportation and the Metropolitan Transportation Authority are committed to implement the transit rehabilitation and modernization program contained in the 1979 SIP.

V. Conclusion

Today's action is being made effective immediately since it provides no additional burden on the affected parties.

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

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no regulatory requirements and only approves actions taken by the State.

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

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: September 2, 1981.

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

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

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

Subpart HH—New York

1. Section 52.1670 paragraph (c) is amended by adding new subparagraph (c)(61) as follows:

§ 52.1670 Identification of plan.

* * * * *

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

* * *

(61) A supplemental submittal entitled "New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979," submitted on May 24, 1979 by the New York State Department of Environmental Conservation.

2. Section 52.1673 is revised to read as follows:

§ 52.1673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New York's plan for the attainment and maintenance of the national standards under Section 110(a)(2) of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I of the Clean Air Act, as amended in 1977, except as noted in 52.1674, and the provisions of the plan for the Niagara Frontier Air Quality Control Region addressing attainment of particulate matter standards. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

[FR Doc. 81-26286 Filed 9-4-81; 1:32 pm]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5989

[CA-584]

California; Powersite Cancellation No. 349, Partial Cancellation of Powersite Classification No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially cancels a Secretarial order which withdrew 605.85 acres of land within the Shasta-Trinity National Forest for Powersite Classification No. 85. It has been determined that these lands will not be developed for power purposes. Five hundred and eight+ acres are being opened to such forms of disposition as may by law be made of national forest lands; 40 acres remain segregated from the mining and mineral leasing laws for Forest Service Administrative site purposes and 57+ acres are privately owned and not affected by this order.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075, 16 U.S.C. 818, and pursuant to the determination of the Federal Power Commission (now the Federal Energy Regulatory Commission) in DA–1132 California, it is ordered as follows:

1. The Secretarial Order of November 5, 1924, creating Powersite Classification No. 85, is hereby cancelled insofar as it affects the following described lands:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, lot 4 (formerly NW¼NW¼), S½NW¼, N½NE¼SW¼, SE¼NE¼SW¼, W½SE¼, SE¼SE¼.
T. 38 N., R. 8 W.,
Sec. 32, S½NE¼, NE¼NW¼, N½NE¼SE¼
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and MS 6037, E½NE¼SE¼, NW¼NE¼SE¼, E½SE¼NE¼SE¼, W½W½NW¼SE¼, S½SW¼SE¼ (formerly N½SE¼, N½NW¼SE¼, N½SW¼SE¼SE¼), NE¼SE¼SE¼, SE¼SE¼SE¼SE¼.

N½NE¼SW¼, N½S½NE¼SW¼, N½NW¼SW¼, NW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼.

The area described contains 605.85 acres in Trinity County.

2. At 10 a.m. on October 7, 1981, the following described lands which lie within the boundaries of the Shasta-Trinity National Forest, shall be open to such forms of disposition as may by law be made of national forest lands:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, lot 4 (formerly NW¼NW¼), S½NW¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SE¼, SE¼SE¼.
T. 38 N., R. 8 W.,
Sec. 32, SE¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, NE¼NW¼, N½NE¼SE¼;
Sec. 33, lots 2, 3, 4, 5, 6, 7, N½NW¼SW¼, N½SE¼NW¼SW¼, SE¼SE¼NW¼SW¼ N½NE¼SW¼, N½S½NE¼SW¼, E½NE¼SE¼, NW¼NE¼SE¼, E½SW¼NE¼SE¼, W½W½NW¼SE¼, NE¼SE¼SE¼, SE¼SE¼SE¼SE¼.

The area described aggregates 508.69 acres.

3. Of the lands listed in paragraph 1, the following described lands remain withdrawn from disposition under the public land laws and to location under the United States mining laws for Forest Service Recreation Areas. These lands have been and continue to be open to application and offers under the mineral leasing laws:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, SW¼SE¼.

The area described contains 40 acres.

4. Of the lands described in paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

Mount Diablo Meridian

T. 38 N., R. 8 W.,
Sec. 32, W½SW¼SW¼NE¼;
Sec. 33, lot 1, MS 6037, SE¼SW¼SE¼, E½SW¼SW¼SE¼.

The area described aggregates 57.16 acres.

The State of California has waived its preference right of application for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

All of the lands described in paragraph 2, have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26206 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5985

[M-40874]

Montana; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order as to 120 acres of public land. This action will restore 40 acres of the lands to operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws. The remaining lands are included in the Charles M. Russell National Wildlife Refuge and remain closed to the general public land laws, including the mining laws.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order dated March 23, 1928, as Interpretation No. 60, which withdrew the following described lands for use as a public water reserve, is hereby revoked in its entirety:

Principal Meridian

T. 21 N., R. 32 E.,
Sec. 30, E½SE¼.
T. 7 S., R. 11 W.,
Sec. 23, NW¼SW¼.

The area described contains 120 acres in Garfield and Beaverhead Counties.

2. At 8 a.m. on October 7, 1981, the NW¼SE¼, sec. 23, T. 7 S., R. 11 W., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The NW¼SW¼, sec. 23, T. 7 S., R. 11 W., will be open to location for nonmetalliferous minerals under the United States mining laws at 8 a.m. on October 7, 1981. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

4. The E½SE¼, sec. 30, T. 21 N., R. 32 E., is included within the boundaries of the Charles M. Russell National Wildlife Refuge and shall continue to be segregated from disposition under the public land laws, including the mining laws. The lands are open to mineral leasing subject to the regulations in 43 CFR 3101.3-1 and 3101.3-3 governing leasing in wildlife refuges.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26209 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5986

[M 030861]

Montana; Revocation of Public Land Order No. 1930

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Public Land Order No. 1930, affecting 3.79 acres withdrawn for a radio relay station. This action will restore the land to operation of the public land laws generally, including location under the mining laws.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1930 dated July 30, 1959, which withdrew certain land for use as a radio relay station is hereby revoked in its entirety:

Principal Meridian

T. 17 N., R. 20 E.,
Sec. 19, Tract 38.

The area described contains 3.79 acres in Fergus County, Montana.

2. At 8 a.m. on October 7, 1981, the land shall be open to operation of the public land laws generally, subject to

valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on October 7, 1981, the land will be open to mineral location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws and to the disposal of materials under the Act of July 31, 1947, 61 Stat. 681; as amended, 30 U.S.C. 601–604.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26207 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5987

[M-40597]

Montana; Revocation of Public Water Reserve No. 35

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Executive Order dated July 17, 1916, as to 80 acres of land withdrawn for a public water reserve. This action will restore the lands to national forest status and open them to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated July 17, 1916, which withdrew the following described lands within the Lewis and Clark National Forest for use as a public water reserve, is hereby revoked in its entirety.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 14, E½SE¼.

The area described contains 80 acres in Cascade County.

2. At 8 a.m. on October 7, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26208 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5984

[U-27914]

Utah; Withdrawal and Reservation of Land for Little Sahara Recreation Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 3,500 acres of public lands for the Little Sahara Recreation Area for a period of 20 years.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, as a Bureau of Land Management recreation area.

Salt Lake Meridian

Little Sahara Recreation Area

T. 12 S., R. 4 W.,
Sec. 29, W½NE¼, SE¼NE¼, E½W½, SE¼;
Sec. 32, E½, E½NW¼, SW¼;
Sec. 33, SW¼SW¼.
T. 13 S., R. 4 W.,
Sec. 4, lot 4;
Sec. 5, lots 1 and 2;
Sec. 8, S½SE¼;
Sec. 9, S½SW¼;
Sec. 17, N½NE¼.
T. 13 S., R. 5 W.,
Sec. 12, SE¼;
Sec. 13, E½, SW¼;
Sec. 14, SE¼;
Sec. 23, N½NE¼;
Sec. 24, N½N½;
Sec. 33, N½SE¼, SE¼SE¼;
Sec. 34, S½;
Sec. 35, SW¼.
T. 14 S., R. 5 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, SE¼.

The area described aggregates 3,541.85 acres in Juab County.

2. Contained within the described lands are the Little Sahara Recreation Area, White Sands Campground, Little Sahara Visitor Center, bunkhouse/warehouse, Sand Mountain Camping Area, Jericho Picnic Area, Oasis Campgrounds, and various public road systems.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 1, 1981.

[FR Doc. 81-26212 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5988

[W-53975]

Wyoming; Modification of Executive Order No. 5327 and Public Land Order No. 4522

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: Modification of Executive Order No. 5327 and Public Land Order No. 4522 to permit a direct sale of the surface estate to provide further industrial expansion and development of trona mining.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, and Public Land Order No. 4522 of September 13, 1968, are hereby modified insofar as they affect the following described public land to allow a sale under the provisions of Section 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713.

Sixth Principal Meridian

T. 19 N., R. 110 W.,
Sec. 22.

The area described contains 640 acres in Sweetwater County.

Inquiries concerning the lands should be addressed to the Chief Branch of Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26211 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Change in Catch Rate

Correction

In FR Doc. 81-22654 appearing on page 40193 in the issue of Friday, August 7, 1981, make the following change:

On page 40193, first column, in the SUMMARY paragraph, fourth line, the word "pay" should read "day".

BILLING CODE 1505-01-M

50 CFR Parts 611 and 672

Foreign Fishing; Groundfish in the Bering Sea and Gulf of Alaska; Reapportionments

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

ACTION: Final rule.

SUMMARY: This rule reapportions groundfish in the Bering Sea and Gulf of Alaska among domestic and foreign fishermen and processors. The reapportionments required by regulation for June 2 and August 2 are combined into one notice. This action will allow the foreign and domestic fisheries to proceed without interruption to achieve optimum yield.

DATES: September 9, 1981 until December 31, 1981.

ADDRESSES: The data upon which this rule is based are available for public inspection at the office of the Alaska Region, National Marine Fisheries Service, Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields for various groundfish are established by the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Bering Sea and Northeast Pacific Ocean (42 FR 9298, as amended) and by the fishery plan for Groundfish of the Gulf of Alaska (43 FR 17013, as amended). The optimum yields (OY) are apportioned initially to domestic annual harvest (DAH), reserve, and total allowable level of foreign fishing (TALFF). Thus OY = DAH + Reserve + TALFF. In turn, DAH is apportioned between domestic annual processing (DAP), joint venture processing (JVP), and domestic non-processed fish (DNP) thus, DAH = DAP + JVP + DNP. Under 50 CFR 611.92(c)(1) and 611.93(b)(3), each April 2, June 2, and August 2 the Alaska Regional Director of the National Marine Fisheries Service (NMFS) may reapportion the reserve to DAH or TALFF. The Regional Director may also reapportion DAH to TALFF, or adjust the DAP, DNP and JVP specifications within DAH.

This notice combines the June 2 and August 2 reapportionments. All of the reserves, except 3,360 mt of Pacific Ocean perch, are reapportioned. Errors in the April 2 reapportionment (published June 26, 1981, at 46 FR 33038) are corrected.

Part 1. *Bering Sea.* United States fishermen participating in joint ventures with foreign vessels are catching large quantities of certain species of fish in the Bering Sea, and will continue to do so. Therefore, fish from reserves established for those species are reapportioned to JVP as follows: pollock—27,000 mt; atka mackerel—1,240 mt; "other species"—2,100 mt; Pacific cod—4,967 mt; "other flounders"—3,050 mt. Fish from surplus DAP are reapportioned to JVP as follows: pollock—8,000 mt; "other species"—1,500 mt; "other flounders"—1,000 mt.

On the other hand, U.S. fishermen participating in joint ventures are catching smaller quantities of some other species than anticipated when the JVP specifications were established. Therefore, fish of these species are deducted from the JVP portion of DAH and reapportioned to TALFF: Pacific ocean perch—730 mt in Areas I–III and 730 mt in Area IV; Sablefish—150 mt in Areas I–III and 150 mt in Area IV; "other rockfish"—400 mt; squid—30 mt.

Domestic harvest and domestic processing of certain species of Bering Sea Groundfish is less than was anticipated. These quantities are deducted from the DAP portion of DAH and reapportioned to TALFF: "other rockfish"—1,000 mt; Pacific ocean perch—500 mt in Areas I–III and 500 in Area IV; sablefish—450 mt in Areas I–III and 450 mt in Area IV; turbot—800 mt.

The U.S. harvesting and processing of Pacific cod in the Bering Sea is greater than was anticipated. Therefore, 8,000 mt is deducted from reserve and added to the DAP portion of DAH.

The remainder of the fish in reserve are reapportioned to TALFF: pollock—13,000 mt; yellowfin sole—5,850 mt; Pacific ocean perch—162 mt in Areas I–III and 375 mt in Area IV; sablefish—350 mt in Areas I–III and 75 mt in Area IV; Pacific cod—9,968 mt; turbots—2,250 mt; squid—500 mt; "other rockfish"—500 mt; "other species"—1,612 mt.

Part 2. Gulf of Alaska. Currently, there is no joint venture activity in the Gulf of Alaska, and very little is expected for the rest of 1981. Therefore, surplus fish in the JVP portion of DAH are reapportioned to TALFF (see table 1).

The U.S. harvesting and processing of Pacific cod in the western Gulf of Alaska is greater than was anticipated. Therefore, 200 mt is reapportioned from JVP to DAP. The DAH for Pacific cod in the central Gulf of Alaska remains unchanged, since the domestic harvest is expected to increase in this area during the rest of 1981.

The U.S. harvesting and processing of other fish in the Gulf of Alaska is less than was anticipated. Therefore, some of the DAP portion of DAH is reapportioned to TALFF, as noted in Table 1.

All of the reserve for Pacific ocean perch, except 3,360 mt in the eastern area of the Gulf of Alaska, is reapportioned to TALFF. The eastern resource is in poor condition and NMFS wishes to reduce fishing pressure on these stocks. An amendment to the Gulf of Alaska groundfish fishery management plan probably will be implemented in 1982 to reduce the OY for Pacific ocean perch in the eastern Gulf of Alaska.

The remainder of the fish in reserve are reapportioned to TALFF as shown in Table I.

Table 1.—*Source of reapportionments to TALFF in the Gulf of Alaska*

	Regulatory area	DAP	JVP	Reserves	Total released to TALFF
Pollock	Western		3,354	13,300	16,654
	Central		6,214	2,213	8,427
	Eastern		1,000	3,874	4,874
Pacific cod	Western		600	3,864	4,464
	Central			7,826	7,826
	Eastern	200	500	1,386	2,086
Flounders	Western		600	2,427	3,027
	Central		800	3,430	4,230
	Eastern		400	1,960	2,360
Pacific ocean perch	Western		300	630	930
	Central	200	900	1,843	2,943
	Eastern				0
Sablefish	Western	100	100	294	494
	Central	800	200	532	1,532
	Yakutat	1,000	200	994	2,194
	Southeastern				0
Atka mackerel	Western		300	1,092	1,392
	Central		1,200	4,862	6,062
	Eastern		800	743	1,543
Other rockfish	Gulfwide	450	100	1,773	2,323
Thornyhead rockfish	Gulfwide			525	525
Squid	Gulfwide		150	1,167	1,317
Other species	Gulfwide		200	3,780	3,980

Response to Public Comments

In accordance with 50 CFR §§ 611.92(c), 611.93(b), and 672.20(c), an opportunity for public comment was provided regarding the amount of reserves to be apportioned to DAH and TALFF and on the amount of excess DAH to be reapportioned to TALFF. One comment was received, which addressed the reapportionment of excess DAH to TALFF.

Comment: In the Gulf of Alaska, large portions of the DAH, as well as all reserves, of both sablefish and Pacific cod are excess to the needs of domestic fishermen and should be apportioned to TALFF.

Response: All the remaining reserves for both sablefish and Pacific cod in the Gulf of Alaska are being released to TALFF.

Most of the DAH for sablefish in the western and central areas and in the Yakutat district of the eastern area is considered to be surplus to the needs of U.S. fishermen and is reapportioned to TALFF. None of the DAH for sablefish in the southeast district of the eastern area is being reapportioned to TALFF at this time because significant domestic effort for this species in the southeast district is expected to continue.

DAH amounts for Pacific cod in the western and eastern areas considered excess to the needs of the U.S. fishery are also reapportioned to TALFF. Domestic effort for Pacific cod in the central area is expected to increase during the remainder of the fishing year and the uncertainty of the amount of DAH that will yet be harvested prevents the reapportionment of Pacific cod from DAH to TALFF at this time.

Administrative Procedure Act

In view of the previous opportunity for public comment on this reserve apportionment and the need to avoid disruption of U.S. and foreign fisheries, the Secretary has determined that further notice and opportunity for public comment on this rule would be impracticable, unnecessary, and contrary to the public interest and that it should be effective September 9, 1981.

National Environmental Policy Act

Environmental impact statements were prepared on the PMP and FMP and are on file with the Environmental Protection Agency (EPA). Environmental assessments and negative determinations of significant environmental impact were prepared on the current regulations implementing the PMP and FMP, and are also on file with the EPA. As an integral feature of the management system established by the FMP, the PMP, and their implementing rules, this rule is not a separate major Federal action significantly affecting the quality of the human environment.

Classification

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 Procedures Act. In addition, the rule does not have a significant economic impact on small businesses for the purposes of the Regulatory Flexibility Act. The rule, which is being published in final form, implements an existing provision in the regulations which allows the Secretary to make inseason reassessments of DAH and the need for reserves, and to reapportion to TALFF those amounts which he determines will not be harvested by vessels of the United States.

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

Promulgation of this rule does not constitute a Federal activity "directly affecting" the Alaska coastal zone within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Parts 611 and 672 are amended as follows:

PART 611—FOREIGN FISHING

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

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

2. In § 611.20, Appendix I, entries 4.A are amended to read as follows:

§ 611.20 **Total allowable level of foreign fishing.**

Appendix I. Optimum yield (OY), estimated domestic annual harvest (DAH), estimated domestic annual processing (DAP), joint venture processing (JVP), domestic non-processed fish (DNP), and total allowable level of foreign fishing (TALFF), all in metric tons.

Species and species code	Areas	OY	DAH	DAP	JVP = DAH − (DAP + DNP)	DNP	Reserve	TALFF
* * * * * * * * *		*	*	*	*			
4. Alaska Fisheries:								
A. Bering Sea and Aleutian Islands groundfish fishery.								
Pollock, 701	Bering Sea [1]	1,000,000	56,550	2,500	54,050		0	943,450
	Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole, 720		117,000	26,200	1,200	25,000		0	90,800
Turbots, 737 (721,118)		90,000	275	200	75		0	89,725
Other flounders, 129		61,000	7,250	200	7,050		0	53,750
Pacific ocean perch [4], 780	Bering Sea [1]	3,250	150	50	100		0	3,100
	Aleutians [2]	7,500	150	50	100		0	7,350
Other rockfish, 849		7,727	150	100	50		0	7,577
Sablefish, 703	Bering Sea [1]	3,500	100	50	50		0	3,400
	Aleutians [2]	1,500	100	50	50		0	1,400
Pacific cod, 702		78,700	37,232	15,200	22,032		0	41,468
Atka mackerel, 207		24,800	1,340	0	1,340		0	23,460
Squid, 509		10,000	20	0	20		0	9,980
Other species [3], 498		74,249	4,100	300	3,800		0	70,149
B. * * *								
C. * * *								
D. * * *								
E. Gulf of Alaska groundfish fishery								
Pollock, 701	Western [5]	66,500	3,383	29	3,354		0	63,117
	Central [5]	111,066	29,326	6,277	23,049		0	81,740
	Eastern [5]	19,367	1,584	811	773		0	17,783
	Total	196,933	34,293	7,117	27,176		0	162,640
Pacific cod, 702	Western	19,320	1,593	480	413	700	0	17,727
	Central	39,130	7,058	4,060	1,598	1,400	0	32,072
	Eastern	11,550	1,715	127	188	1,400	0	9,835
	Total	70,000	10,366	4,667	2,199	3,500	0	59,634
Flounders, 129	Western	12,133	216	116	100		0	11,917
	Central	17,150	507	350	157		0	16,643
	Eastern	9,800	1,187	1,050	137		0	8,613
	Total	39,083	1,910	1,516	394		0	37,173
Pacific ocean perch,[4] 780	Western	3,150	102	29	73		0	3,048
	Central	9,217	365	144	221		0	8,852
	Eastern	16,800	1,534	93	1,441		3,360	11,906
	Total	29,167	2,001	266	1,735		3,360	22,806
Other rockfish,[6] 849	Total	8,867	500	367	133		0	8,367
Sablefish,[7] 703	Western	2,450	115	17	98		0	2,335
	Central	4,433	423	367	56		0	4,010
	Yakutat District [8]	3,966	410	377	33		0	3,556
	Southeast—Outside [9]	3,500	3,395	3,290	105		0	105
	Total	14,349	4,343	4,051	292		0	10,006
Atka mackerel, 207	Western	5,458	38	0	38		0	5,420
	Central	24,309	60	0	60		0	24,249
	Eastern	3,717	17	0	17		0	3,700
	Total	33,484	115	0	115		0	33,369
Squid, 509	Total	5,833	25	0	25		0	5,808
Other species,[5] 499	Total	18,900	1,807	351	523	933	0	17,093
Thornyhead rockfish, 749	Total	4,375	7	7	0		0	4,368
* * * * * * * * *		*	*	*	*			

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes Sebastes species S. alutus (Pacific ocean perch), S. polyspinus (northern rockfish), S. aleutianus (rougheye rockfish), S. borealis (shortraker rockfish), and S. zacentrus (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus Sebastes except the category "Pacific ocean perch" as defined above and "thorny rockfish," Sebastolobus.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

3. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1855.

4. In § 672.20, Table 1 is amended to read as follows:

§ 672.20 Optimum yield.

* * * * *

Table 1.—*OY—DAH—DAP—DNP—JVP—Reserve and TALFF by Regulatory Area* [1]

Species and species code	Areas	OY	DAH	DAP	JVP = DAH − (DAP + DNP)	DNP	Reserve	TALFF
Pollock, 701	Western	66,500	3,383	29	3,354	.....	0	63,117
	Central	111,066	29,326	6,277	23,049	.....	0	81,740
	Eastern	19,367	1,584	811	773	.....	0	17,783
	Total	196,933	34,293	7,117	27,176	.....	0	162,640
Pacific cod, 702	Western	19,320	1,593	480	413	700	0	17,727
	Central	39,130	7,058	4,060	1,598	1,400	0	32,072
	Eastern	11,550	1,715	127	188	1,400	0	9,835
	Total	70,000	10,366	4,667	2,199	3,500	0	59,634
Flounders, 129	Western	12,133	216	116	100	.....	0	11,917
	Central	17,150	507	350	157	.....	0	16,643
	Eastern	9,800	1,187	1,050	137	.....	0	8,613
	Total	39,083	1,910	1,516	394	.....	0	37,173
Pacific ocean perch,[2] 780	Western	3,150	102	29	73	.....	0	3,048
	Central	9,217	365	144	221	.....	0	8,852
	Eastern	16,800	1,534	93	1,441	.....	3,360	11,906
	Total	29,167	2,001	266	1,735	.....	3,360	23,806
Other rockfish,[3] 849	Total	8,867	500	367	133	.....	0	8,367
Sablefish, 703	Western	2,450	115	17	98	.....	0	2,335
	Central	4,433	423	367	56	.....	0	4,010
	Yakutat District [4]	3,966	410	377	33	.....	0	3,556
	Southeast—Outside [4]	3,500	3,395	3,290	105	.....	0	105
	Total	14,349	4,343	4,051	292	.....	0	10,006
Atka mackerel, 207	Western	5,458	38	0	38	.....	0	5,420
	Central	24,309	60	0	60	.....	0	24,249
	Eastern	3,717	17	0	17	.....	0	3,700
	Total	33,484	115	0	115	.....	0	33,369
Squid, 509	Total	5,833	25	0	25	.....	0	5,808
Other species,[5] 499	Total	18,900	1,807	351	523	933	0	17,093
Thornyhead rockfish, 749	Total	4,375	7	7	0	.....	0	4,368

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes Sebastes species S. alutus (Pacific ocean perch), S. polyspinus (northern rockfish), S. aleutianus (rougheye rockfish), S. borealis (shortraker rockfish), and S. zacentrus (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus Sebastes except the category "Pacific ocean perch" as defined above and "thorny rockfish," Sebastolobus.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

[FR Doc. 81-26250 Filed 9-8-81; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Extension of emergency rule.

SUMMARY: An emergency regulation in effect through September 8, 1981, imposes a 5½ inch minimum size limit for surf clams harvested in the mid-Atlantic surf clam management area. This notice extends the emergency regulation from September 9, 1981 through October 23, 1981. The extension will continue the protection of small surf clams and enhance the potential yield from the fishery.

EFFECTIVE DATE: From September 9, 1981, through October 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Frank Grice, Chief, Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, 617-281-3600.

SUPPLEMENTARY INFORMATION: An emergency amendment to the regulations implementing the Fishery Management Plan for Surf Clam and Ocean Quahog Fisheries was published in the **Federal Register** on July 17, 1981 (46 FR 37051). The emergency amendment stated such regulations would be effective for 45 days and could be extended for an additional 45 days. The amendment imposed a 5½ inch minimum size limit, with tolerances, for surf clams harvested in the mid-Atlantic surf clam management area. The amendment was developed at the request of industry to reduce the harvest of small surf clams and to increase the potential yield from the fishery resource. The Acting Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in this rulemaking continues to exist and is extending the emergency regulation through October 23, 1981.

Classification

The Acting Administrator of NOAA on July 9, 1981 determined for the emergency rule (published at 46 FR 37051) and a consecutive extension for another 45-days that (1) the emergency regulation and the subsequent extension conformed to the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other applicable law; (2) this action was not a major rule as defined by Executive Order 12291, and consequently did not require the preparation of a regulatory impact analysis; and (3) this action did not affect the Federal paperwork burden as defined by 44 U.S.C. 3501 *et seq.*, for any level of business or government. The

Regulatory Flexibility Act is not applicable because the emergency rule was not published as a notice of proposed rulemaking. Because the regulation responded to an emergency situation which continues to exist, the Acting Assistant Administrator is unable to comply with Section 3(c)(3) of Executive Order 12291. A copy of the regulation has been sent to the Office of Management and Budget under section 8(a)(1) of the Executive Order.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

1. The authority citation for Part 652 reads as follows:

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

2. For the reasons set out in the preamble, 50 CFR 652.7(j) and 50 CFR 652.25 (as published at 46 FR 37051) are continued in effect from September 9, 1981, through October 23, 1981.

[FR Doc. 81-26253 Filed 9-8-81; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Final rule.

SUMMARY: NOAA issues final regulations for the Fishery Management Plan (FMP) for the Commercial and Recreational Salmon fisheries off the Coasts of Washington, Oregon and California, as amended in 1981. These final regulations supersede emergency interim regulations that originally appeared in the **Federal Register** on June 10, 1981. The intended effect is to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements.

EFFECTIVE DATE: 0001 hours PDT September 4, 1981.

ADDRESS: Copies of the final regulatory flexibility analysis are available from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

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

SUPPLEMENTARY INFORMATION: The FMP, prepared by the Pacific Fishery Management Council (Council), was approved on March 2, 1978, and amended in 1979, 1980, and 1981, under the authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 (Magnuson Act). The amended FMP specifies management measures that vary by fishery and area; in general, it establishes fishing seasons, provides seasonal harvest guidelines (or quotas) and other inseason management measures, set minimum fish sizes and sets daily catch limits for the recreational fisheries.

NOAA implemented the 1981 amended FMP with emergency regulations effective from June 5 to July 20, 1981 (46 FR 30633). NOAA extended the emergency regulations for a second 45-day period from July 20 through September 3, 1981, corrected § 661.4 and § 661.13 (a) and (b), and extended the public comment period (46 FR 37705). The 1981 amendment to the FMP and the regulations were discussed thoroughly in the preamble to the emergency regulations. Public comments were received and have been considered and discussed; they are addressed in the "Comments" section of this preamble.

The Assistant Administrator for Fisheries (Assistant Administrator) reviewed the amended FMP and the implementing emergency regulations during the public comment period from June 15 through August 6, 1981. He has determined that the amended FMP is consistent with the Magnuson Act and other applicable law and now adopts the regulations (as corrected, 46 FR 37705) to implement the plan as final without republishing them to save public expense and reduce the volume of printed matter.

A technical change is made in § 661.12 of the final rule to conform with definition in the Magnuson Act of "Secretary" which includes the Secretary's designee. The responsibility remains with the Secretary of Commerce (Secretary) for rulemaking. A correction is also made in § 661.10(a); the word "except" was inadvertently omitted.

Litigation

The 1981 amendment and implementing emergency regulations have been challenged in three separate lawsuits.

1. On June 22, 1981, the Hoh Indian Tribe, the Quinault Indian Nation and the Quileute Indian Tribe filed suit against the Secretary in the U.S. District Court for the Western District of Washington State (Court). Members of the three Washington coastal Indian tribes with treaty fishing rights contended that: (1) the regulations did not protect the Indian tribes' treaty-secured right to fish for coho salmon on certain Washington coastal rivers; (2) river-by-river, run-by-run management of coastal coho salmon is practicable and required by law to achieve the treaty entitlement; (3) in approving the 1981 amendment, the Secretary completely deferred to the management recommendations of the Washington Department of Fisheries (WDF); (4) the 1981 regulations placed the entire burden of meeting WDF's management objectives for conserving and enhancing the coastal salmon runs on the treaty Indian tribes; and (5) the Secretary, through the Council, denied the treaty Indian tribes timely and complete access to information underlying his decision. The WDF intervened in the suit.

On August 3, the Court denied both the plaintiffs' and the defendant's motions for summary judgment and remanded the matter to the Secretary with directions to the parties to confer between themselves and with WDF and decide by August 7 whether: (1) to reduce spawning escapement goals for the relevant Washington coastal rivers, (2) to further limit the ocean harvest of Washington coastal salmon, or (3) to combine the two in an agreeable way. In addition, the parties were ordered to develop by February 1, 1982, a long-term plan that includes escapement goals for each run of salmon on each river for each tribe. The plan would provide an annual percentage of enhancement over the previous year's figure. Following conferences with the plaintiffs and WDF, the Secretary submitted to the Court a proposal calling for a slight reduction in the spawning escapement goals and retention of the ocean salmon fishing seasons specified in the emergency regulations. The Court's Technical Advisor recommended to the court that spawning escapement goals different from those agreed upon by the Secretary and the tribes should be approved, but that the ocean fishery should not be closed. The court has yet to issue a final order in the case.

2. On June 30, the Confederated Tribes and Bands of the Yakima Indian Nation sued the Secretary alleging that the 1981 amendment: (1) failed to provide for their treaty entitlement; (2) failed to

provide that portion of the salmon harvest secured by the Columbia River Plan; (3) failed to comply with the requirements of the Magnuson Act; and (4) failed to comply with the National Enviornmental Policy Act. The WDF also intervened in this suit.

On August 4 the Court denied the defendant's and the plaintiffs motions for summary judgment. The Court refused to order a closure of the ocean salmon fisheries and instructed the Secretary to review the ocean salmon fishing regulations off Alaska and Washington to determine if further restrictions are necessary and report his findings within 90 days.

3. On July 10, the Washington State Charterboat Association (WSCA) challenged the emergency regulations and claimed that the 1981 amendment and emergency regulations: (1) did not adequately consider the varying impact of the recreational and commercial fisheries on the ocean salmon resources; (2) were arbitrary because they relied on application of a "weak run" analysis in establishing ocean harvest quotas; and (3) were arbitrarily based on a regional, species-by-species management system. WSCA unsuccessfully moved to intervene in the Hoh et al. and the Confederated Tribes' suits, and the case is still pending.

Inseason Management Actions

Under 50 CFR 661.12 of the emergency regulations, the Regional Director issued inseason field orders relating to the commercial and recreational ocean salmon fisheries south of Cape Falcon, Oregon, to the Oregon-California border (subarea B), and the commercial and recreational fisheries north of Cape Falcon, Oregon, to the Washington-Canada border (subarea A). For subarea B, a field order issued on August 13 increased the recreational daily bag limit from 2 to 3 fish per day and delayed adjustment of the preseason harvest guideline until August 24, when a better stock size estimate could be made (46 FR 42070).

On August 21, the Regional Director issued three field orders (46 FR 43225) on the basis of coho salmon catch and fishing effort data obtained by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW). First, he issued a field order closing the commercial fishery in subarea A effective midnight August 21, 1981, when it was projected that the quota of 372,000 coho would be reached. Second, the Regional Director closed the all-species commercial salmon fishery in subarea B as of midnight August 21 when it was projected that the quota of 548,000 coho would be reached however, under 50 CFR 661.10(a)(2)(iv), a commercial fishery using special gear for chinook salmon is allowed from August 22 until September 8, 1981, between Cape Falcon and Cape Sebastian, Oregon. Third, the Regional Director ordered the closure of the ocean recreational fishery in subarea A as of midnight August 26, when it was projected that the recreational quota of 248,000 coho would be reached. Subsequently, the Regional Director ordered the closure of the recreational fishery in subarea B because the reprojected total quota for that subarea (794,600 coho) had been harvested (46 FR 43977).

Comments

1. Most of the comments received concerned the annul chinook salmon quota for the commercial and recreational ocean salmon fisheries off California. Representatives of California's commercial troll fisheries groups opposed the chinook salmon quotas and stated that there was insufficient evidence to support the need for a chinook quota. Congressmen from the State of California urged the Secretary to reevaluate the need for a chinook salmon quota and to increase the quota if possible.

2. The Directors of the Washington Department of Fisheries and the Oregon Department of Fish and Wildlife asked the Secretary to use his authority under the Magnuson Act to close commercial ocean salmon fishing in California State waters (inside 3 miles), to conform with the closure for the commercial ocean salmon fishery in the fishery conservation zone (FCZ) (between 3 and 200 miles).

3. Representatives of Washington State coastal Indian tribes with treaty fishing rights expressed concern that commercial salmon fishing in California State waters during the month of June would adversely affect the number of coho salmon returning to Washington coastal streams of origin.

4. One commenter asked the Secretary to establish a coast-wide quota for chinook and coho salmon rather than to establish regional quotas.

5. Several commenters opposed the concept and practice of inseason management modifications.

6. One commenter said that the foreign trawl fleets that operate off the Washington-Oregon-California coast were unlawfully catching and retaining Pacific salmon.

Responses

1. The Council adopted the California chinook salmon quota this year to protect the severely depressed chinook salmon stocks that originate in the Klamath River system. Once the quota was adopted and approved for the 1981 season, any modification of the quota would require an amendment of the salmon FMP. In addition, there was no new information provided to the Council that would support the need for a modification of the California chinook quota. It is very unlikely that any of the chinook quotas will be reached by the established seasonal closing dates.

2. The Secretary decided not to use his authority granted under the Magnuson Act to close California State waters to commercial ocean salmon fishing. At that time, only a few days remained before the salmon season in the FCZ opened.

3. The question of the Secretary's obligations in managing the ocean salmon fishery to ensure sufficient ocean escapement for Indian tribes with adjudicated treaty rights was the subject of litigation this summer. See item 2 in the Litigation section, above. The court ordered the Secretary, the tribes and the WDF to develop both a short term and a long term plan to ensure that adequate numbers of salmon return to the rivers of origin involved.

4. The Secretary agrees with the Council's regional quota system. The conditions of the coho and chinook salmon stocks vary from region to region and do not lend themselves to coastwide quotas. Quotas are practical only with respect to individual areas within the fisheries for coho and California chinook.

5. The Secretary agrees with the Council that midseason regulatory changes would be necessary if it became apparent that preseason resource status forecasts were incorrect. Inseason management of the fisheries provides the greatest protection to the coastal ocean salmon resources. Inseason management also reduces the severity of fishing regulations when a situation warrants it.

6. U.S. observers stationed aboard the foreign fishing trawlers have indicated that very few salmon are caught incidental to the trawl target species. Because salmon are a "prohibited species," foreign fishermen must try to avoid catching salmon. If foreign fishermen catch salmon accidentally, they must return the fish to the sea immediately without further injury. The foreign fleet incidental catch of salmon is less than one-quarter of one percent of the coastwide U.S. harvest of salmon.

Classification

These final regulations are being promulgated after consideration of matters presented during the public comment period, and upon a determination that the 1981 amendment to the FMP is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of California, Oregon and Washington, and that it is consistent with the Magnuson Act including the national standards, and other applicable law, including treaty obligations.

The Administrator, NOAA, has determined that the regulations implementing the FMP do not constitute a major rule under E.O. 12291 requiring a regulatory impact analysis. However, a regulatory impact review (RIR) was prepared. This document demonstrates that the regulations to implement the 1981 amendment to the plan comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulation of the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The regulatory objectives chosen maximize the net benefits to society; and

(d) Alternative approaches to regulatory objectives which involved the least net cost to society were chosen.

The RIR also served as an initial regulatory flexibility analysis (IRFA), since it was determined that the regulations to implement the 1981 FPM would have a significant economic impact upon a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The IRFA was summarized at 46 FR 37705. A final regulatory flexibility analysis has been prepared. This document, which may be obtained from the Pacific Fishery Management Council at the above address, is essentially identical to the RIR/IRFA, since: that earlier document contains material which satisfies the requirements of 5 U.S.C. 604 (a) (1) and (3), and the agency received no public comments in response to the IRFA.

It is imperative to promulgate these final rules by September 4; otherwise, the ocean fishery will be unregulated and that would substantially increase the likelihood that overfishing would occur and that the objectives of the FMP (including ocean escapement goals necessary to meet spawning, treaty Indian, and other inland-harvest objectives) would not be achieved. For this reason the agency finds, for good cause, that it would be impracticable and contrary to the public interest to delay for 30 days the effective date of these final regulations, under the provisions of section 553(d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

The NOAA Administrator has determined that the resource emergency constitutes an emergency situation under Section 8(a)(1) of E.O. 12291. Because it is imperative to implement the 1981 amendment immediately, it is impracticable to comply with Section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every final non-major rule, at least 10 days prior to publication. However, a copy of these regulations has been transmitted to the Director of OMB.

Neither these final regulations nor the FMP, as amended, purport to "conduct or sponsor the collection of information" which activities would be subject to the Paperwork Reduction Act requirements of 44 U.S.C. 3507.

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of the SEIS was published on May 1, 1981 (48 FR 24674) and the 30-day cooling-off period required by the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq., and regulations promulgated by the Council on Environmental Quality, 40 CFR Part 1500 *et seq.*, has expired.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

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

1. The authority citation for Part 661 is:

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

2. The revision of 50 CFR Part 661 published at 46 FR 30633, June 10, 1981, and amended at 46 FR 37705, July 22, 1981, is adopted as final with the following correction and technical changes:

a. The introductory text of § 661.10(a) is corrected to read as follows:

§ 661.10 Commercial fishing

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

* * * * *

§ 661.12 [Amended]

b. § 661.12 is amended by removing the words "Regional Director" wherever they occur and inserting in their place the word "Secretary".

[FR Doc. 81-26300 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the July 31, 1981, Quarterly Report on Proposed Rules. The report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—July 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland this 21st day of August, 1981.

For the Nuclear Regulatory Commission

John Philips

Chief, Rules and Procedures Branch, Office of Administration.

[FR Doc. 81-26309 Filed 9-8-81; 8:45 am]

BILLING CODE 7590-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Walk-Behind Power Lawn Mowers; Proposal to Amend Blade Control Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission proposes to amend its consumer product safety standard for walk-behind power lawn mowers. The proposal implements a specific direction by Congress to amend the standard. The standard currently requires that the mower blade stop within 3 seconds of the release of the handle and that mowers with only manual starting controls must stop the blade without stopping the engine. The proposed amendment would provide that a lawn mower with only manual starting controls, which meets the requirements of the present standard except that the blade control system stops the blade by stopping the engine, shall be allowed if (1) the engine starting controls for the lawn mower are located within 24 inches of the top of the mower's handle or (2) the mower has a protective foot shield which extends 360 degrees around the mower housing. Public comments are limited to whether the Commission has properly followed the congressional direction to amend the standard.

DATES: Written comments on the proposal must be received by the Commission by October 9, 1981. The amendments to the standard must be in place by November 11, 1981.

ADDRESS: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C., 20207.

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

SUPPLEMENTARY INFORMATION:

A. Background

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

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

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

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

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

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

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

B. Recent Congressional Amendment

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

Lawn Mower Standard

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

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

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

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

In making these amendments, the Commission is merely carrying out the congressional directive and is not making findings concerning the desirability or effectiveness of the directed amendments. For this reason, and as noted in the Conferees' report on the legislation [H.R. Rep. 97–208, 97th Cong., 1st Sess. 888], the scope of public comment on these amendments is limited to whether the Commission accurately implemented the congressional direction to amend the standard or what the best way to accomplish this goal might be.

C. Proposed Amendments

The ways in which the Commission proposes to amend the standard in order to achieve these congressionally-directed changes are explained below.

The basic amendment mandated by Congress is incorporated in the proposed amendment to § 1205.5(a)(1)(iv). Since some mowers have intermediate handle support portions that are higher than the handle gripped by the operator, a definition of "top of the mower's handles" is provided in § 1205.3(a) to clarify that the "handle" is gripped by the operator in normal operation.

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

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

Therefore, if a manufacturer uses the 360 degree foot shield feature to make a complying manual restart/engine-kill mower, the current requirements of § 1205.4 of the standard that are applicable to foot shields would be applicable, including the shield strength requirement of § 1205.4(a)(2) and the requirements of the obstruction test of § 1205.4(a)(3): The foot probe test of §1205.4(b)(1) would be applied around the entire periphery of the mower.[1] The requirement of § 1205.4(c) concerning movable shields would apply to any movable shield provided with the mower.

The Commission believes that the amendments described above implement the congressional directive to amend the standard and that they give specific guidance on how the features allowed by the amendments could comply with the standard. The Commission specifically solicits comment on whether these amendments might have unintended adverse effects on the utility or cost of mowers subject to the standard. If this were the case, the Commission would consider implementing the required amendments by using only the language of the

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

statute, as set forth in proposed § 1205.5(a)(1)(iv).

D. Conclusion and Proposal

PART 1205—SAFETY STANDARD FOR WALK BEHIND POWER LAWN MOWERS

Therefore, for the reasons given above, the Commission proposes to amend Subpart A of Part 1205; Subchapter B, Chapter II, of Title 16 of the Code of Federal Regulations as follows:

1. The authority citation for Part 1205 is amended to add the following at the end:

Authority: * * *; Sec. 1212, Pub. L. 97-35, 95 Stat. 724.

§1205.4 [Amended]

2. Section 1205.4(b)(1)(ii)(A) is redesignated as § 1205.4(b)(1)(ii)(A)(*1*).

3. Section 1205.4(b)(1)(ii)(B) is redesigned as § 1205.4(b)(1)(ii)(A)(*2*) and revised to read as follows.[2]

* * * * *

(b)* * *
(i)* * *
(ii)* * *
(A)* * *

(*2*) For a mower with a swing-over handle, the areas to be probed shall be detemined as in paragraph (b)(1)(ii)(A)(*1*) of this section from both possible rear positions. (See Fig. 5.)[3]

* * * * *

4. Section 1205.4(b)(1)(ii) is amended by adding the following new subparagraph (B):

* * * * *

(b) * * *
(i) * * *
(ii) * * *

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

* * * * *

§ 1205.3 [Amended]

5. Section 1205.3(a)(18) is redesignated as § 1205.3(a)(19).

6. Section 1205.3(a) is amended by adding a new subparagraph (18) reading as follows:

(a) * * *

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

* * * * *

§ 1205.5 [Amended]

7. Section 1205.5(a)(1)(iv) is revised to read as follows:

(a) * * *
(1) * * *

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

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

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

* * * * *

8. Section 1205.5(c) is revised to read as follows:

* * * * *

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

Dated: September 3, 1981.

Sadye E. Dunn,

Secretary, Consumer Production Safety Commission.

[FR Doc. 81-26314 Filed 9-8-81; 8:45 am]

BILLING CODE 6355-01-M

[2] Section 1205.4(b)(1)(ii)(B) was inadvertently omitted from the 1981 edition of the CFR. The amendment proposed in this paragraph reflects the proposed redesignation of § 1205.4(b)(1)(ii)(A) and deletes the present reference to the discharge chute, which could be inaccurately interpreted as requiring the probing of a discharge chute outside the two 120 degree sectors to be probed. As to this latter aspect, refer to note 1 and 45 FR 86416; December 31, 1980.

[3] In the 1981 edition of the CFR, the drawings designated at pp. 198-200 as Figs. 3, 4, and 5 are incorrect, since these figures were amended in the **Federal Register** notice published on December 31, 1980 (45 FR 86416). The correct figures are shown in the 1981 edition of the CFR as the "superceded" figures at pp. 202-203.

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 251

Geological and Geophysical (G&G) Exploration of the Outer Continental Shelf; Duration of Exploration Activities

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment to 30 CFR 251.6-5 would modify the current regulatory requirement for completion of prelease drilling for deep stratigraphic test wells from 3 months prior to the Proposed Notice of Sale to 60 days prior to the first of the month in which a lease sale is held. This change is necessary to provide permittees additional time to complete the drilling. The effect of this action is to provide greater flexibility to industry while preserving for the Government access to this type of information needed for the presale evaluation process.

DATE: Written comments and recommendations on this proposal to amend 30 CFR 251.6 must be received on or before close of business October 9, 1981.

ADDRESS: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860-7395.

SUPPLEMENTARY INFORMATION: .

Background

The proposed rulemaking is part of a larger effort by the Department of the Interior to review current regulations and amend or rescind those regulatory requirements found to be excessive, burdensome, or counterproductive. Comments are specifically solicited on 30 CFR 251.6. Comments on other regulatory requirements contained in 30 CFR Part 251 are also welcome.

Discussion of Changes

The current regulation requires holders of permits for operation on the Outer Continental Shelf (OCS) to complete all activites associated with deep stratigraphic test wells at least 3 months prior to the first of the month in which a Proposed Notice of Sale appears. This time frame equated to approximately 8 months prior to a lease sale. Industry has complained that requiring completion of activities associated with deep stratigraphic test wells so far in advance of a lease sale creates an unnecessary burden on the planning of an efficient and effective drilling program, particularly in areas that have a limited drilling season. It is proposed that 30 CFR 251.6-5 be amended to allow drilling such test wells up to 60 days prior to a sale. This time frame would allow industry greater flexibility while still providing the Government with the data needed for the presale evaluation process.

Authors

Dan Palubniak, Jane Roberts, Platte Clark, and David Schuenke, Geological Survey, U.S. Department of the Interior (703/860-6461, 7541, 7396 and 7395, respectively).

Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities

The Department of the Interior has determined that the proposed amendment to 30 CFR Part 251 does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that promulgation of the proposed amendment is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Finally, the Department has determined that the proposed amendment will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

Dated: July 30, 1981.

Daniel N. Miller,

Assistant Secretary of the Interior.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

It is proposed that 30 CFR 251.6-5 be revised to read as follows:

§ 251.6-5 Duration of exploration activities.

If a deep stratigraphic test well is drilled within 50 geographic miles of any tract tentatively selected for a lease sale as listed on the currently approved OCS leasing schedule, all drilling activities must be completed, and the information submitted to the Director at least 60 days prior to the first day of the month in which the lease sale is scheduled to be held. However, the Director may extend the expiration date of a permit if it is determined that such an extension is in the national interest.

[FR Doc. 81-26277 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Surface Mining Reclamation and Enforcement

30 CFR Part 950

Wyoming; Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977 and a Proposed Amendment Thereto

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules and notice of comment period and hearing.

SUMMARY: On December 24, 1980 and March 26, 1981, the State of Wyoming submitted to OSM adopted amendments to the Administrative Rules of Wyoming. This submission was in response to the Secretary of the Interior's notice of conditional approval, published in the **Federal Register** on November 26, 1980 (45-FR 78637), which provided that certain provisions of these Rules must be changed before final approval can be granted to Wyoming's permament regulatory program under the Surface Mining Control and Reclamation Act of 1977. Also on February 27, 1981 and on April 8, 1981 Wyoming submitted to OSM proposed amendments to the Administrative Rules of Wyoming and one previously enacted change to Wyoming statute 35-11-406 as required by 30 CFR 732.17 regarding state program amendments. This notice sets forth the comment period during which interested persons may submit written comments and data on the amendments, and sets forth procedures whereby interested persons may request an opportunity to speak at the public hearing on the amendments.

DATES: Written comments from members of the public must be received by 4:30 p.m. MST on October 9, 1981, to be considered in the Secretary's decision on the satisfaction of the conditions to program approval and the proposed amendment to the program.

A public hearing on the proposed amendments has been scheduled for October 6, 1981, at 10 a.m. Any person interested in making an oral or written presentation at the hearing should contact Mr. Donald A. Crane at the address and telephone number listed below by September 22, 1981. If no person has contacted Mr. Crane by this date to express an interest to participate in this hearing, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**.

ADDRESSES: Written comments and requests for an opportunity to speak at the public hearing should be sent to: Mr. Donald A. Crane, Regional Director, Office of Surface Mining, Reclamation & Enforcement—Region V, Department of the Interior, 1020 15th Street, Brooks Towers, Denver, Colorado 80202, Telephone (303) 837-5421.

Written comments will be available for public review at the OSM Region V Office above, on Monday through Friday, 8:00 a.m.-4:30 p.m., excluding holidays.

The public hearing will be held at the Emerson Building, Emerson Auditorium, 2011 Capital Avenue, Cheyenne, Wyoming.

Copies of Wyoming's approved program, together with copies of the letter of the Wyoming Department of Environmental Quality which agreed to the conditions in 30 CFR 926.11 along with the amendments submitted to fulfill the conditions are also available at the above address and at the following locations:

Wyoming Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002

Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 30 East Grinnel Street, Sheridan, Wyoming 82801

Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 933 Main Street, Lander, Wyoming 82520

Office of Surface Mining, Interior South Building, Room 53, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Gregg, Environmental Protection Specialist, Office of Surface Mining, Reclamation & Enforcement—Region V, Department of Interior, 1020—15th Street, Brooks Towers, Denver, Colorado 80202, Telephone: (303) 837-5966.

SUPPLEMENTARY INFORMATION: On August 15, 1979, the State of Wyoming submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). After opportunity for public comment and thorough review of the initial program submission, the Secretary of the Interior determined that certain parts of the Wyoming program met the minimum requirements of SMCRA and the Federal permanent program regulations and others did not. Accordingly, the Secretary of the Interior approved the Wyoming program in part on February 15, 1980. Notice of that decision and the Secretary's findings were published in the **Federal Register** on March 31, 1980 (45 FR 20930-20982). The State of Wyoming resubmitted its program for approval by the Secretary on May 30, 1980. The resubmitted program included those portions of the initial submission not approved by the Secretary on February 15, 1980. After opportunity for public comment and thorough review of the program resubmission, the Secretary of the Interior determined that the Wyoming program, including the resubmission, did, with minor exceptions, meet the requirements of SMCRA and the Federal permanent

program regulations. Accordingly, the Secretary of the Interior conditionally approved the Wyoming program. This conditional approval terminates as specified in 30 CFR 950.11 unless the deficiencies are corrected in accordance with 30 CFR 950.11.

The deficiencies contained in the Secretary's Federal Register Notice of November 26, 1980, and Wyoming's submissions of December 24, 1980 and March 26, 1981 along with three proposed program amendments submitted February 27 and April 8, 1981 are described below.

Condition (a) of the Secretary's conditional Wyoming program approval states that on or before four months after November 26, 1980, Wyoming must assure the Secretary that it is implementing a definition of "complete application" for purposes of W.S. 35–11–406, which is consistent with 30 CFR 770.5.

In response to this condition the State proposes the following new rule in the Wyoming Land Quality Rules and Regulations in Chapter I, Section 2.

"Complete application" means, for purposes of W.S. 35–11–406(n)(i) and to indicate the Administrator's assessment of completeness and suitability for publication under W.S. 35–11–406 (h) and (j), an application for a permit which contains all information required by the Act and the Land Quality Division regulations.

Condition (d) of the State program approval states that Wyoming must require applicants to comply with certain portions of its permit application guidelines in the order for Wyoming's program to be consistent with portions of the Federal Act and Regulations.

In response to this condition Wyoming has amended its regulations in six places to include certain portions of its permit application guidelines into the regulations.

1. Chapter II, Section 1c. Maps submitted with the application shall be, or be the equivalent of, a Geological Survey topographic map and at a scale specified by the Administrator in Part III of Division Guideline No. 6A (December, 1980), but in no event smaller than 1:24,000. All maps shall contain a title relative to the subject matter of the map, a map number, legend, and show the limits of the permit-area. For surface coal mining applications, the maps shall distinguish among the following phases of the operation:

(1) Prior to August 3, 1977;

(2) After August 3, 1977 and prior to May 3, 1978;

(3) After May 3, 1978 and prior to approval of the State Program; and

2. Chapter II, Section 2.a.(1)(f)(ii). Topsoil—the operator shall submit a description of the thickness and nature of the topsoil, it any. If the topsoil varies in thickness or character over the proposed permit area, then this shall be described. A detailed soils survey and soil analyses conducted in accordance with standard methods acceptable to the administrator may be required.

3. Chapter II, Section 3.a.(6)(b). Characterization of overburden down to and including the stratum immediately below the lowest coal seam to be mined, test borings or core samples which have been collected and analyzed to show:

(iii) Physical and chemical properties, including texture and acid potential of each stratum within the overburden.

4. Chapter II, Section 3.a.(6)(d)(ii). A description of vegetation types occurring on affected lands expressed as cover, productivity and species diversity. Where control areas are used, the description shall be made in accordance with the methods specified by the administrator in division guideline no. 2 (January, 1981). A map of the location and boundaries of the proposed reference or control areas shall be provided. In addition, a delineation of existing vegetation types within the proposed permit area and reference areas shall be provided.

5. Chapter IV, Section 2.c.(2)(a). If no topsoil is present in the permit area, or in the event that an operator must use subsoil for final cover, the operator shall obtain an adequate number of analyses of the subsoil conducted in accordance with standard methods acceptable to the Administrator to show pH, organic material content, available nitrogen, potassium, and phosphorus and such other elements and soil constitutents as the Administrator shall require, over the entire area of subsoil to be used, in order to determine suitability and fertilizer requirements. If the results of said analyses demonstrate to the satisfaction of the Administrator that revegetation can be accomplished using such subsoil, the Administrator may approve the use of such subsoil as an addition to or substitute for topsoil for reclamation purposes. The Administrator shall require the operator to set up revegetation test plots using subsoil in order to determine the suitability of subsoil for revegetation purposes. Approval for the use of subsoil shall be obtained by the operator from the Administrator prior to any mixing of topsoil and subsoil and prior to beginning any reclamation work. If the operator suspects that this procedure will be necessary prior to obtaining a permit he should describe the problem and his proposed procedure for eliminating this problem in this reclamation plan. If the problem is not discernible until after the permit is issued, an approved revision to the reclamation plan will be required describing the operator's plans for accomplishing the above.

6. Chapter IV, Section 3.p.(1)(a). Properly construct, locate and operate roads and powerlines including proper design or powerlines to avoid electrocution of raptors.

In addition to the above six regulatory changes in response to condition (d), Wyoming was required to modify its Land Quality Division Guideline No. 2, Vegetation, and 6A, Format and General Content Guideline for Permit Applications, Amendments and Revisions for Coal Mining Operations. Full copies of the text of the revised Land Quality Division Guidelines numbers 2 and 6A are available from the Regional Director of OSM at the address previously listed.

Condition (e) of the state program approval states that on or before four months after November 26, 1980, Wyoming must require revegetation productivity measurements in the last two consecutive years of the responsibility period, consistent with 30 CFR 816.116(b)(1)(ii).

In response to this condition the state proposes the following revised rule in the Wyoming Land Quality Rules and Regulations in Chapter IV, Section 2.d.(6).

(6) The administrator shall not release the entire bond of any operator until such time as revegetation is completed if revegetation is the method of reclamation as specified in the operator's approved reclamation plan. Revegetation shall be deemed to be complete when:

(1) The vegetation cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and is at least equal to the cover on the area before mining;

(2) The productivity is at least equal to the productivity on the area before mining;

(3) The species diversity and composition are suitable for the approved postmining land use and the revegetation area is capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to the mining, unless Federal, State or local regulations prohibit grazing on such lands; and

(4) The requirements in (1), (2), and (3) are met for the last 2 consecutive years of the responsibility period.

Condition (f) of the state program approval states that on or before four months after November 26, 1980, Wyoming must require that applicants for a permit demonstrate that all reclamation fees required by 30 CFR Chapter VII, Subchapter R, have been paid.

Wyoming has submitted a copy of the state coal mining permit application to satisfy condition (f). In this permit application number 10(d) requires a sworn statement from the applicant that all reclamation fees required by Title IV of Pub. L. 95–87 have been paid. This statement in the mining permit application will be used by the State to demonstrate that the reclamation fees have been paid before a new permit is issued.

Condition (g) of the Wyoming program approval states that on or before four months after November 26, 1980, Wyoming must demonstrate that its law and practice is in accordance with Section 526(c) of SMCRA with respect to its judicial grant of temporary relief, or if it cannot so demonstrate, then the corresponding state law or regulations must be modified to make them in accordance with Section 526(c).

In response to condition (g), the State of Wyoming submitted an Attorney General's opinion on March 26, 1981 to demonstrate that state law and practice are in accordance with Section 526(c) of SMCRA. The full eleven page text of this opinion is available upon request from the Regional Director at the address and telephone number previously listed.

Program Amendments

In addition to the material submitted by Wyoming to satisfy conditions three program amendments have been submitted to OSM for approval under 30 CFR 732.17.

1. Wyoming has proposed an amendment to the regulations on Special Alternative Standards for existing special Bituminous surface coal mines in Chapter VIII, Section 3.b.(2) and 3.b.(4). The revised regulations are as follows:

b.(2) Spoil piles shall be graded and contoured to blend with the adjacent topography, be consistent with the approved postmining land use, and provide for drainage. Terracing and overall slope design of spoil piles shall be approved by the administrator. The slopes on the spoil pile shall not exceed 17 degrees or if steeper will comply with all applicable reclamation requirements and be consistent with the approved postmining land use.

b.(4) Where permanent water impoundments are proposed as part of the reclamation plan, the water quality and quantity shall be reasonably demonstrated to be adequate for the postmining use. If, upon review of the application, water quality and quantity are not demonstrated to be of sufficient quality or quantity for the post-mining use, the applicant shall be so notified in writing and shall submit further documentation in support of the proposed plan to reasonably satisfy the Administrator. If upon review by the administrator of the further documentation the applicant has not reasonably demonstrated that the water quality or quantity will be sufficient for the post-mining land use, the applicant shall provide a satisfactory alternate plan.

2. The state regulations have been amended to allow letter of credit to be used on reclamation bonds. This was accomplished through a minor revision to Chapter XII, Section 7.b. and by the addition of a new Chapter XXIV on Letters of Credit.

7.b. Upon failure of the operator to make substitution of a corporate surety, cash, governmental securities, or federally insured certificates of deposit, or irrevocable letters of credit, within a reasonable period of time, not to exceed thirty (30) days, the Administrator shall suspend or revoke the license of the operator to conduct operations upon the land described in the permit until such substitution is made.

Section 1. *Conditions on the Letter of Credit.*

a. Letters of Credit as authorized by W.S. 35–11–418, shall be subject to the following conditions:

(1) The letter shall be irrevocable during its term, which shall coincide with the annual bonding period. The Administrator may approve the use of Letters of Credit as security in accordance with a schedule approved with the permit. Any bank issuing a Letter of Credit shall notify the Director in writing at least 90 days prior to the maturity date of such Letter or the expiration of the Letter of Credit agreement. Letter of Credit utilized as security in areas requiring continuous bond coverage shall be forfeited and collected by the Director if not replaced by other suitable evidence of financial responsibility at least 30 days before the expiration date of the Letter of Credit agreement;

(2) The Letter must be payable to the Department in part or in full upon demand and receipt from the Director of a Notice of Forfeiture issued in accordance with W.S. 35–11–421;

(3) The Letter shall not be in excess of 10 percent of the Bank's capital surplus account as shown on a balance sheet certified by a Certified Public Accountant;

(4) The Administrator shall not accept Letters of Credit from a bank for any person, on all permits held by that person, in excess of three times the limitation imposed by W.S. 13–3–402;

(5) The letter of credit shall provide that:

(A) The bank will give prompt notice to the permittee and the Director of any notice received or action filed alleging the insolvency or bankruptcy of the bank, or alleging any violations of regulatory requirements which could result in suspension or revocation of the bank's charter or license to do business;

(B) In the event the bank becomes uinable to fulfill its obligations under the Letter of Credit for any reason, notice shall be given immediately to the permittee and the Director and

(C) Upon the incapacity of a bank by reason of bankruptcy, insolvency, or suspension or revocation of its charter or license, the permittee shall be deemed to be without performance bond coverage in violation of the Act. The Director shall issue a Notice of Violation against any operator who is without bond coverage, specifying a reasonable period to replace bond coverage, not to exceed 90 days. During this period the Director or his designated representative shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulations and the Act. Such notice, if abated within the period allowed, shall not be counted as a Notice of Violation for purposes of determining a pattern of violations under W.S. 35–11–409(c), and need not be reported as a past violation in permit applications under Chapter II, Section 3.a.(2)(c). If the notice is not abated in accordance with the schedule, a cessation order shall be issued.

Section 2. *Agent for Service of Process.*

a. The Letter may only be issued by a bank organized to do business in the U.S. which identified by name, address, and telephone number an agent upon whom any process, notice or demand required or permitted by law to be served upon the bank may be served.

(1) If the bank fails to appoint or maintain an agent in this state, or whenever any such agent cannot be reasonably found, then the Director shall be an agent for such bank upon whom any process, notice or demand may be served for the purpose of this chapter. In the event of any such process, the Director shall immediately cause one copy of such process, notice or demand to be forwarded, by registered mail to the bank at its principal place of business. The Director shall keep a record of all processes, notices, or demands served upon him under this paragraph, and shall record therein the time of such service and his action with reference thereto.

(2) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon the bank in any other manner now or hereafter permitted by law.

(3) On February 27, 1981 Wyoming submitted a program amendment consisting of a change in Wyoming statute 35–11–406 which was previously approved by the State legislature on March 18, 1980. The new portion of the statute is numbered (XX) (A), (B), and (C). This amendment is referred to as the "Operators Window."

35–11–406. *Application for permit; generally; denial; limitations.*

(b) The application shall include a mining plan and reclamation plan dealing with the extent to which the mining operation will disturb, change or deface the lands to be affected, the proposed future use or uses and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses. The mining plan and reclamation plan shall be consistent with the objectives and purposes of this act and of the rules and regulations promulgated. The mining plan and reclamation plan shall include the following:

(xx) For surface coal mining operations, a request for approval of any alternatives which may be propsed to the provisions of the regulations promulgated by the Council. For each alternative provision the applicant shall:

(A) Identify the provision in the regulations promulgated by the Council for which the alternative is requested;

(B) Describe the alternative proposed and provide an explanation including the submission of data, analysis and information in order to demonstrate that the alternative is in accordance with the applicable provisions of the Act and consistent with the regulations promulgated by the Council. In addition, the applicant shall demonstrate that the proposed alternative is necessary because of local requirements or local environmental conditions;

(C) Paragraph (xx) of this section shall not take effect until approved by the Secretary of the Interior as an amendment to a state program approved pursuant to Section 503 of Pub. L. 95–87.

No environmental impact statement is being prepared in connection with the process leading to the approval or disapproval of these amendments. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: August 28, 1981.

J. R. Harris,

Director.

[FR Doc. 81–26216 Filed 9–8–81; 8:45 am]

BILLING CODE 4310–05–M

POSTAL SERVICE

39 CFR Part 111

Second-Class Eligibility Information; Retention Period

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Publishers mailing at second-class postage rates must maintain information necessary to confirm the eligibility of their publication for entry at those rates. The proposed rule would amend Section 447 of the Domestic Mail Manual to provide that such information need not be kept beyond three years from the mailing date of the publication.

DATE: Comments must be received on or before October 7, 1981.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, West, SW, Washington, DC 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 8316, 475 L'Enfant Plaza, West, SW, Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Coleman at 202/245–4512.

SUPPLEMENTARY INFORMATION: Section 447 of the Domestic Mail Manual sets forth the specific information which publishers must maintain in order to substantiate eligibility for entry of a publication at any of the second-class rates of postage.

Under 39 U.S.C. 3685(b), information concerning qualification for periodical publication mailing privileges must be available on a continuing basis. At the present time, the Domestic Mail Manual does not provide a time limit for the retention of information. The proposed rule would insert a provision that the required information need not be kept beyond three years from the mailing date of each issue of a publication. This three year period was selected to insure that Postal Service revenues are protected and to allow publishers to dispose of unnecessary records. Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 447—Maintenance and Verification of Publisher Records

In part 447, revise 447.2 to read as follows:

447.2 Information requirements.

.21 Types of Records. Records must be available from which the Postal Service can determine:

a. The number of copies printed;

b. The manner of distribution and disposition of all copies;

c. The accuracy of the zone distribution shown on the mailing statement; and

d. The existence, for a publication authorized to carry general advertising, of a list of legitimate subscribers who have paid more than a nominal subscription price.

.22 Retention Requirement. The publisher must maintain records pertaining to each issue of a publication for three years from the first mailing date of the publication.

An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted. (39 U.S.C. 401(2), 3685(c))

W. A. Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–26289 Filed 9–8–81; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL MARITIME COMMISSION

46 CFR Part 538

[General Order 19, Rev.; Docket No. 81–54]

Dual-Rate Contract Systems in the Foreign Commerce of the United States; Amendment To Allow a Third Rebuttable Presumption Under Article 6, Clause (d) of the Uniform Merchant's Contract

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rule will allow a dual-rate contract system to include a rebuttable presumption that the merchant paying the freight charges on a given shipment has the legal right to select the ocean carrier on which the freight is carried. In certain trades in the foreign commerce of the United States, conferences or rate agreement groups have experienced problems in the

administration of the contract system. The rule should benefit those conferences or rate agreement groups which believe that the employment of an additional rebuttable presumption will assist their monitoring of the contract system.

DATE: Comments due on or before November 9, 1981.

ADDRESSES: Comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Agreements, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5787.

SUPPLEMENTARY INFORMATION: Article 6 of the Uniform Merchant's Contract, 46 CFR 538.10, deals with the merchant's obligation to ship with ocean conference carriers and its legal right to select the ocean carrier. Clause (d) of Article 6 presently provides for two rebuttable presumptions that the merchant shall be deemed *prima facie* to have the legal right at the time of shipment to select the carrier whenever: (1) The merchant has arranged or participated in the arrangements for ocean shipment or selected or participated in the selection of the ocean carrier; or (2) the merchant's name appears on the bill of lading or export declaration as shipper or cosignee. Inclusion of these presumptions in the contract is optional.

In order to permit carriers and conferences to more effectively administer their dual rate systems, the Commission is proposing to modify the basic Merchant's Contract to allow the third rebuttable presumption that the merchant paying the freight charges has the legal right to select the carrier. The language of the presumption would be broad enough to include situations in which the merchant's agent, e.g., a freight forwarder employed by the merchant, paid the ocean freight.

In accordance with 5 U.S.C. 603, the Commission has examined the impact that the proposed rule might have on small businesses, organizations and/or governmental jurisdictions, i.e., small entities as described in section 601 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164.

In this rulemaking the Commission does not propose the imposition of any reporting or record-keeping requirements which might result in a significant compliance or reporting burden on small entities. There is also no current reporting or record-keeping burden imposed by the Commission on small entities as a result of the optional use by conferences or other ratemaking groups of contract language which raises a rebuttable presumption.

The proposed rule will serve to delineate more clearly the rights and obligations of shippers and carriers who have voluntarily agreed to be bound by the terms and conditions of dual rate contracts. In return for their patronage, shippers, some of whom are operating as small businesses, enjoy reduced rates under these contracts. Occasionally, shippers attempt to circumvent their obligations under the contract. Proof of contract circumvention is not easily substantiated by carriers, but it can be readily refuted by shippers.

The proposed rule will place the burden of proof on the question of possible contract circumvention with the party most able to solve the dispute. It provides for a reasonable measure of contract enforcement which may create a limited burden for some small businesses but is not expected to be a significant economic burden and will not substantially impact on small businesses within the meaning of the Regulatory Flexibility Act.

PART 538—DUAL-RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore it is ordered, that, pursuant to 5 U.S.C. 553 and Sections 14b and 43 of the Shipping Act, 1916 (46 U.S.C. 813a and 841(a)), the Commission proposes to amend 46 CFR 538.10, Article (6), by adding a new clause (d)(3) and by revising footnote 4. As so modified, Article 6(d) and footnote 4 would read as follows: (proposed new language enclosed in arrows)

§ 538.10 [Amended]

* * * * *

(d)* For the purposes of this Article, the Merchant shall be deemed prima facie to have the legal right at the time of shipment to select the carrier for any shipment: (1) With respect to which the Merchant arranged or participated in the arrangements for ocean shipment or selected or participated in the selection of the ocean carrier; (2) with respect to which the Merchant's name appears on the bill of lading or export declaration as shipper or consignee; or►(3) with respect to which the Merchant pays the freight charges to the carrier.◄

* * * * *

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-26313 Filed 9-8-81; 8:45 am]
BILLING CODE 6730-01-M

*Clause (d) of Article 6 is optional and►any or all of the three presumptions◄may be used by those conferences and carriers which desire provisions raising rebuttable presumptions.

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 417]

Costing Methodologies for the Northeast Corridor; Commuter Service

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 1163(a)(1) of the Northeast Rail Service Act of 1981 (the Rail Act) states that within 120 days after the effective date of this Act (August 13, 1981) the Commission shall determine an appropriate costing methodology to compensate Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger service. This advance notice seeks comments from interested persons on appropriate methodologies for determining the costs that should be borne by commuter services for the use of Amtrak's properties.

COMMENT DATE: Comments are due October 9, 1981.

ADDRESS: An original and 15 copies of the comments should be submitted to: Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: James Wells, (202) 275–0840, or Elaine Kaiser, (202) 275–0907.

SUPPLEMENTARY INFORMATION: The Northeast Rail Service Act of 1981 (Rail Act) was included as Subtitle E of Title XI of the Omnibus Budget Reconciliation Act of 1981. Section 1163(a)(1) of the Rail Act states that within 120 days from the date of enactment the Commission shall determine an appropriate costing methodology for compensating Amtrak for the right-of-way related costs associated with the operation of commuter rail passenger service over the Northeast Corridor (NEC) and other properties owned by Amtrak.

There has been a continuous dispute between Amtrak and the commuter services with regard to those costs the commuter services should pay to Amtrak for the use of its properties. The allocation of costs between Amtrak and commuter services, and in some instances freight services as in the case of the NEC, has always been an issue where the various services operate over the same tracks. Although the Commission has always had jurisdiction to decide this dispute, none of the parties have approached the

Commission for a final settlement. In order to resolve this issue, Congress has given the Commission authority under Section 1163(a)(1) to determine the formula by which a final determination can be made.

We remind the parties that this rulemaking specifically addresses the cost liability of commuter services. Conrail's cost liability for its operation of freight service on the NEC is addressed by the Commission pursuant to Section 1163(a)(2) in a campanion proceeding (Ex Parte No. 417 (Sub-No. 1)).

We note that the parties are free to agree to their own cost methodology both prior to and after the date the Commission makes its final determination. In the absence of an agreement, the Commission's cost methodology will apply. However, the Commission's determination can not apply retroactively. Under Section 1163(b), the Commission's cost methodology cannot be used to alter any compensation paid to Amtrak under agreements entered into prior to the date of the Commission's determination.

Section 1163(a)(1) provides the Commission with some general guidance for determining an appropriate cost methodology. This section requires that the Commission consider "all relevant factors" as well as the statutory standards contained in certain sections of prior rail acts. These sections and the applicable standards included in each are highlighted below.

(1) Sections 205(d) and 304(c) of the Regional Rail Reorganization Act of 1973 (3R Act).

Under Section 205(d) the Rail Services Planning Office was directed to develop standards for the computation of commuter service subsidies that avoided cross subsidization among commuter, intercity and freight rail service. This section also required that these standards be consistent with the compensation principles described in the Final System Plan. These standards are codified at 49 CFR Part 1127.

Section 304(c) generally addresses the type of payment and conditions that must be met by a potential subsidizer for the continuation of rail service. With respect to rail passenger service, this section specifies that if both passenger service and freight service are being subsidized on the same rail property the owner is only entitled to one payment for the return on the value of the properties.

(2) Section 701(a)(6) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act).

Section 701(a)(6) falls under Title VII of the 4R Act which addressed the implementation of the Northeast Corridor Project. This section specifically authorizes Amtrak to enter into agreements with other railroads, carriers, or commuter agencies for the use of its property for commuter and freight service. This section further states that these agreements must be based on terms and conditions that will result in "reimbursement for costs on an equitable and fair basis". This section also prohibits cross subsidization among intercity, commuter or rail freight services.

(3) Section 402(a) of the Rail Passenger Service Act (Amtrak Act).

Section 402(a) addresses in part Amtrak's authorization to enter into agreements with other railroads and with state, local or regional transportation agencies responsible for providing commuter or rail freight services over its property. For purposes of this proceeding, the pertinent portion of this section pertains to the level of compensation the Commission must set if called upon to settle a dispute between the parties. More specifically, the Commission is required to determine a level of compensation that (1) is consistent with the equitable and fair compensation principles; (2) considers all relevant factors; and (3) avoids cross subsidization among intercity, commuter and rail freight services.

We note that the above statutory standards involve certain common principles—the prohibition of cross subsidization among the various services, the application of equitable and fair compensation principles, and the consideration of all relevant factors. Accordingly, parties should carefully consider these standards in developing proposed methodologies.

A copy of this notice will be served on Amtrak and the governors of the states served by it. We specifically invite interested persons to submit appropriate methodologies for determining the cost liability of commuter services for the use of Amtrak's properties. Any proposals that are submitted should include the following:

A detailed description of the proposed methodology;

A statement explaining how the proposed methodology complies with the statutory standards in Sections 205(d) and 304(c) of the 3R Act, 701(a)(6) of the 4R Act, and section 402(a) of the Amtrak Act;

An explanation of how costs are to be allocated in those situations where freight service is also provided; and

A discussion of the advantages and disadvantages of the proposed methodology.

It does not appear that this proceeding will significantly affect the quality of the human environment or the conservation of energy resources, or adversely affect the interest of small businesses or organizations.

(Pub. L. 97-35, section 1163(a)(1))

Dated: August 28, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26266 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Ch. X

[Ex Parte No. 417 (Sub-1)]

Costing Methodologies for the Northeast Corridor; Conrail Freight Service

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 1163(a)(2) of the Northeast Rail Service Act of 1981 (the Rail Act) states that within 120 days after the effective date of this Act (August 13, 1981) the Commission shall develop a fair and equitable costing methodology for determining the right-of-way related costs Conrail should pay to Amtrak for the use of the Northeast Corridor. The purpose of this advance notice is to obtain comments from interested persons on appropriate methodologies for making this determination.

DATE: Comments are due October 9, 1981.

ADDRESS: An original and 15 copies of the comments should be submitted to: Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: James Wells, (202) 275-0840, or Elaine Kaiser, (202) 275-0907.

SUPPLEMENTARY INFORMATION: The Northeast Rail Service Act of 1981 (the Rail Act) was included as Subtitle E of Title XI of the Omnibus Budget Reconciliation Act of 1981. Section 1163(a)(2) of the Rail Act requires the Commission to develop, within 120 days of the effective date of the Rail Act, a fair and equitable costing methodology for determining Conrail's cost liability to Amtrak for the right-of-way related expenses incurred because of Conrail's freight operations on the Northeast Corridor (NEC).

There has been a continuous dispute between Conrail and Amtrak regarding the costs that Conrail should pay to Amtrak for its freight service over the NEC. It is our understanding that Conrail has complained in the past that the charges they are paying to Amtrak far exceed what they pay to or receive from other railroads under current trackage rights agreements. Apparently, Amtrak's contention has been that due to the high speed requirements of their track, Conrail's freight operations cause a higher than usual amount of maintenance than that which would be associated with track that need only operate at 30 or 40 miles per hour.

To resolve this ongoing dispute, Congress has directed the Commission to develop a costing methodology for Conrail and Amtrak to use in the event they cannot reach an agreement by the time the Commission issues its methodology. Congress has provided the Commission with some general guidance for developing this methodology. Section 1163(a)(2) specifically directs the Commission to "take into consideration the industry wide average compensation for freight trackage rights and any additional costs associated with high speed service provided over the Northeast Corridor."

A copy of this notice shall be served on Conrail and Amtrak. We request their comments and welcome comments from other interested persons. Also, we specifically request that any parties submitting methodologies include the following:

A detailed description of the proposed methodology;

A statement explaining how the proposed methodology takes into consideration the industry wide average compensation for freight trackage rights and any additional costs associated with high speed service over the NEC;

An explanation of how the costs associated with commuter service are accounted for; and

A discussion of the advantages and disadvantages of the proposed methodology.

It does not appear that this proceeding will significantly affect the quality of the human environment or the conservation of energy resources, nor will it adversely affect the interest of small businesses or organizations.

(Pub. L. 97-35, section 1163(a)(2))

Dated: August 28, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26267 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Assessment of Fees and Fee Waivers

AGENCY: Administrative Conference of the United States, Committee on Public Access and Information.

ACTION: Notice of meeting; request for comments.

SUMMARY: The Administrative Conference's Committee on Public Access and Information is examining the Freedom of Information Act's fee structure, with a view to submitting proposed recommendations on this subject to the Plenary Session of the Administrative Conference in December of 1981. The Committee will meet September 24, 1981, to begin consideration of two separate sets of recommendations prepared by consultants to the Conference. The consultants' recommendations, together with questions they raise, are set forth in this notice for public comment. In addition, the meeting is open to members of the public.

DATE, TIME; PLACE OF MEETING: September 24, 1981, 9:30 a.m.; Library of the Conference at 2120 L Street, N.W., Suite 500, Washington, D.C. The meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. Minutes of the meeting will be available on request.

COMMENT DEADLINE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Michael W. Bowers, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037; telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Committee on Public Access and Information met February 27, 1981, to discuss a report submitted by Professor John Bonine, University of Oregon School of Law, which covered issues related to agency decisions on requests for waiver of fees under the Freedom of Information Act, 5 U.S.C. 552. (The report was subsequently published at 1981 Duke Law Journal 213.) The Committee decided not to develop recommendations on the fee waiver subject apart from consideration of other issues related to the FOIA fee structure. A draft report addressing these other issues was recently submitted to the Conference by Professor Russell B. Stevenson, Jr., George Washington University, National Law Center. Though Professor Stevenson's report is in draft form, the Committee is publishing the recommendations in both the Bonine and Stevenson reports at this time to give the public as much time as possible to submit data and views relevant to the issues the Committee will be considering.

The deadline established for public comment is later than the meeting date because the Committee's deliberations will be on-going and are not likely to conclude before late October. Comments received after the deadline will be considered to the extent feasible. All comments will be placed in a file available for public inspection during normal business hours (9:00 a.m. to 5:30 p.m. Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C. Copies of the consultant's reports can be obtained by calling the contact person.

I. Stevenson recommendations on Freedom of Information Act Fees

Professor Stevenson has made the following recommendations with respect to assessment and collection of fees under the Freedom of Information Act, 5 U.S.C. 552:

a. Congress should amend the Freedom of Information Act to permit agencies to collect fees that reflect the costs of (1) reviewing records to determine whether an exemption applies and should be asserted, (2) deleting exempt information from records to be disclosed, and (3) monitoring the review of records on the agencies' premises by requesters, in addition to the costs now recoverable under the Act.

b. Congress should amend the Freedom of Information Act to permit agencies to retain fees they collect in a fund dedicated to FOIA compliance.

c. Congress should amend the Freedom of Information Act to permit units within agencies to establish separate fee schedules where those units maintain separate FOIA operations and their cost are readily separable from other units of the agency.

d. The Office of Management and Budget, in collaboration with the Department of Justice, the General Services Administration, and representatives of several agencies with substantial experience in FOIA compliance should promulgate guidlelines, to be applicable government-wide, governing the establishment of fee schedules. These guidelines should have the force of law and should be based on the following principles:

(1) Within the limits of administrative feasibility, fees should be designed to approximate as closely as possible the average unit costs of locating, reviewing and copying requested records. In computing these average costs, expenses incurred in complying with requests for which fees are waived should not be included.

(2) The units on which fees are based should consist of personnel time, pages copied, and such units for special services as computer searches or microfilm reproduction as best reflect the actual costs to the government of those services.

(3) To the extent possible, the fee schedule should be designed to facilitate the most efficient use of agency personnel resulting in the lowest possible charges.

(4) Other things being equal, the guidelines should reflect that uniformity among agencies is desirable.

(5) There should be an upper limit on fees for duplication approximating the prices charged by commercial copying services.

e. The Office of Management and Budget, in collaboration with the Department of Justice and several agencies having extensive experience in FOIA compliance should promulgate uniform guidelines for assessing and collecting fees. These guidelines should be in the form of regulations having the

effect of law. They should reflect the following principles:

(1) Agencies should conduct their search and coping operations in such a manner as to minimize the resulting fees.

(2) Agencies should contract out such portions of their FOIA operations as can be performed by private contractors at less cost than if performed by the agency. In such cases, the contractor should be permitted to collect fees directly from requesters. The contracts should contain provisions to insure that requests are processed at the least cost possible.

(3) When an agency has accrued fees of a determined amount without finding any disclosable records, the agency should notify the requester and inquire whether the search should be continued.

(4) Agencies should not delay commencing a search while waiting assurance from a requester that the fees incurred in the search will be paid. Where there is doubt that a requester will be willing to pay a substantial fee, the agency should contact the requester by telephone to inquire whether the search should be continued.

(5) Agencies should be permitted to require advance payment of a specified portion of a good faith estimate of fees expected to exceed a specified amount and should be permitted to suspend a search if such payment is not made within a reasonable time.

(6) Agencies should provide an administrative appeal mechanism through which a requester may challenge the amount of the fee.

II. Bonine recommendations on FOIA fee waivers

Professor Bonine has made the following recommendations for implementing the Freedom of Information Act's fee waiver provision (5 U.S.C. 552(a)(4)(A)):

(1) Individual agencies should amend their FOIA regulations to provide that:

(a) Nonprofit groups, journalists, scholars, authors, other noncommercial researchers, and indigents ("eligible requesters") should always be given documents free of charge up to 2500 pages and 8 hours search time. The level for other requesters is 250 pages and one hour search time.

(b) Elibible requesters should also normally be given documents which they desire in excess of 2500 pages unless the agency determines that the purpose for which a requester is seeking documents is commercial, financial, or clearly frivolous.

(c) Eligibility should be considered established without a specific request if the agency can determine such status from the FOIA request filed.

(d) Any requester whose proposed use of documents in a specific request can be determined "primarily" (not necessarily entirely) to benefit the general public shall also be considered an "eligible requester."

(e) Any question of eligibility should be resolved by telephone if possible and in the requester's favor when uncertainty remains.

(f) If any agency employee decides to deny a request for fee waiver for any amount of documents based on the lack of eligibility of a requester or, for documents in excess of 2500 pages, based on the requester's commercial, financial, or clearly frivolous purposes, a written decision should be issued containing the specific reasons for denying the fee waiver. Such reasons (either lack of eligibility or commercial, financial, or clearly frivolous purposes) should not consist merely of conclusory statements referring to the statutory criteria, the eligibility criteria, the commercial, financial, or frivolous purposes, or other factors. The specific reasoning must be explained and each argument raised in writing by a requester should be considered and answered. Each such denial decision should also provide the requester with a copy of the agency's regulations and inform him or her of the provision for appeal.

(g) Agencies should clearly provide for fee waiver appeals and keep copies of appeal decisions available for the reference of agency employees and the public; appeal decisions should be indexed for convenient use. The regulations should also tell the public of the location of these files and copies of the files should be provided to any fee waiver requester free of charge upon demand.

(2) Procedural steps could be imposed on voluminous requests (those portions of requests over 5000 pages) if the agency is convinced that the request lacks specificity which the procedural steps can rectify. Requesters may be required to list specific documents for that portion of a request exceeding 5000 pages, rather than obtaining a waiver under a categorical request which simply asks for "all documents" in a certain category. Such a requirement should only be imposed if the agency makes the category of documents available to the requester for inspection at a federal office of the requester's choice or pays transportation expenses for the requester to view the documents where they are normally located.

(3) Individual agency regulations should not include any of the following, and should explicitly tell agency employees not to adopt them in their decisions:

(a) A balancing test involving the costs to the agency.

(b) A requirement that inspection of documents be substituted for a waiver of copying fees.

(c) A requirement for detailed written statements from eligible requesters.

(d) A provision for reduction, rather than waiver, of fees for eligible requesters.

(4) The Department of Justice should adopt regulations setting forth the concepts in recommendations 1, 2, and 3 as guidelines and should refuse to defend agencies which fail to adopt binding provisions in their own regulations.

(5) The President should consider issuing an executive order requiring all Federal Departments and agencies to comply with the provisions in recommendations 1, 2, and 3.

III. Questions for comment

Persons submitting comments may wish to addres the following questions raised by the consultants' recommendations:

(1) What policies or factors should the Committee consider in deciding whether agencies should be permitted to collect fees that reflect the costs of (1) reviewing records to determine if an exemption applies, (2) deleting exempt information, and (3) monitoring review of records on agency premises, in addition to the search and copying costs now recoverable under the Act?

(2) What guidelines and review process would be needed to insure that the costs for review, deletion and monitoring are reasonable? Are the guidelines for assessing fees proposed by Professor Stevenson adequate for that purpose?

(3) Should individuals or entities that request records for a private, noncommercial purpose be charged a different rate than commercial requesters seeking agency records for a private purpose?

(4) What policies or factors should the Committee consider in deciding whether agencies should be allowed to retain fees they collect in a fund dedicated to FOIA compliance?

(5) What policies or factors should the Committee consider in deciding whether the statutory time limit on agency compliance should be suspended pending agreement between the requester and the agency on payment of fees? Should an agency be required to commence or continue a records search

if the requester does not agree to pay fees of a specified amount?

(6) Should agencies be allowed to require advance payment of a portion of the estimated fees to be charged on completion of agency action on a request? What limits should be placed on such authority?

(7) In deciding requests for fee waivers, how much weight should agencies give to the following factors: (1) the identity or background of the requester, (2) the purpose for which the records are requested, (3) the content of the records, and (4) the cost to the agency of complying with the request?

Note.—Professor Bonine and the Department of Justice have presented disparate views on the appropriate answer to this question under current law. *See* Memorandum, Office of Information Law and Policy (DOJ) to All Federal Departments and Agencies, Interim Fee Waiver Policy (Dec. 18, 1981).

(8) How much and what type of documentation should agencies require of requesters before deciding fee waiver requests? Would it be desirable to increase the level of agency inquiry, or required documentation, in proportion to the burden or cost of agency compliance with the request? What specific means could be used to effectuate such a scheme?

(9) Would it be desirable to require agencies to automatically grant requests for waiver from certain persons up to a specified number of pages, hours of search time, or hours of review time? If so, which of the following categories of requesters should be entitled to automatic waiver: journalists, nonprofit groups; scholars; indigents; noncommercial researchers; others? How should the automatic waiver level be set (statute, government-wide regulation, individual agency rule)? Should any limit be placed on the number of automatic waivers a person could receive in a specified time?

Richard K. Berg,

General Counsel.

September 1, 1981.

[FR Doc. 81-26201 Filed 9-8-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Peyton Creek Watershed, Kansas; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401, telephone 913-825-9535.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Peyton Creek Watershed, Chase County, Kansas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John W. Tippie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Project purposes are flood control and watershed protection to be implemented under the authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566, 83rd Congress, 68 Stat. 666), as amended. Project works include three floodwater retarding dams and accelerated technical assistance for land treatment.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. John W. Tippie. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 9, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-26285 Filed 9-8-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Monell Chemical Senses Center; 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 puruant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00110. Applicant: Monell Chemical Senses Center, 3500 Market Street, Philadelphia, PA 19104. ARTICLE: Droplet Counter-current Chromatograph. Manufacturer: Tokyo Rikakikai Ltd., Japan. Intended use of article: See Notice on page 19843 in the **Federal Register** of April 1, 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 droplet counter-current chromatographic separation without solid support. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument 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. 81-26221 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00200. Applicant: National Bureau of Standards, Route 270 and Quince Orchard Road, Gaithersburg, Maryland 20760. Article: Picosecond Camera System, Imacon 500. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of Article: See Notice on page 31464 in the Federal Register of June 16, 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 two pico-second resolution and an 80 megahertz repetition rate. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knowns 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. 81–26229 Filed 9–8–81; 8:45 am]

BILLING CODE 3510–25–M

National Institute of Neurologic and Communicative Disorders and Stroke; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00159. Applicant: National Institute of Neurologic and Communicative Disorders and Stroke, 9000 Rockville Pike, Building 10, Room 4N248, Bethesda, MD 20205. Article: Tachophor with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: See Notice on page 22631 in the Federal Register of April 20, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides counter flow isotachophoresis. The National Bureau of Standards advises in its memorandum dated August 19, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–26233 Filed 9–8–81; 8:45 am]

BILLING CODE 3510–25–M

New England Deaconess Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81–00080. Applicant: New England Deaconess Hospital, 194 Pilgrim Road, Boston, MA 02215. Article: Dialetric & Induction Heating Equipment-LeVeene Thermotherapy. Manufacturer: Industrial Development Group, United Kingdom. Intended use of article: See Notice on page 18569 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 safely provides high speed switching of radiofrequency power to match the cooling rate curve of normal tissue. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the characteristics of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–26220 Filed 9–8–81; 8:45 am]

BILLING CODE 3510–25–M

New York State Department of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce

Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00203. Applicant: New York State Department of Health, Empire State Plaza, Albany, New York 12201. Article: Mark II Microelectrophoresis Apparatus. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 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 accurate temperature control up to about 80° centigrade, laser illumination by a 3 milliwatt He:Ne continuous laser, and particle size detection down to 0.09 micron. The Department of Health and Human Services advises in its memorandum dated August 6, 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. 81-26228 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Pennsylvania Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00153. Applicant: Pennsylvania Hospital, 8th and Spruce Streets, Philadelphia, PA 19107. Article: Madds Microdialysis Machine with Accessories. Manufacturer: Institute of Medical Bio-chemistry, University of Aarhus, Denmark. Intended use of article: See Notice on page 23093 in the **Federal Register** of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article handles 20-25 microliter samples. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26231 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Rutgers, the State University of New Jersey; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00101. Applicant: Rutgers, the State University of New Jersey, New Brunswick, New Jersey 08903. Article: Heat Sterilizer. Manufacturer: Herman Stock, West Germany. Intended use of article: See Notice on page 19842 in the **Federal Register** of April 1, 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 has 16 thermocouple locations and processes with steam, water, air or mixtures at temperatures to 320° F and pressures to 85.2 pounds per square inch (psi). The most closely comparable domestic article is the Model 500W manufactured by FMC Corporation, Santa Clara, California 94052. The Model 500W has six rotating thermocouple locations and processes to a maximum operating pressure of 45 psi (temperature about 290° F). The Department of Health and Humnan Services advises in its memorandum dated July 9, 1981 that both the number of thermocouple locations and the process capability of the foreign article are pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model 500W is not of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used.

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. 81-26219 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Alabama; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00223. Applicant: University of Alabama, 1919 7th Avenue South, Birmingham, Alabama 35294. Article: Photomicroscope III. Manfacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 35326 in the **Federal Register** of July 8, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides simultaneous differential contact Microscopy and fluorescence quantitated photometrically. The Department of Health and Human Services advises in its memorandum dated August 6, 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 intrument 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. 81-26225 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00220. Applicant: University of California, San Diego, Receiving Department, 3175 Miramar Road, Bldg. 509, La Jolla, CA 92093. Article: Surface Balance. Manufacturer: Mayer Feintechnik, West Germany. Intended use of article: See notice on page 31465 in the **Federal Register** of June 16, 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 can compress and transport a monolayer on a water surface and bring it in contact with subphases of a different composition. The Department of Health and Human Services advises in its memorandum dated August 6, 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 intrument 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. 81-26226 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00154. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012-P.O. 2093601, Livermore, CA 94550. Article: Phase-Separated Laser Optical Glass, Type ARG-2. Manufacturer: Hoya Corporation, Japan. Intended use of article: See Notice on page 23093 in the **Federal Register** of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can be chemically treated after optical finishing to provide the capability to suppress unwanted reflections. The National Bureau of Standards advises in its memorandum dated August 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26232 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Houston; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00106. Applicant: University of Houston, Downtown College, #1 Main Street, Houston, Texas 77002. Article: Gravitational Torsion Balance. Manufacturer: Leybold-Heraeus, West Germany. Intended use of article: See Notice on page 19842 in the **Federal Register** of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures forces as small as 10^{-6} millinewtons between two objects. The National Bureau of Standards advises in its memorandum dated August 12, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26222 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Maryland; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00171. Applicant: University of Maryland, School of Medicine, Department of Biological Chemistry, 660 W. Redwood Street, Baltimore, MD 21201. Article: Nanosecond Fluorometer System. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: See Notice on page 24222 in the **Federal Register** of April 30, 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 thyrotron triggered (rather than a free running) light source with intensity adjustable for the counting rates required by the single photon counting method. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument 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. 81-26223 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00219. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Oxford Mark II Transducer and Perfusion Units. Manufacturer: Clinical Research Center, United Kingdom. Intended use of article: See Notice on page 31464 in the **Federal Register** of June 16, 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 combines small size, battery operation for use in ambulatory animals (rats) and perfusion pump delivery of 2 milliters/hour. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientifc 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. 81-26227 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00178. Applicant: University of Utah, Purchasing Department, 151 Annex Building, Salt Lake City, Utah 84112. Article: Rheovibron Viscoelastometer, Model DDV-II-C and Accessories. Manufacturer: Toyo Baldwin Co., Ltd., Japan. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a damping range of 0.001-1.7 tan delta with a resolution of 10^{-3} and can measure thin solid samples. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article

described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientifc 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. 81-26230 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Vanderbilt University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00188. Applicant: Vanderbilt University, Department of Electrical Eng., P.O. 1631B, Nashville, TN 37235. Article: Visual Display Generator. Manufacturer: Joyce Electronics, United Kindom. Intended use of Article: See Notice on page 28205 in the Federal Register of May 26, 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 rotation of the pattern zero to 360 degrees, a 1000 candles/square screen illuminance meter, and a 100 hertz frame rate. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26224 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

St. Mary's Hospital; 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 (Public Law 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. 81-00182. Applicant: St. Mary's Hospital, 101 Memorial Drive, Kansas City, MO 64108. Article: Automated Ultrasonic Body Imager. Manufacturer: Ausonics, Ltd., Australia. Intended use of article: See Notice on page 27745 in the Federal Register of May 21, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precise automated imaging, compound scanning with its eight transducers and a wide field of view (up to body size). The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26302 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of Agency decision to close our files pertaining to certain claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because the claimants have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

Claim Numbers and Dates of Filing

FCF-30-79—March 28, 1979
FCF-51-79—June 4, 1979
FCF-71-79—August 13, 1979
FCF-80-79—September 7, 1979
FCF-82-79—August 10, 1979
FCF-83-79—October 1, 1979

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202-254-8350).

SUPPLEMENTARY INFORMATION: Title IV (43 U.S.C. 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production on the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV (50 CFR 296) declares as follows. A claim brought under Title IV must contain certain specified information (50 CFR 296.7(e)). The Chief, Financial Services Division,

National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is thought necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD, extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the general Counsel finds that a claim has been abandoned by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under * * * Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, the claimant failed to respond to a notice of deficiency within 60 days and, in some cases, within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on them, and will take no further action in their regards.

Signed at Washington, D.C., this 3d day of September 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-26279 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Apparel From the Socialist Republic of Romania

September 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with the Socialist Republic of Romania to establish a specific ceiling for cotton coats in Category 335 at the increased level of 49,000 dozen during the agreement year that began on January 1, 1981. The previous level was 36,320 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged letters dated July 13 and 20, 1981 amending the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the two governments to establish a specific ceiling for cotton textile products in Category 335 at the increased level of 49,000 dozen during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1980, there was published in the **Federal Register** (45 FR 84842) a letter dated December 17, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton textile products, including Category 335, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level previously established for cotton textile products in Category 335 to 49,000 dozen.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 3, 1981.

Committee for the Implementaton of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1980 by the Chairman, Committee for the Implementaton of Textile Agreements concerning imports into the United States of certain cotton textile products, produced or manufactured in Romania.

Effective on September 3, 1981, paragraph 1 of the directive of December 17, 1980 is amended to increase the level of restraint for cotton textile products in Category 335 to 49,000 dozen.[1]

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation to Textile Agreements.

[FR Doc. 81-26218 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting Import Levels for Certain Cotton and Man-Made Fiber Textile Products From Republic of Singapore

September 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with Singapore to:

(1) Establish a specific limit for non-cellulosic man-made fiber spun yarn in Category 604 at a level of 1.1 million pounds (the original level was 700,000 pounds);

(2) Increase the designated consultation level for cotton twill and sateen in Category 317 from 8 million to 12 million square yards; and

(3) Increase the designated consultation level for cotton duck in Category 319 from 3 million to 3.5 million square yards.

All of the foregoing adjustments in levels apply to the agreement year which began on January 1, 1981.

Note.—A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

SUMMARY: The Governments of the United States and the Republic of Singapore have exchanged notes dated August 7 and 13, 1981 to amend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, between the two governments, to adjust the levels of restraint for cotton and man-made fiber textile products in Categories 317, 319 and 604, produced or

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

manufactured in Singapore and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. The United States Government has also decided to establish an import control on Category 319.

EFFECTICVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT:
Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the **Federal Register** (45 FR 83649) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. The letter published below amends the letter of December 16, 1980 to increase the levels previously established for Categories 317 and 604 and to include a level for cotton textile products in Category 319, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1981. The newly-established level for Category 319 has not been adjusted to account for any imports on and after January 1, 1981. Imports during the January-July 1981 period have totaled 2,135,175 square yards and will be charged. When the data become available, charges will also be made for the period which began on August 1, and extends to the effective date of this directive.

Edward Gottfried,
Acting Chairman, Committee for the Implementation of Textile Agreements.
September 8, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1981.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 8, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in categories 317, 319 and 604, produced or manufactured in Singapore, in excess of the following level of restraint:

Category and Amended Twelve-Month Level of Restraint[1]

317—12,000,000 square yards
319—3,500,000 square yards
604—1,100,000 pounds

Textile products in Category 319 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 319 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Edward Gottfried,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26303 Filed 9-8-81; 8:45 am]
BILLING CODE 3510-25-M

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1980. Imports in Category 319 during the January-July 1981 period have amounted to 2,135,175 square yards.

CONSUMER PRODUCT SAFETY COMMISSION

Performance Review Board; Senior Executive Service; Appointment of Members

The purpose of this notice is to publish the names of the members of the Performance Review Board at the Consumer Product Safety Commission, effective August 19, 1981. The members are as follows:

Bert G. Simson, Chairman (membership term expires July 1983, term as Chairman expires July 1982), (1) Margaret A. Freeston (unlimited membership term), (2) Robert Knisely (unlimited membership term), (3) John Kinnear (unlimited membership term), (4) Robert Q. Jenkins (membership term expires July 1982), and (5) Edwin F. Tinsworth (membership term expires July 1984).

Dated September 3, 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 81-26301 Filed 9-8-81; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces: Advisory Committee Meeting

The Defense Science Board Task Force on Application of High Technology to Ground Forces will meet in closed session on October 7, 1981 at Fort Lewis, Washington.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meetings on October 7, 1981 the Task Force will review current missions of light forces and make recommendations concerning the application of high technology to enhance battlefield capabilities.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b(c)(1) (1976), and that

accordingly this meeting will be closed to the public.

M. S. Healy,

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

September 2, 1981.

[FR Doc. 81-26255 Filed 9-8-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects)

AGENCY: Department of Education.

ACTION: Reopening of Closing Date for Transmittal of Applications for Awards During Fiscal Year 1981.

Notice is given that the June 10, 1981, deadline for transmittal of applications for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects) is reopened to September 21, 1981. This notice was originally published in the **Federal Register** on March 26, 1981 (46 FR 18758).

The March Notice indicated an expectation that three new projects would be funded in Fiscal Year 1981. Very few applications were submitted in response to the March Notice, however, this reopening of the closing date is intended to ensure that additional applications of high quality can be submitted.

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777a(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for individuals with spinal cord injuries.

Closing date for transmittal of application: Under § 75.109(b) of the Education Department General Administrative Regulations (34 CFR 75.109(b)), an applicant may make changes to its application on or before the closing date. An applicant who submitted an application in response to the original closing date of June 10, 1981 may amend its application on or before

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128E, 400 Maryland Avenue, SW., Washington, D.C. 20202.

An application 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, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. 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.

Available funds: Approximately $750,000 is available for the support of new projects in this grant program. Based on an average grant amount of approximately $250,000, it is expected that 3 new grants will be awarded.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

Application forms: Application forms and program information packages may be obtained by writing to: Harold F. Shay, Acting Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Special procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

Applicable regulations: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 373, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: For further information contact Harold F. Shay, Acting Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, Department of Education, (Mary E. Switzer Building, Room 3321), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-0079.

(20 U.S.C. 777(a)(1))

Dated: September 3, 1981.

(Catalog of Federal Domestic Assistance Number 84.128E, Special Projects and Demonstrations)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26327 Filed 9-8-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Educational Research and Improvement

Program of Grants for Research on Institutions of Postsecondary Education; Cancellation of Closing Date

AGENCY: Department of Education.

ACTION: Notice of cancellation of application notice inviting grant applications for Fiscal Year 1982 funding.

SUMMARY: The Secretary cancels the closing date in the Application Notice published in the **Federal Register** on May 2, 1980 (45 FR 29414). That notice invited the submission of grant applications under the National Institute of Education's *Program of Grants for Research on Institutions of Postsecondary Education.* The closing date for the transmittal of applications was established as October 6, 1981.

SUPPLEMENTARY INFORMATION: The cancellation of the closing date is a consequence of the reduction in funds for Fiscal Year 1982 projected for this program. Because of the reduction, the Secretary has determined that the funds currently anticipated for the program are insufficient to warrant having a new grants competition. Consequently, the Secretary has decided to use the limited funds available to support activities approved in Fiscal Year 1981, but for which funds were rescinded.

FOR FURTHER INFORMATION CONTACT: Dr. John Wirt, Postsecondary Organization and Management, National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: (202) 254–5555.

(Catalog of Federal Domestic Assistance Number 84.117 Educational Research and Development)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26433 Filed 9-8-81; 8:56 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-017]

Arizona Public Service Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On July 31, 1980, Arizona Public Service Company (Arizona Public), P.O. Box 2166, Phoenix, Arizona 85036, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–021). Amendment to this certification was issued on December 12, 1980 in ERA Docket No. 80–CERT–021A. The certification as amended involved the purchase of natural gas from Delhi Gas Pipeline Corporation, Bixco, Inc., Consumers Power Company, and Gas Company of New Mexico, for use by Arizona Public at its Ocotillo Plant in Tempe, West Phoenix Plant in Phoenix, Saguaro Plant in Red Rock, and Yuma Plant; all located in Arizona. The ERA certificate expired on July 30, 1981.

On July 21, 1981, Arizona Public filed an application for recertification of an eligible use of natural gas to displace fuel oil at its Ocotillo, West Phoenix, Saguaro, and Yuma Plants pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Due to the very late filing date, contiguous certification and recertification was not possible. Arizona Public stated to ERA that there would be no loss of displacement of fuel oil during normal processing. At the request of Arizona Public, this application was further delayed pending possible amendment prior to issuance.

In its application, Arizona Public states that the volumes of natural gas for which it requests recertification are 10,832,000 Mcf per year for the Ocotillo Plant, 1,671,000 Mcf per year for the West Phoenix Plant, 5,470,000 Mcf per year for the Saguaro Plant, and 2,808,000 Mcf per year for the Yuma Plant. This volume is estimated to displace the use of the following quantities of fuel oil per year:

	No. 6 (0.9 percent sulfur)	No. 2 (0.5 percent sulfur)
Ocotillo Plant	1,635,500	250,000
West Phoenix Plant	53,200	251,400
Saguaro Plant	715,800	243,800
Yuma Plant	346,300	147,800

The eligible sellers of the natural gas are Delhi Gas Pipeline Corporation, Fidelity Union Tower, Dallas, Texas 75201; and Gas Company of New Mexico, Suite 1800, First National Building, Dallas, Texas 75270. Arizona Public has not requested recertification of Bixco, Inc., and Consumers Power Company as eligible sellers. The gas will be transported on interstate pipeline by El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before September 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any intersted person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Arizona Public and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on September 1, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-26306 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-019]

System Fuels, Inc.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On September 23, 1980, System Fuels, Inc., (SFI), P.O. Box 61532, New Orleans, Louisiana 70161, was granted a certificate of an eligible use of natural gas to displace fuel oil for one year by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80—CERT–023). The certification involved the purchase or natural gas from Channel Industries Gas Company, Louisiana Intrastate Gas Corporation, Louisiana Resources Company, Michigan Consolidated Gas Company, Delhi Gas Pipeline Corporation, and the IMC Pipeline Company, for use by Arkansas-Missouri Power Company, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orlean Public Service Inc., all operating electric generating companies of Middle South Utilities, Inc. The certificate expires on September 22, 1981.

On August 17, 1981, SFI filed an application pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979) for recertification of an eligible use of natural gas to displace fuel oil at four of those companies, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. SFI did not include Arkansas Missouri Power Company in its request for recertification, since the company has merged with Arkansas

Power & Light Company. More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, SFI states that the volume of natural gas available for use is up to 120,000 Mcf per day at is various facilities which are located in Missouri, Arkansas, Louisiana, and Mississippi. This natural gas will be used over the next year to displace approximately 1,000,000 barrels of middle distillate (including No. 2 fuel oil) and 500,000 barrels of residual fuel oil (No. 5 and 6) having a sulfur content of 1 percent, 1½ percent or 3 percent, depending on the facilities in which the fuel oil is displaced. SFI states it will attempt to use the natural gas to maximize the displacement of No. 2 fuel oil first, then other middle distillates, and finally, residual fuel oils. Most of the middle distillates will be used in units which are only used during peak load periods.

The eligible sellers of the natural gas are the Channel Industries Gas Company, P.O. Box 2511, Houston, Texas 77001, The Louisiana Intrastate Gas Corporation, P.O. Box 1352, Alexandria, Louisiana 71301; the Louisiana Resources Company, P.O. Box 3102, Tulsa, Oklahoma 74101, the Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226; the Delhi Gas Pipeline Corporation, 2700 Fidelity Union Tower, Dallas, Texas 77001; and the IMC Pipeline Company, 8532 Katy Freeway, Suite 303, Houston, Texas 77024. The gas will be transported by the United Gas Pipeline Company, P.O. Box 1478, Houston, Texas 77001; the Tennessee Gas Pipeline Company, P.O. Box 2611, Houston, Texas 77001; the Natural Gas Pipeline Company of America, P.O. Box 283, Houston, Texas 77001; the Northern Natural Gas Company, 6750 W. Loop South, Bellaire, Texas 77401; the Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77001; the Michigan-Wisconsin Pipeline Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056; the Panhandle Eastern Pipeline Company, P.O. Box 1642, Houston, Texas 77001; and the Texas Gas Transmission Corporation, 1100 Milian–Suite 1533, Houston, Texas 77002.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Ms. Lynne H. Church, on or before September 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group of class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determined that an oral presentation is necessary, further notice will be given to SFI and any perons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., September 1, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-26305 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–81–011; OFC Case No. 61040–9203–01–12, 61040–9203–02–12]

Order Granting Permanent Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978; Champion International Corp.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting permanent exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On May 21, 1981, Champion International Corporation (CIC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking permanent exemptions for two new major fuel burning installations (MFBIs) 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 or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

CIC requested permanent fuels mixture exemptions in order to burn petroleum or natural gas in both an 822 million Btu's per hour Kraft Recovery Boiler and a 590 million Btu's per hour Wood Refuse Boiler to be constructed at its Quinnesec, Michigan, facility. CIC petitioned for permanent exemptions from the prohibitions of Title II of FUA under 10 CFR § 503.38(d) based upon the use of fuels mixtures containing alternate fuels and not more than 25 percent natural gas or petroleum in each boiler.

Pursuant to section 211(c) of the Act, and 10 CFR § 503.38, and subject to specified terms and conditions and reporting requirements stated herein, ERA hereby issues this order granting two permanent fuels mixtures exemptions to CIC to permit the use of petroleum (No. 6 oil) or natural gas in their new Wood Refuse and Kraft Recovery Boilers.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653–4477

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Admnistration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653–4226

Allan Stein, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SE., Forrestal Building, Room 6B–178, Washington, DC 20585, (202) 252–2967

The public file containing a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, DC, Monday through Friday, 8 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted CIC's petitions and published notice of their acceptance in the Federal Register on June 29, 1981 (46 FR 33357). The Notice of Acceptance commenced a 45-day public comment period during which interested persons could submit comments on the petitions for exemptions and could request that a public hearing be convened. This period expired on August 13, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis the availability of which was noticed in the Federal Register concurrent with the Notice of Acceptance. This analysis recommended that an order be issued to grant permanent fuels mixtures

exemptions to CIC's boilers permitting the use of petroleum or natural gas in a mixture with black liquor in the recovery boiler and wood and coal in the wood refuse boiler. In both cases, the amount of petroleum or natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the units. The period during which interested persons could submit written comments on the Tentative Staff analysis or request a public hearing also expired August 13, 1981. No comments were received nor was a public hearing requested on either the Notice of Acceptance or the Tentative Staff analysis

As required by section 701 (f) and (g) of the Act, ERA provided a copy of CIC's petitions to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments were received from either agency.

ERA had determined that CIC has satisfied the requirements of 10 CFR 503.38(d). Accordingly, pursuant to Section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants CIC one permanent fuels mixture exemption to permit, in a mixture with black liquor, the use of No. 6 fuel oil or natural gas in the new recovery boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler. Additionally, ERA grants CIC one permanent fuels mixture exemption to permit, in a mixture with wood waste and coal, the use of No. 6 fuel oil or natural gas in the new wood refuse boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler. This determination takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation consistent with maintaining a reasonable level of fuel efficiency. Therefore, 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 the boilers.

Terms and conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of ERA's regulations and grants the exemptions subject to the following terms and conditions:

1. The amount of petroleum or natural gas to be used in the mixture with an alternate fuel(s) in the Wood Refuse Boiler and the Kraft Recovery Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of those units.

2. The quality of any petroleum to be burned in the boilers will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

3. Prior to operating either the Wood Refuse Boiler or the Kraft Recovery Boiler, CIC will secure all applicable 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 the above terms and conditions, CIC will, pursuant to 10 CFR 503.38(g), report to ERA the dates the Kraft Recovery and Wood Refuse Boilers are first operated under the provisions of this order, and will annually thereafter, at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the boiler 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 CIC. Cite OFC Case No. 61040–9203–01–12 for the Wood Refuse Boiler and OFC Case No. 61040–9203–02–12 for the Kraft Recovery Boiler on each document and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn.: OFC Case No. 55001–9202–01–02–11, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

The exemptions granted by this order shall become effective November 8, 1981.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time within 60 days after publication petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C. on August 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-26236 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and Time: Monday, September 28, 1981—9:00 a.m.–6:00 p.m.; Tuesday, September 29, 1981—9:00 a.m.–4:00 p.m.

Place: Department of Energy, Forrestal Building—Room BE069, 1000 Independence Avenue SW., Washington, D.C.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J–309, Washington, D.C. 20545, Telephone: 301–353–3367

Purpose of committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda:

- Discussions of the FY 1982 DOE and NSF budgets for high energy physics
- Status reports on current situations at Stanford Linear Accelerator Center, Fermi National Accelerator Laboratory and Brookhaven National Laboratory
- Discussions on a forthcoming in-depth study of the U.S. high energy physics program
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 3, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-26238 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

DOE/NSF Nuclear Science Advisory Committee, Subcommitte on Electromagnetic Interactions; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee, Subcommitte on Electromagnetic Interactions

Date and time: Sunday, September 27, 1981—7:00 p.m.-10:00 p.m. Monday, September 28, 1981—9:00 a.m.-6:00 p.m.

Place: National Science Foundation Room 540, 1800 G Street, N.W. Washington, D.C.

Contact: Enloe Ritter, ER-23 Division of Nuclear Physics M.S. G-256, GTN U.S. Department of Energy, Washington, D.C. 20545. Telephone: 301-353-3613

Purpose of parent committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Reading of the charge to the committee
- Organization of tasks
- Review the current status and needs of basic nuclear research with electromagnetic probes
- Examine the scientific need for facilities to investigate with electromagnetic probes the fundamental properties of nuclei
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommitte will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee management office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 3, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-26237 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 4635-000 and 4657-000]

City of Billings and Montana Department of Natural Resources and Conservation; Applications for Preliminary Permit

August 25, 1981.

Take notice that City of Billings and Montana Department of Natural Resources and Conservation (Applicants) filed on May 7, 1981, and June 8, 1981, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 6 U.S.C. 791(a)—825(r)] for Projects Nos. 4635 and 4657 known as the Painted Rocks Dam Project located on the West Fork Bitterroot River in Ravalli County, Montana. The applications are on file with the Commission and are available for public inspection. Correspondence with City of Billings should be directed to: Al Thelen, City Administrator, City Hall, Billings, Montana 59101. Correspondence with Montana Department of Natural Resources and Conservation should be directed to: Gary Fritz, Administrator, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—Both projects would consist of: (1) the existing 143-foot high earthfilled Painted Rocks Dam; (2) a 655-acre reservoir; (3) a 100-foot long penstock; (4) a powerhouse containing four generating units with a total rated capacity of 5,200 kW; and (5) a transmission line. Both applicants estimate the average annual energy generation to be 16 million kWh. The Painted Rocks Dam is owned by the Montana Department of Water Resources and Conservation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to conduct engineering, environmental, economic, and feasibility studies, and to prepare an application for an FERC license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 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. 81-26007 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4985-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 25, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4985 known as the Eddy Creek, Siskiyou Project located on Eddy Creek in Siskiyou County, California. The application is on file with the Commission and is available for public

inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 55-foot long, 5-foot high diversion structure; (2) a 7,500-foot long diversion conduit; (3) a 1,170-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 1,950 kW; and (5) a 2-mile long transmission line. The average annual energy generation is estimated to be 7.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Eddy Creek, Siskiyou Project No. 4398 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notice 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 September 15, 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. 4985. 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. 81-26098 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-695-000]

Consumers Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that Consumers Power Company on August 21, 1981, tendered for filing a revision to the annual charge rate for charges due Consumers Power Company from Northern Indiana Public Service Company ("Northern"), under the terms of the Barton Lake-Batavia Interconnection Facilities Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 44).

Consumers Power states that Article 1.042 of the Barton Lake-Batavia Interconnection Facilities Agreement states that Northern shall pay to Consumers Power an annual charge derived by multiplying the capital costs of certain facilities built by Consumers Power Company by an annual fixed charge factor. The initial annual charge was based upon estimated capital costs of $1,936,000.00 and a fixed charge factor of 17.79%. Article 1.043 provides that when the actual amount of the capital costs becomes known, an adjustment will be made to reflect the difference between the estimated amount paid and the actual amount owed by Northern. Article 1.043 also provides that the annual charge rate may be redetermined from time to time by Consumers Power. During May and June 1981, the actual installed cost of equipment owned by Consumers was determined to be $1,360,805.94 and the annual fixed charge factor was redetermined for three effective 12-month periods beginning May of 1979, 1980 and 1981. The net effect of these changes, proposed to become effective July 1, 1981, is a credit to the July 1981 billing for fixed charges from Consumers to Northern of $241,305 (covering the period from May 1, 1979 through June 30, 1981) and a reduction in the monthly fixed charges from $28,701 to $20,378.

Consumers Power states that copies of this filing were served on Northern, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed by September 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 said filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26099 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-586-000 and ER81-353-000, ER81-354-000, ER81-381-000]

Dayton Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Waiver of Notice, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued: August 31, 1981.

On July 2, 1981, Dayton Power and Light Company (Dayton) tendered for filing a superseding service agreement for the City of St. Marys, Ohio (St. Marys).[1] The service agreement provides for St. Marys to receive service under Dayton's partial requirements and transmission tariff. St. Marys previously was served under Dayton's full requirements, firm power tariff. This

[1] The submittal included the superseding service agreement and two revised tariff sheets, index of purchasers for each tariff, to note St. Marys' change in service. *See* Attachment A for rate schedule designations.

change will enable St. Marys to receive energy from third party sources to be wheeled over Dayton's transmission system. The rates, terms, and conditions of both tariffs are currently the subject of a hearing and are in effect subject to refund in Docket Nos. ER81-353-000, ER81-354-000, and ER81-381-000. With respect to the instant filing, Dayton requests waiver of the notice requirements to allow an effective date of June 1, 1981, the date upon which Dayton began serving St. Mary's under the partial requirements tariff at the city's request.

Notice of the filing was issued on July 13, 1981, with responses due on or before July 31, 1981. On July 29, 1981, St. Marys filed a protest, petition to intervene and request for acknowledgement of the prior suspension order in Docket Nos. ER81-353-000, *et al.* St. Mary's reiterates and incorporates by reference the objections to Dayton's partial requirements and transmission tariff that it previously expressed in Docket No. ER81-353-000. In particular, St. Mary's challenges the rates as being excessive, objects to certain rate design matters, and disputes several tariff provisions and conditions of service. St. Marys also requests that Docket No. ER81-586-000 be consolidated with the pending proceeding in Docket Nos. ER81-353-000, *et al.* Finally, St. Marys states its desire to ensure that billings under the partial requirements tariff will be subject to refund.

Discussion

The Commission finds that participation in this proceeding by the City of St. Marys, Ohio is in the public interest. Accordingly, the petition to intervene will be granted.

Our analysis indicates that Dayton's submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the revised service agreement for filing and suspend its operation as ordered below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The tariff and associated rates which Dayton currently proposes to apply to St. Marys were previously suspended for one day, subject to refund, in Docket Nos. ER81-353-000, *et al.* Furthermore, the issues raised by St. Marys in the instant docket mirror those which the city raised in the earlier proceeding. Under these circumstances, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to St. Marys pending the outcome of a hearing. As noted above, service to St. Marys under the partial requirements and transmission tariff commenced on June 1, 1981, at the request of St. Marys. In light of the customer's desire to obtain and continue this new form of service, we find that good cause exists to waive the notice requirements. Accordingly, we shall exercise our discretion to suspend the rates to become effective on June 1, 1981, subject to refund.

The Commission further finds that St. Mary's request for consolidation of Docket No. ER81-586-000 with Docket Nos. ER81-353-000, *el al.*, is appropriate, since common questions of fact and law are presented.

The Commission Orders

(A) Dayton's request for waiver of the notice requirements is hereby granted.

(B) Dayton's submittal is hereby accepted for filing and suspended to become effective on June 1, 1981, subject to refund.

(C) Pursuant to the authority contained in and subject to the juridiction conferred upon the Federal Energy Regulatory Commisison by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Dayton's submittal with respect to the City of St. Marys, Ohio.

(D) Docket No. ER81-586-000 is hereby consolidated with Docket Nos. ER81-353-000, ER81-354-000, and ER81-381-000 for purposes of hearing and decision.

(E) The City of St. Marys, Ohio is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and, *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(F) The administrative law judge designated to preside in Docket Nos. ER81-353-000, *et al.*, shall determine the appropriate procedures necessary to accomodate consolidation of Docket No. ER81-586-000 with the pending proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

The Dayton Power and Light Company

Docket No. ER81-586-000

Filed: July 2, 1981.

Effective: June 1, 1981, subject to refund.

	Designation	Description
(1)	Service Agreement under FERC Electric Tariff, Original Volume No. 2 (Supersedes Service Agreement under FPC Electric Tariff, Original Volume No. 1).	City of St. Marys, Ohio.
(2)	1st Revised Sheet No. 26 under FERC Electric Tariff, Original Volume No. 2 (Supersedes Original Sheet No. 26).	Revised Index of purchasers.
(3)	1st Revised Sheet No. 13 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Original Sheet No. 13).	Do.

[FR Doc. 81-26100 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-67-000]

DeMartin Truck Lines, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

September 1, 1981.

Take notice that DeMartin Truck Lines, Inc. on August 10, 1981 filed a

[2] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket No. ER80-56, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

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 September 15, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate 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 September 15, 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. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26101 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES81–73–000]

El Paso Electric Co.; Application

September 1, 1981.

Take notice that on August 25, 1981, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission, seeking authority pursuant to Section 204 of the Federal Power Act, to issue and sell up to $500,000 shares of Common Stock, no par value pursuant to a Customer Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, 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. 81–26102 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. CI67–461–000, et al.]

Exxon Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

August 31, 1981.

Take notice that each of the Applicants listed herein has filed an application to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 18, 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 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.

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.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
CI67–461–000, C, Aug. 24, 1981 [3]	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transwestern Pipeline Company, Mendota Field, Roberts & Hemphill Counties, Texas.	(4)	14.65
CI69–832–000, D, Aug. 24, 1981	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, East Cameron Block 14 Field, Federal Offshore Louisiana.	(3)	
CI78–414–000, C, July 27, 1981	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Texas Eastern Gas Corporation, OCS–G–3385 Well No. B–8, West Cameron Block 528 Field, Offshore Louisiana.	(4)	15.025
CI78–750–001, August 21, 1981	Aminoil Development 1974–1 Limited (Aminoil Development, Inc.), Post Office Box 94193, Houston, Texas 77018.	Natural Gas Pipeline Company of America, Block A–349, High Island Area, Offshore Texas.	(5)	14.65
CI81–355–001, D, Aug. 18, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipeline Corporation, Ship Shoal Block 28 Field—portion of Ship Shoal Block 15, Lease OCS–G–1360; Ship Shoal Block 35, Lease OCS–G–0344, Ship Shoal Block 36, Lease OCS–G–0342, Offshore Louisiana.	(4)	
CI81–464–000, E, Aug. 20, 1981 [3]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company, Heath Gas Com. K No. 1E, the Howell Unit, and the San Juan 28–7 Unit, Basin Dakota Field, San Juan and Rio Arriba Counties, New Mexico.	(4)	15.025 14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI81-465-000, E, Aug. 20, 1981	Getty Oil Company (Succ. to RVO Petroleum Company (formerly Flynn Energy Corporation)), P.O. Box 1404, Houston, Texas 77001.	Transcontinental Gas Pipeline Corp., Mosquito Bay Field, Terrebonne Parish, Louisiana.	(9)	15.025
CI81-466-000, E, Aug. 20, 1981[7]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404, Houston, Texas 77001.	Northwest Pipeline Corporation, Fogarty Creek Unit, Fogarty Field, Sublette County, Wyoming.	(10)	15.025
CI81-467-000, E, Aug. 20, 1981[7]	do	El Paso Natural Gas Company, Woolworth and Stuart Langlie-Mattix Units, Jalmat & Langlie-Mattix Fields, Lea County, New Mexico.	(11)	14.65
CI81-468-000, E, Aug. 20, 1981[7]	do	El Paso Natural Gas Company, L. Carter Lease, Langlie-Mattix Field, Lea County, New Mexico.	(11)	14.65
CI81-469-000, E, Aug. 20, 1981	Getty Oil Company (Succ. to RVO Petroleum Company (formerly Flynn Energy Corporation)), P.O. Box 1404, Houston, Texas 77001.	Cities Service Gas Company, Ames Field, Major County, Oklahoma.	(12)	14.65
CI81-470-000, E, Aug. 20, 1981[7]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company, Nina Lankford No. 1, Langlie Mattix Field, Lea County, New Mexico.	(11)	14.65
CI81-471-000, E, Aug. 20, 1981[7]	do	Koch Oil Company, Trapper Field, Adams County, Colorado.	(13)	15.025
CI81-472-000, E, Aug. 20, 1981[7]	do	El Paso Natural Gas Company, Lankford 2-B, Langlie-Mattix Field, Lea County, New Mexico.	(11)	14.65
CI81-473-000, B, Aug. 18, 1981	Grace Petroleum Corporation, Broadway Executive Park, 6501 North Broadway, Oklahoma City, Oklahoma 73116.	Pioneer Gas Products Company, Godfrey 1-21 Well, Lakeside Field, Bryan County, Oklahoma.	(14)	

[1] Applicant is filing to change delivery point to Phillips Petroleum Company's Gray Plan located in Section 32, Block B-2, H&GN Survey, Gray County, Texas.
[2] Applicant is filing under Gas Purchase Contract dated September 30, 1966, amended by Agreement dated July 6, 1981.
[3] OCS-G-1863 lease expired on December 31, 1973. This lease was non-producing.
[4] Applicant is filing under Gas Contract dated January 17, 1978, amended by amendment dated April 9, 1981.
[5] Aminoil Development Inc. ("ADI") and Aminoil Development 1974-1 Limited ("ADL") respectfully request that the Commission amend the certificate of public convenience and necessity in Docket No. CI78-750 to reflect ADL as the certificate holder and to reflect the proper depth limitation, and cancel ADI's Rate Schedule No. 6 and issue to ADL a Rate Schedule for this sale. Contrary to the Gas Purchase Contract dated March 21, 1978, ADL was the actual owner of the acreage covered by the March 1978 contract. Accordingly, on June 22, 1981, ADI, ADL and Natural executed an "Amendment to Gas Purchase Contract", effective March 21, 1978. This Amendment substituted ADL for ADI in the March 21, 1978, Gas Purchase Contract with Natural. Furthermore, the July 22, 1981, Amendment corrects the depth incorrectly cited in the March 1978 contract as "8400 feet subsea". ADL's interest in this acreage which it desired to commit to Natural covers production to "8600 feet subsea". In all other respects, the March 1978 Gas Purchase Contract is in full force and effect.
[6] Production from acreage involved has ceased and the leases have expired by their own term.
[7] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.
[8] Applicant is filing under Gas Purchase Contract dated February 7, 1967, as amended.
[9] Flynn Energy Corporation (now RVO Petroleum Company) was the holder of a small producer certificate issued in Docket No. CS73-382. Applicant requests to continue the sale under Gas Purchase Contract dated October 24, 1977, as amended, February 17, 1978.
[10] Applicant is filing under Gas Purchase Contract dated October 5, 1977.
[11] Applicant is filing under Gas Purchase Contract dated December 31, 1975.
[12] Applicant is filing under Gas Purchase Contract dated March 9, 1978. Flynn Energy Corporation (now RVO Petroleum Company) was the holder of a small producer certificate issued in Docket No. CS73-382.
[13] Applicant is filing under Gas Purchase Contract dated October 10, 1975.
[14] Water encroachment in well bore.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-26103 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-703-000]

Florida Power & Light Co.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on August 26, 1981, tendered for filing as an initial rate an executed contract entitled "Contract for Interchange Service Between FP&L and City of Kissimmee, Florida." FP&L states that under the contract, FP&L and the City of Kissimmee will engage in the interchange of electric capacity and energy indirectly through the electric transmission systems of other utilities.

FP&L respectfully requests the waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Contract be made effective immediately.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 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. 81-26104 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-77-000]

Gulf States Utilities Co.; Notice of Application

August 31, 1981

Take notice that on August 25, 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 negotiate privately with respect to the guaranty of securities of not more than $75,000,000 of Guaranteed Notes or Debentures in the Euro-Capital Markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requiremets 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. 81-26105 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-76-000]

Kentucky Utilities Co.; Application

September 1, 1981.

Take notice that on August 25, 1981, Kentucky Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, to issue not more than

$120,000,000 of promissory notes and commercial paper from time to time with a final maturity date or not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, 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. 81-26106 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-578-000]

Maine Yankee Atomic Power Co.; Meeting

August 31, 1981.

Take notice that on September 22, 1981, at 1:30 P.M. in Room 407G, 400 1st Street, Washington, D.C. 20426, members of the Commission staff will hold a meeting with representatives of Maine Yankee Atomic Power Company (Maine Yankee) for purposes of discussing the implications of a Commission letter order issued in this docket on July 15, 1981. That order advised Maine Yankee that initiation of billing for nuclear decommissioning costs under its FPC Rate Schedule No. 1 would constitute a rate schedule change requiring a filing under Part 35 of the Commission's regulations. The company has filed an application for rehearing of the July 15 order.

Although, to date, there have been no petitions to intervene or protests filed in this docket, the September 22, 1981 meeting will be open to the public. Interested persons planning to attend the meeting should contact Jerry Milbourn, (202) 376-9335, in advance of the meeting. In addition, any person desiring to be heard or to protest in this docket should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining any further action to be taken in this docket, 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 materials pertinent to this docket are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26109 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4729-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4729 to be known as the Phoenix Lake Water Power Project located on Phoenix Lake in Phoenix Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a powerhouse installed on the existing 18-inch outflow pipe from the existing Bon Tempe Treatment Plant, with a total installed capacity of 163 kW; and (2) a 7-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 0.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $8,700.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [Sec. 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 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. 81-26107 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4731-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4731 known as the Bon Tempe

Reservoir Water Power Project located on Bon Tempe Reservoir on Lagunitas Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 30-inch diameter scour line of the existing Bon Tempe Reservoir and Dam, with a total installed capacity of 180 kW; and (2) a 7-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 0.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 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. 81-26108 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5054-000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 5054 to be known as the Lower Yellow Creek Water Power Project located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

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 diversion structure; (2) a 15,000-foot long conduit; (3) a 1,200-foot long, 40-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,800 kW; and (5) a 12.5–kV transmission line. The estimated average annual energy output is 31.5 million kWh.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Lower Yellow Creek Project No. 4363 filed on March 18, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 18, 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. 81-26111 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5060-000]

Western Montana Electric Generating and Transmission Cooperative; Application for Preliminary Permit

August 25, 1981.

Take notice that The Western Montana Electric Generating and Transmission Cooperative (Applicant) filed on July 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5060 known as the Lake Sherburne Dam Hydroelectric Project located on Swiftcurrent Creek in Glacier County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James A. Sewell, James A. Sewell and Associates, P.O. Box 160, Newport, WA 99156.

Project Description—The proposed project would consist of: (1) an existing earthfill dam approximately 1,030 feet long and 83 feet high; (2) an existing reservoir with maximum surface area of 66,400 acre-feet and an elevation of 4,788.0 feet msl; (3) a proposed powerhouse to include generating facilities capable of obtaining an installed capacity of 1.7 MW; (4) a proposed transmission line approximately one quarter of a mile in length to be interconnected to an existing network; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 4.91 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $45,000.

Competing Applications—This application was filed as a competing application to Lake Sherburne Dam Hydroelectric Project No. 3883 filed on December 17, 1980, by Continental Hydro 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 September, 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 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. 81-26110 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, 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.: T-3982-1.

Filing party: Mr. Julio A. Nolla Amado, General Counsel, The Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3982-1, between Puerto Rico Ports Authority (Authority) and Puerto Rico Line, Inc. (Lessee), amends the basic Agreement No. T-3982 by providing for the lease of 180,175.0694 sq. ft. for warehouse space, platforms (2) and adjacent areas located at Pier "D" in the Puerto Nuevo Area, San Juan, Puerto Rico. The Lessee shall

have the exclusive right for 895 sq. ft. of office space, 25,000.0000 sq. ft. for a transit shed and 32,000.0000 sq. ft. open space (South). Lessee shall pay the Authority $750.73 monthly for the right of preference, $3,125 per month for the exclusive use of a transit shed, $806.67 per month for exclusive use of open space and $111.88 per month for exclusive office use.

Agreement Nos.: 5680–33 & 6060–26.

Filing party: Edward D. Ransom, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreements Nos. 5680–33 and 6060–26 would amend, respectively, the Pacific-Straits Conference Agreement and the Pacific/Indonesian Conference Agreement to conform with the self-policy requirements contained in the Commission's General Order 7.

Agreement Nos.: 8760–10 & 9247–7.

Filing party: Mr. Bruce Love, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreements Nos. 8760–10 and 9247–7 modify respectively the basic agreements of the West Coast United States and Canada/India, Pakistan, Ceylon and Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast Rate Agreement by authorizing the Agreement Secretary to execute agreement modifications on behalf of the parties.

Agreement No.: 8770–12.

Filing party: Mr. Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8770–12 would amend the U.K./U.S.A. Gulf Westbound Rate Agreement by adding new language to Article 3 to provide that the Agreement members may appoint the Chairman of the Gulf/United Kingdom Conference for that purpose. His duties shall include, among other things, reporting to the Agreement Chairman, performing such functions as the Chairman may assign and delegate, including attending meetings of the Agreement and any of its committees, presiding at meetings held in North America, and assisting the Chairman in the implementation of shippers' request and complaint procedures.

Agreement No.: 9238–13.

Filing party: Ms. Dorothy L. Nichols, Billing, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9238–13 modifies the basic agreement of the Greece/United States Atlantic Rate Agreement by requiring sixty days advance notice and an explanatory meeting for implementation of the right of independent action.

By Order of the Federal Maritime Commission.

Dated: September 3, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26213 Filed 9–8–81; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Fowarder License; Applicants; Sky-Sea Forwarding Corp.

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.

Sky-Sea Forwarding Corp., 175–11 148th Avenue, Jamaica, NY 11434, Officer: Arnold J. Ceglia, Jr., President

Export Forwarding Company, P.O. Box 59425, Dallas: TX 75229, Officers: Marshall David Morgan, President, Constance Engles, Vice President

Terramar Florida Forwarders, Inc., 3731 N.W. 71st Street, Miami, FL 33147, Officers: Rolf Wartenberg, President/Director, Bruce Block, Vice President/Director, Lawrence Sturm, Secretary/Treasurer/Director, Jack Steinberg, 2nd Vice President

Ronald D. Donaven and Johnnie M. Toles, d.b.a. Universal Transportation Systems, c/o Ronald D. Danaven, 7115 Fairgrove Drive, Swartz Creek, MI 48473

Leman International System Transport A/S, 2920 Wolff Street, Racine, WI 53404, Officers: Lennart Holball, President, Steen Sanderhoff, Vice President, Arthur Ed. Ziegler, Director, Robert A. Ziegler, Director

Royal Transportation, Inc., 3711 Long Beach Blvd., Suite 518, Long Beach, CA 90807, Officers: William J. Siemens, III, President, George A. Abreu, Vice President/Secretary

The Hosford Co., Inc., 5663 Swanville Road, Erie, PA 16506, Officers: Gary D. Carver, President/Treasurer/Director, Donald A. Hosford, Vice President/Secretary/Director.

Dated: September 2, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26214 Filed 9–8–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Dakota County Bancshares, Inc.; Formation of Bank Holding Company

Dakota County Bancshares, Inc., Mendota Heights, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of Dakota County State Bank, Mendota Heights, Minnesota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–26243 Filed 9–8–81; 8:45 am]

BILLING CODE 6210–01–M

First City Bancorporation of Texas, Inc.; Acquisition of Bank; Correction

This notice corrects a previous **Federal Register** Document (FR Doc. 81–24425) which was published at page 42529 of the issue for Friday, August 21, 1981. The name of the bank to be acquired was incorrect. The correct name is The Lake Jackson Bank of Lake Jackson, Lake Jackson, Texas. The previous notice also incorrectly stated that the application was seeking approval under Section 3(a)(1) of the Bank Holding Company Act. The correct section number is 3(a)(3).

Board of Governors of the Federal Reserve System, September 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–26249 Filed 9–8–81; 8:45 am]

BILLING CODE 6210–01–M

First National Cincinnati Corp.; Proposed Issuance of Travelers Checks

First National Cincinnati Corporation, Cincinnati, Ohio, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo* in the issuance of travelers checks. These activities would be performed from offices of Applicant in Cincinnati, Ohio, and the geographic areas to be served are Ohio, Kentucky, Indiana and West Virginia.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

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 September 30, 1981.

Board of Governors of the Federal Reserve System, September 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26268 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Kankakee Bancshares, Inc.; Formation of Bank Holding Company

Kankakee Bancshares, Inc., Kankakee, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to City National Bank of Kankakee, Kankakee, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26242 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Maybaco Co.; Formation of Bank Holding Company

The Maybaco Company, Baltimore, Maryland, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 27.12 percent of the voting shares of Equitable Bancorporation, Baltimore, Maryland, and thereby indirectly acquire shares of The Equitable Trust Company, Baltimore, Maryland, and shares of Columbia Bank and Trust Company, Columbia, Maryland, and shares of Farmers & Merchants Bank of Hagerstown, Hagerstown, Maryland. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26240 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Maynard Bancshares, Inc.; Formation of Bank Holding Company

Maynard Bancshares, Inc., Maynard, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.4 percent of the voting shares of Security State Bank of Maynard, Maynard, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26241 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Metro Shares, Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous Federal Register document (FR Doc. 81-24768), published at page 42917 of the issue for Tuesday, August 25, 1981. This application may be inspected at the Federal Reserve Bank of Atlanta, and any comments on this application must be submitted in writing to the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, September 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26243 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Montrose Savings Bancshares, Inc.; Formation of Bank Holding Company

Montrose Savings Bancshares, Inc., Montrose, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Montrose Savings Bank, Montrose, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26247 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Town and Country Bancshares, Inc.; Formation of Bank Holding Company

Town and Country Bancshares, Inc., Stephenville, Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Town and Country Bank, Stephenville, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26239 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancshares, Inc.; Formation of Bank Holding Company

Valley Bancshares, Incorporated, Pauls Valley, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Pauls Valley National Bank, Pauls Valley, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26244 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Washington Bancorp, Inc.; Formation of Bank Holding Company

Washington Bancorp, Inc., Franklinton, Louisiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Washington Bank & Trust Company, Franklinton, Louisiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26246 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-15]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Arizona Corporation Commission involving electric and gas rates, Docket No. U1345-81-150.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation:*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission involving the application of the Arizona Public Service Company for an increase in its electric and gas rates in Docket No. U1345-81-150.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26278 Filed 9-8-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-14]

Delegation of Authority to the Secretary of Defense

1. Purpose

This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Carolina Utilities Commission involving electric rates, Docket No. E-2 (Sub 416).

2. Effective date

This delegation is effective immediately.

3. Delegation

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving the application of the Carolina Power and Light Company for an increase in its electric rates in Docket No. E-2 (Sub 416).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26209 Filed 9-8-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Research and Research Training Programs, Revised Program Announcements

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Issuance of Revised Program Announcements for Research and Research Training.

SUMMARY: Alcohol, Drug Abuse, and Mental Health Administration wishes to announce the availability of revised program announcements for Research and Research Training Programs. These announcements provide current information about areas in which support is available from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

FOR FURTHER INFORMATION CONTACT:

National Institute on Alcohol Abuse and Alcoholism, Office of Public Affairs, Room 16-95.

National Institute on Drug Abuse, Office of Communications and Public Affairs, Room 10A-56.

National Institute of Mental Health, Public Inquiries Section, Room 11A-21.

All of these offices are located at 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: The following program announcements are available:

1. Mental Health Research Support Programs.
2. Alcohol Research Grants.
3. Alcohol Research Centers Grants.
4. Drug Abuse Research Grants.
5. ADAMHA National Research Service Awards for Individual Fellows.
6. ADAMHA National Research Services Awards for Institutional Grants.

William Mayer,

Administrator.

[FR Doc. 81-26274 Filed 9-8-81; 8:45 am]

BILLING CODE 4110-88-M

Public Health Service

Privacy Act of 1974

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Waiver of advance notice period for an altered system of records.

SUMMARY: FR Doc. 81-18912, appearing at page 33106 in the issue for Firday, June 26, 1981, provided notification of an altered system of records proposed by the Office of the Assistant Secretary for Health. That system is 09-37-0005, PHS Commissioned Corps Board Proceedings," HHS/OASH/OM. The document stated that the Public Health Service had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress.

OMB granted the requested waiver on August 6, 1981.

Accordingly, the alteration to system of records number 09-37-0005 became effective upon the date of the waiver except for the new routine uses which became effective on August 18.

Dated: September 2, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

[FR Doc. 81-26257 Filed 9-8-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sisseton-Wahpeton Reservation, S. Dak.; Ordinance Regulating the Sale and Use of Intoxicating Beverages

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Lake Traverse Indian Reservation, South Dakota, were adopted on June 2, 1980, by the Sisseton-Wahpeton Sioux Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

August 27, 1981.

Whereas, The Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966; approved by the Commissioner of Indian Affairs on August 25, 1966; and,

Whereas, Article VII, Section 1, (a), (g), and (h) of the Constitution authorizes the Tribal Council to: (a) represent the Tribe in all negotiations with Federal, State, and local governments; (g) to take any action by

ordinance, resolution, or otherwise which are reasonably necessary, through committees, boards, agents or otherwise to carry into effect the foregoing purpose; and (h) to promote public health, education, charity, and other services as may contribute to the social advancement of the members of the Tribe; and,

Whereas, 18 United States Code Section 1161 provides that an Ordinance may be duly adopted by the Sisseton-Wahpeton Sioux Tribe which allows the introduction of liquor into the Lake Traverse Reservation; and,

Whereas, The people of the Sisseton-Wahpeton Sioux Tribe are compelled to promulgate a Liquor Control Law which will allow the introduction of liquor within the boundaries of the Lake Traverse Indian Reservation in such a manneer as will be controlled and managed by the people of the Sisseton-Wahpeton Sioux Tribe; and,

Whereas, The Sisseton-Wahpeton Sioux Tribe desires to control the introduction of liquor as well as provide for its management and supervision; and,

Whereas, The Solicitor for the Department of the Interior will not approve the publication of the Sisseton-Wahpeton Sioux Tribe's Liquor Ordinance Control Law without additional language.

Now therefore be it resolved, that the Sisseton-Wahpeton Sioux Tribal Council hereby amends the Sisseton-Wahpeton Sioux Tribe's Liquor Ordinance Control Law and as Section 28, chapter 1 of Ordinance 80-02 which was adopted on June 2, 1980, to include the following language:

"Nothing in this Ordanance shall be construed to require or authorize the criminal trial and punishment by the Sisseton-Wahpeton Sioux Tribe Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the U.S. Supreme Court."

Be it further resolved, that the Sisseton-Wahpeton Sioux Tribe's Liquor Ordanance Control Law as herein amended be now published in the U.S. **Federal Register.**

Certification

We, the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of *18* members, of whom *16* members, constituting a quorum, were present at a Tribal Council meeting duly noticed, called, convened and held at TiWakan Center, Sisseton, South Dakota, on *May 6*, 1981, by a vote of *9* for; *4* opposed; *5* not voting; and that said Resolution has not been rescinded or amended in any way.

Dated this *21st* day of *May* 1981.

Carol J. Jordan,

Tribal Secretary, Sisseton-Wahpeton Sioux Tribal Council.

Rollin V. Ryan,

Tribal Chairman, Sisseton-Wahpeton Sioux Tribal Council.

Ordinance No. SWST 80-02

Whereas, 18 United States Code section 1161 provides that an ordinance may be duly adopted by the Sisseton-Wahpeton Sioux Tribe which allows the introduction of liquor into the Lake Traverse Reservation, and

Whereas, the people of the Sisseton-Wahpeton Sioux Tribe mandate laws as are consistent with practical enforcement and application, and

Whereas, the Sisseton-Wahpeton Sioux Tribe is compelled to promulgate a Liquor Control Law which will allow the introduction of liquor within the boundaries of the Lake Traverse Indian Reservation in such a manner as will be controlled and managed by the people of the Sisseton-Wahpeton Sioux Tribe, and

Whereas, the Sisseton-Wahpeton Sioux Tribe desires to control the introduction of liquor as well as provide for its management and supervision, and now

Therefore be it resolved, that we the members of the Sisseton-Wahpeton Sioux Tribal Council by a vote of 9 for, to 4 opposed, with 14 members present thus making a quorum hereby ordain, establish, and pass the following ordinance which shall be known as the Sisseton-Wahpeton Sioux Tribe Liquor Control Law.

Be it further resolved, that the Secretary of the Tribal Council is hereby ordered to submit this law and ordinance to the Secretary of the Interior for publication in the **Federal Register** in the most expedient manner.

Sisseton Wahpeton Sioux Tribe Liquor Control Law

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Chapter I—Alcoholic Beverages

Section 1. *Definition of Terms.*

Terms used in this Ordinance, unless the context otherwise plainly requires, shall mean as follows:

(a) "Alcoholic Beverages" shall mean any intoxicating liquor, low-point beer or any wine as defined under the provisions of this ordinance.

(b) "Application" shall mean a formal written request for the issuance of a license supported by a verified statement of facts.

(c) "Bulk Container" shall mean any package, or any container within which container are one or more packages.

(d) "Distillery" "winery" and "brewer" shall mean not only the premises wherein alcohol is distilled, or rectified wine is fermented or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of intoxicating liquor or beer in any form.

(e) "Foreign Corporation" shall mean any corporation not incorporated under the laws of the Sisseton Wahpeton Sioux Tribe.

(f) "High-Point Beer" shall mean any beer having an alcoholic content in excess of three and two-tenths per centum of weight.

(g) "Immediate Family" shall mean and include as defined under both the Anglo-American and Dakota system of jurisprudence, but is not limited to, the following relationships: Grandparents, parents, spouses, sons, daughters, grand-children, fathers-in-law, mothers-in-law, sisters-in-law, aunts, uncles, and cousins in addition to all other lineal and collateral relatives whether in the whole or half blood or adopted.

(h) "Tribal District" or "District" shall mean any recognized Indian District as established by the Constitution, By-Laws, or Ordinances of the Sisseton Wahpeton Sioux Tribe.

(i) "Intoxicating Liquor" shall mean any liquid either commonly used, or reasonably adopted to use, for beverages purposes, containing in excess of three and two-tenths per centum of alcohol by weight. This shall include any type of wine, regardless of alcohol content.

(j) "Legal Age" shall mean the age requirements as defined in Chapter VI.

(k) "Liquor Store" shall mean any store, established by the Department, any Indian District, or Tribal member, for the sale of alcoholic beverages.

(l) "Low-Point Beer" shall mean any liquid either commonly used, or reasonably adapted to use, for beverages purposes, and which is produced wholly or in part from brewing of any grain or grains, or malt or malt substitute, and which contains any alcohol whatsoever but no more than three and two-tenths per centum of alcohol by weight.

(m) "On-Sale Dealer" shall mean the Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member that sells, or keeps for sale, any alcoholic beverages authorized under this ordinance for consumption on the premises where sold.

(n) "On-Sale" shall mean the sale of any alcoholic beverage, for consumption only upon the premises where sold.

(o) "Off-Sale" shall mean the sale of any alcoholic beverage, for consumption off the premises where sold.

(p) "Package" shall mean the bottle or immediate container of any alcoholic beverage.

(q) "Package Dealer" shall mean the Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under the ordinance for consumption off the premises where sold.

(r) "Public Place" shall mean any place, building, or conveyance to which the public has or is permitted access.

(s) "Retailer" shall mean Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member that sells alcoholic beverages authorized under this Ordinance for other than resale.

(t) "Sacramental Wine" shall mean wines for sacramental purposes only and used by ordained rabbis, priests, ministers, or pastors, or any church or established religious organization.

(u) "Sale" shall mean the transfer of bottled or canned liquor for a consideration of currency exchange and of title to any alcoholic beverage.

(v) "Stamp" shall mean the various stamps required by this Ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this Ordinance.

(w) "Treasurer" shall mean the duly selected and actual Treasurer of the Sisseton Wahpeton Sioux Tribe.

(x) "Council" shall mean the Tribal Council of the Sisseton Wahpeton Sioux Tribe.

(y) "Vendor" shall be defined by Chapter I, Section 17 and, in the case of an Indian District or Tribal member, a vendor shall mean any person employed and under the direct supervision of such District or Tribal member to conduct and manage District or Tribal member's liquor stores.

(z) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or low-point beer; no wholesaler shall be permited to sell for consumption upon the premises.

(aa) "Wine" shall mean any beverage containing alcohol obtained by the fermentation of the natural sugar content of fruits or other agricultural products, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica.

(bb) The Terms, "the provisions of this Ordinance", "as provided in this Ordinance" or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of this Ordinance.

Section 2. *Public Policy Declared.*

This Ordinance shall be cited as the "Sisseton Wahpeton Sioux Tribal Liquor Control Ordinance" and under the inherent sovereignty of the Sisseton Wahpeton Sioux Tribe, shall be deemed an exercise of the Tribe's power, for the

protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be regulated to the extent of prohibiting all traffic of liquor, except as provided in this Ordinance.

Section 3. *General Prohibition.*

It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or low-point beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 4. *Director Appointed.*

The Sisseton Wahpeton Sioux Tribal Council shall hire under contract a Director of Liquor Control (hereinafter Director) who in no event shall be a member of the Council nor shall such a person be appointed if he or a member of his or her immediate family is a member of the Sisseton Wahpeton Sioux Tribe governing body or has an interest directly or indirectly in the production, transportation, or sale or intoxicating liquor or low-point beer, or in any building or property in any way used in connection with any such business. Such Director's original contract shall be for a duration of one (1) year and may be renewed on a yearly basis thereafter. The Director's salary shall be in such amount as may be determined by the Sisseton Wahpeton Sioux Tribal Council. The Director shall be qualified in a managerial ability or in experience to perform his duties; shall post a bond in an amount determined by the Sisseton Wahpeton Sioux Tribal Council to insure proper discharge of his duties; and shall act in the name of and serve at the pleasure of the Sisseton Wahpeton Sioux Tribal Council.

Section 5. *Removal.*

The Director shall be removed for cause and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the Tribe or the United States. The Director so removed shall be entitled to an opportunity to be heard before the Sisseton Wahpeton Sioux Tribal Council before removal.

Section 6. *Tribal Control of Importation of Liquor.*

The Council shall have the sole and exclusive right of authorizing importation, into the Reservation, of all forms of intoxicating liquor and low-point beer, except as otherwise provided in this Ordinance, and no person or organization shall so import any such intoxicating liquor or low-point beer into the Reservation, unless authorized by the Council. No licensed wholesaler or distillery shall sell any intoxicating liquor or low-point beer within the Reservation to any person or organization unless authorized by the Council and except as otherwise provided in this Ordinance. It is the intent of this Section to retain in the council exlusive control within the Lake Traverse Reservation both as authorizer and controller of all alcoholic beverages sold by licensed wholesalers or distilleries within the State of South Dakota or other States or imported therein, except low-point beer, and except as otherwise provided in this Ordinance.

Section 7. *Individual To Hold License.*

An individual Tribal member may hold a liquor license under the provisions of this Orinance. It is the intent of this Ordinance to allow the Sisseton Wahpeton Sioux Tribe, Indian Districts or Tribal members to hold liquor licenses, in such manner as provided in this Ordinance.

Section 8. *Tribal Liquor Stores.*

Subject to the provisions of Chapter II, the Council may establish and maintain anywhere on this Reservation the Council may deem advisable, a tribal liquor store or stores for storage and sale of alcoholic beverages in accordance with the provisions of this Ordinance. The Council may, from time to time, fix the prices of the different classes, varieties, or brands of alcoholic liquor and low-point beer to be sold.

Section 9. *Vendor-Cash Sales.*

In the conduct and management of Tribal Liquor Stores the Council is empowered to employ a person who shall be under the direct supervision of the Director, who shall be known as a "vendor" and who shall observe all provisions of this Ordinance and rules and regulations that may be prescribed by the Council under this Ordinance. No vendor shall sell alcoholic beverages to any person or organization except for cash.

Section 10. *Storage of Beverages.*

The Sisseton Wahpeton Sioux Tribe shall not keep or store any alcoholic beverages at any place within the Lake Travere Reservation other than on the premises where they are authorized to operate and except as otherwise provided by this Ordinance.

Section 11. *Payment of Fee.*

There shall be a filing fee on applications for any licenses under this Ordinance, as established by the Council.

Section 12. *Hearing and Notice.*

No license for a Class A, B, C, D, E, or F license, as the same are defined and classified under the provisions of this Ordinance, shall be granted to an applicant for any such license, except after public hearing, upon notice, as provided hereinafter in this Chapter.

Section 13. *Request for Notice of Hearing.*

If any Tribal member of any District as recognized by the Constitution or By-Laws or Ordinances of the Sisseton Wahpeton Sioux Tribe or District, shall file with the Council, a written request that he or she be notified of the time and place of Hearing upon any specified application or applications for licenses for the On-or-Off sale at retail of alcoholic beverages, the Director shall give notice to such person by certified mail and within a sufficient length of time prior to the Hearing upon such application as to allow such person a reasonable opportunity to be present. For the purpose of this Section, the certified letter must be deposited with the U.S. Post Office at least five (5) days before the scheduled date of the Hearing.

Section 14. *Time and Place for Hearing.*

The Council shall fix a time and place for Hearing upon all such applications which may come before the Council and the Director shall publish notice once in the offical newspaper of the Tribe which notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverage" and shall state the time and place when and where such applications will be considered by the Council and that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least one week prior to such Hearing. At the time and place so fixed, the Council shall consider such applications and all objections thereto, if any, prior to final decision thereon.

Section 15. *Transfer of License.*

No license granted pursuant to the provisions of this Ordinance shall be transferred to another District or person or organization. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new application, which application shall take the same course and be acted upon as if an original application. No fee shall be required of a licensee who desires to transfer to a new location; however, such licensee must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

Section 16. *Sale of Stock on Termination.*

Any licensee authorized to deal in alcoholic beverages upon termination of its license may at any time within twenty (20) days thereafter sell the

whole or any part of the alcoholic beverages included in its stock in trade at the time of termination, to any licensed wholesaler approved under the provisions of the Ordinance to deal in alcoholic beverages as a wholesaler. A complete report of such purchase and sale must be made by both the wholesaler and licensee to the Council. At the discretion of the Council, an additional twenty (20) days extension to sell may be granted to the licensee by the Council.

Section 17. *Complaints Authorized.*

Any person may file with the Council a duly notarized complaint as to any violations of the provisions of this Ordinance and immediately upon receipt thereof, the Council shall cause the Director to make a thorough investigation and, if there is evidence to support the charge made in such complaint, the Council must cause revocation of the license in question and/or take other appropriate action.

Section 18. *Revocation Proceedings.*

The Council shall on due notice to such licensee, conduct a Hearing and on the basis thereof determine whether such license should be revoked.

Section 19. *Subpoena by Council.*

For the purpose of conducting the Hearing as prescribed above, the Council shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoened shall be paid at the then prevailing witness rate for the Sisseton Wahpeton Sioux Tribal Court, and said witness fee shall be paid from the Tribal Liquor Control Fund.

Criminal proceedings must be filed in Tribal Court and may be instituted by the Council or Director as complainant against any violator except the Sisseton Wahpeton Sioux Tribe.

Section 20. Dismissal or Acceptance of Complaint.

If the Council determines the license should not be revoked, it shall dismiss the complaint. If the Council determines the license should be revoked and revokes such license, it must make in writing findings of fact as to every such violation alleged in such complaint before it revokes such license, and must by the time of the next tribal Council meeting, make a report available consisting of a transcript of the proceedings had, and all findings as to every such violation alleged in such complaint.

Section 21. Suspension in Lieu of Revocation.

The Council may, if the facts warrant, mitigate the revocation to a suspension.

When in any proceedings upon verified complaint, the Council is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of license would be adequate it may suspend the license for a period not exceeding 60 days, which suspension shall become effective 24 hours after service of notice thereof upon the license. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

Section 22. *Public Hearing Required.*

All Hearings under the provisions of this Ordinance shall be public, and place of Hearing shall be specifically designated in the Notice and place of Hearing shall be specifically designated in the Notice of Hearing. It shall be permissible, when due notice has been given, for the Council to hold Hearings in the District Hall of the District wherein the license is operative.

Section 23 *Order of Revocation.*

In any case where the Council approves a revocation of a license, it shall forthwith make an order for such revocation and upon service of Notice thereof on the licensee all of such licensee's rights under such license shall terminate three days after such Notice, except in the event of a Stay on Appeal.

Section 24. *Waiting Period for New Licensee.*

Any licensee, except the Sisseton Wahpeton Sioux Tribe, whose license is revoked shall not for a period of two (2) years thereafter be granted any license under the provisions of this Ordinance.

Section 25. *Appeal to Tribal Court.*

Any licensee whose license is revoked by the Council regardless of how the proceedings were instituted, may appeal from such revocation to the Sisseton Wahpeton Sioux Tribal Court, within five (5) days after Notice to the licensee of such revocation, and such appeal operate to stay all proceedings for a period of fifteen (15) days thereafter and for such an additional period of time that the Sisseton Wahpeton Sioux Tribal Court may in its discretion extend. Under no circumstances may the Tribal Court extend the stay for a period of more than twenty-five (25) days including the original fifteen (15) days stay period. The Council shall forthwith, upon such Appeal being made, certify to the Tribal Court the complete record in the proceedings and the Court shall thereupon fix a time and place for Hearing, due Notice of such Hearing shall be given to all concerned parties involved in the Appeal.

For the purpose of Appeal under this Ordinance, the Appeal shall be heard by the duly qualified and selected Judge of the Sisseton Wahpeton Sioux Tribal Court.

Section 26. *Bootlegging.*

Any person whom by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor or low-point beer with intent to sell or dispense of such liquor or low-point beer or otherwise in violation of law, or who shall, within this Reservation in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor or low-point beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor or low-point beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor or low-point beer to any person under legal age, for any purpose except as authorized and permitted in this Ordinance, shall be guilty of bootlegging and upon conviction thereof shall be subject to a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00), and to a jail sentence of not less than three (3) months, nor more than six (6) months, or both such fine and jail sentence plus costs.

Section 27. *General Penalties.*

Any person violating any provision of this Ordinance for which a specific penalty is not provided, shall be punished by a fine of not less than one hundred and fifty dollars ($150.00), nor more than five hundred dollars ($500.00), or by imprisonment in the Tribal jail for not more than six (6) months, or by both such fine and imprisonment, plus costs.

Section 28. Nothing in this Ordinance shall be construed to require or authorize the criminal trial and punishment by the Sisseton-Wahpeton Sioux Tribe Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the Supreme Court.

Chapter II—Local Option and Community Involvement

Section 1. *Local Regulations.*

(a) Indian Districts as recognized by the Revised Constitution, and By-Laws of the Sisseton Wahpeton Sioux Tribe, who shall hold an election as provided herein and who shall authorize the retail sale of low-point beer within their jurisdiction shall have the right and power to make regulations, not inconsistent with the provisions of this Ordinance, concerning the conduct of retail traffic in low-point beer within their respective jurisdictions; this includes the regulation of the days of the week and the hours within which low-point beer may be sold; provided; however, that nothing in this Chapter shall operate to restrict or apply to the

Sisseton Wahpeton Sioux Tribe when it becomes the licensee anywhere within the Lake Traverse Reservation.

(b) The Council alone shall authorize and issue licenses for the retail sale of alcoholic beverages other than low-point beer in accordance with provisions of this Ordinance.

Section 2. *Elections.*

(a) No part of this Chapter shall authorize the granting of a license by the Council until such time as such Indian District involved conducts a District Election for the purpose of approving the retail sale of low-point beer in that Community. For the purpose of this Ordinance, the Council is prohibited from approving an application for a license by any District which has not affirmatively voted, by a majority of those voting, for the approval of the retail sale of low-point beer in that particular District.

(b) The local election to allow licensing of retail sale within the Indian District of low-point beer shall be conducted by the duly elected District Officials upon proper notice having been given in advance of at least fifteen (15) days duration. The election shall be held among all the duly qualified voters of the District as of the date of the election, and the rules and regulations pertaining to Tribal Elections shall apply to such election. Upon the completion of a District Election, the ballots shall be transmitted forthwith to the Tribal Council along with the certification of the Elected Officials of the District as to the outcome of the election. Any charges as to irregularities in the election shall be heard by the Tribal Council and the Council's decision shall be final.

Section. 3. *Community Licenses Restricted.*

All Districts under the provisions of this Chapter who approve in the election the retail sale of low-point beer within their jurisdictions shall be limited to only Class E and Class F licenses as provided in Chapter V of this Ordinance. When a District elects to sell low-point beer, the Department shall not establish and maintain any store for the sale of low-point beer in such community that will be in competition with such District's store or stores.

Section 4. *When Community Option is Lost.*

Any District that does not authorize and conduct an election under this Chapter within 12 months from the approval of this amendatory Ordinance by the Sisseton Wahpeton Sioux Tribal Council shall be deemed to have lost their right to sell and control low-point beer within their jurisdiction and all such rights lost shall revert exclusively to the Council.

Section 5. *Form of Question of Election.*

The form of submitting the question of whether intoxicating liquor is to be sold within the District shall be, "Shall a license to sell low-point beer be permitted for this District?"

Section 6. *Distance from Schools and Churches.*

No license may be issued under this Chapter to any District who will sell low-point beer within 400 feet of any school which is open during the sale hours, or which will operate within 400 feet of any existing church of any religion.

Section 7. *Purchase Invoices.*

Copies of each purchase invoice for low-point beer supplies delivered to and signed by any licensee or its duly authorized agent under this Chapter shall be filed monthly within the Council and the Treasurer of the Sisseton Wahpeton Sioux Tribe.

Section 8. *Restiction on Department Extended to Communities.*

Unless specifically indicated, all applicable provisions of this Ordinance relating to the purchasing, transportation, storage, handling, serving, and sale of alcoholic beverages by the Department shall also apply to any Indian District that sells low-point beer under this Chapter.

Chapter III—Liquor Licenses and Sales

Section 1. *Power to License and Tax.*

The power to establish licenses and levy taxes under the provisions of this Ordinance is vested exclusively with the Sisseton Wahpeton Sioux Tribal Council.

Section 2. *Classes of Licenses.*

Classes of licenses under this Chapter, with the fee for each Class, shall be as follows:

(a) Class A Package Dealers.

(b) Class B On-Sale Dealers.

(c) Class C Solicitors.

(d) Class D Transportation Companies

Fees shall be established by the Council.

Section 3. *One License Per Application.*

No more than one Class C or Class D license under this Chapter shall be issued to any one licensee, except by approval of the Sisseton Wahpeton Sioux Tribal Council. Indian Districts shall qualify for any licenses under this Chapter. Nothing in this section shall be construed to apply to the Sisseton Wahpeton Sioux Tribe when it is a licensee.

Section 4. *Domestication Requirement for Corporate Licenses.*

Any corporate Class C or Class D licensee under this Chapter must be a corporation organized under the laws of the Sisseton Wahpeton Sioux Tribe, provided that if the applicant is a foreign corporation, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the United States and the Tribe concerning doing business within the Lake Traverse Reservation. Individuals, partnerships, and other forms of association shall be eligible to obtain Class C and D licenses under this Chapter.

Section 5. Ownership of Business.

Any Class C or Class D licensee under this Ordinance must be the sole owner of the business to be operated under the license.

Section 6. *Discretion of Council.*

Application for licenses under this Chapter shall be submitted to the Council as specified in Chapter I of this Ordinance, and the Council shall have absolute discretion to approve or disapprove the same in accordance with the provisions of this Ordinance.

Section 7. *Cancellation of Surety Bond.*

Any surety may cancel any bond required under this Ordinance as to future liability by giving thirty (30) days notice to the Council. Unless the licensee gives other sufficient surety by the end of the thirty (30) day period, the license shall be revoked automatically at the end of the thirty (30) days.

Section 8. *Surety Bond.*

(a) Every application for a license under this Ordinance, unless exempted by the Tribal Council, must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. The bond shall be in the amount of $10,000.00 and must be in a form approved by the Council and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this Ordinance and all existing laws relating to the conduct of its business and will promptly pay to the Sisseton Wahpeton Sioux Tribe when due all taxes and license fees payable by it under the provisions of this Ordinance and also any costs and cost penalty assessed against it in any judgment for violation of the terms of this Ordinance.

(b) All bonds required by this Ordinance shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally Chartered bank.

Section 9. *Action of Bond for Injury.*

Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisons of this Ordinance shall have a direct right of

acting upon the bond in Tribal Court for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

Section 10. *Agreement by Licensee to Grant Access.*

Every application for a license under this Ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws of the Sisseton Wahpeton Sioux Tribe, shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and store rooms thereon will at all times on demand of the Council or a duly appointed Tribal or Federal Policeman, be open to inspection, and that all its books and records dealing with the sale of ownership of alcoholic beverages shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute a contract between the licensee and the Sisseton Wahpeton Sioux Tribe entitling the Department, for the purpose of enforcing the provisions, of this Ordinance, to inspect the premises and books at any time.

Section 11. *Duration of Licenses.*

The period covered by licenses under this Ordinance shall be from 12 o'clock midnight on the 21st day of December to 12 o'clock midnight on the 31st of the following December, except that the license shall be valid for an additional three (3) days provided that proper application for a new license is in the possession of the Council prior to midnight on the 31st day of December when the license expires. A full fee shall be charged for any license for a portion of such period, unless otherwise provided by this Ordinance.

Section 12. *Sacramental Wines Exempt.*

The provisions of this Ordinance, except as otherwise provided, shall not apply to the purchase and sale of sacramental wines. Ordained rabbis, priests, ministers, or pastors of any church or established religious organization within the Lake Traverse Indian Reservation may buy sacramental wines from wholesalers approved by the Council in such quanties as necessary for their religious purposes only.

Section 13. *Refilling Prohibited.*

No licensee shall buy or sell any package which has previously contained alcoholic beverages sold under the provisions of this Ordinance, or refill any such package.

Section 14. *Deliveries.*

No licensee under this Ordinance shall make any delivery of alcoholic beverages outside the premises described in the license.

Section 15. *Prohibited Sales.*

No vendor shall sell any intoxicating liquor;

(a) To any person under legal age.

(b) To any person who is intoxicated at the time, or who is known to the vendor to be an habitual drunkard.

(c) To any person to whom the vendor has been requested in writing not to make such sale, where such request is by the Executive Committee, any police or peace officer, or the husband or wife of the person.

(d) To any mentally ill or mentally retarded person.

Any vendor that violates any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than two hundred dollars ($200.00) nor more than three hundred sixty dollars ($360.00), or by imprisonment in the Tribal jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment with costs.

Section 16. *Minors Barred.*

No vendor shall permit any person under legal age on the premises where the business under the license is authorized, unless accompanied by an adult who is the legal guardian or parent of said minor.

Section 17. *After Hour Sales.*

No vendor shall sell, serve or allow to be consumed on the premises covered by the licenses, alcoholic beverages other than in the hours permitted by its license.

Section 18. *Prohibited Activity.*

No licensee shall allow any gambling or gambling devices on its premises unless authorized by the Sisseton Wahpeton Tribal Council, or permit any lewd or indecent entertainment on said premises.

Section 19. *Prohibited Sales.*

No licensee of an on/sale establishment shall allow to be sold any alcoholic beverages in a package, whether sealed or unsealed, or whether full or partially full.

Section 20. *Unsealed packages in Public.*

No person shall have an unsealed package containing intoxicating liquor in his possession in any public place, other than in duly licensed facility authorizing such broken seal.

Section 21. *Prohibited Use.*

No person shall be permitted either to consume any intoxicating liquor or to mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined and authorized by this Ordinance, and any vendor who knowingly permits such violation to occur upon the premises shall be equally responsible with the person performing the act for the violation of the terms thereof.

Chapter IV—Sales Tax

Section 1. *Sales Tax levies.*

There shall be a sales tax imposed on any licensee licensed under the provisions of this Ordinance, in accordance with rates established by the Council.

Chapter V—Low-Point Beer

Section 1. *Chapter to Relate to Low-Point Beer.*

The provisions of this Chapter, unless the context otherwise clearly requires, shall be construed to relate only to low-point beer.

Section 2. *Class of License.*

Classes of licenses under this Chapter, with a fee for each class, shall be as follows:

(a) Package Dealer—Class E.

(b) Retailers, being both package dealers and on-sale dealers, Class F.

Fees shall be established by the Council.

Section 3. *Sales Prohibited.*

No licensee under this Chapter shall sell or give any low-point beer to any person who is less than eighteen (18) years old or to any person to whom the sale of other alcoholic beverages is prohibited under the provisions of this Ordinance, nor shall such licensee promote its sales of beer to tie-in sales arrangements or by any device such as gifts or other concessions of financial value to a customer, but shall limit its business practice to promoting sales on the basis of price competition and other ordinary competitive practices. Violations of this section shall form the basis for immediate revocation of a license.

Section 4. *Employment Restriction.*

All persons less than eighteen (18) years of age are prohibited from serving beer in the place of business licensed under this Chapter.

Section 5. *Hours When Sales and Consumption Prohibited.*

No package dealer or retailer licensee under this Chapter shall sell, serve or allow to be consumed on the premises covered by the license, any low-point beer between the hours of 2:00 o'clock a.m. and 1:00 o'clock p.m. on Sunday. Whoever shall violate any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than $100.00 nor more than $360.00 or by imprisonment in the Tribal jail for not less than 10 days or more

than 180 days, or both such fine and imprisonment with costs.

Section 6. *Importation Restricted.*

Except as provided by this Ordinance, it shall be unlawful to transport any low-point beer into the Lake Traverse Reservation for the use or sale therein unless the same be for delivery to a licensee authorized to receive it.

Chapter VI—Age Requirements

Section 1. *Furnishing Beverage to Child.*

It shall be unlawful to sell or give any alcoholic beverage, except low-point beer, to any person under the age of eighteen (18) years, or sell or give to any person under the age of eighteen (18) years any low-point beer. Any person who violates this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $100.00 or more than $360.00 or by imprisonment in the Tribal Jail for not less than 30 days nor more than 180 days, or by both such fine and imprisonment with costs.

Section 2. *Purchase, Possession by Minor.*

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase or possess or consume intoxicating liquor, or to misrepresent his age for the purpose of purchasing or attempting to purchase such intoxicating liquor. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $50.00 or more than $360.00 or by imprisonment in the Tribal Jail for a period not less than 30 days nor more than 120 days, or by both such fine and imprisonment with costs.

Section 3. *Purchase or Possession of Low-Point Beer.*

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase, possess or consume low-point beer, or to misrepresent his age for the purpose of purchasing or attempting to purchase low-point beer. Any person who violates the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine not less than $50.00 nor more than $360.00 or by imprisonment in the Tribal Jail for no less than 30 days nor more than 120 days, or both such fine and imprisonment with costs.

Section 4. *Evidence of Legal Age Demanded.*

Upon attempt to purchase any alcoholic beverages in any Tribal, District or Indian Liquor Store by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he or she is of legal age.

Any person under legal age who present to any vendor falsified evidence as to his age shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties specified in Section 3 above.

Chapter VII—Distribution of Profits

Section 1. *Distribution of Profits.*

All profits from the sale of alcoholic beverages on the Lake Traverse Reservation by or through the Council shall be paid over to the General Treasury of the Sisseton Wahpeton Sioux Tribe and be subject to the distribution by the Sisseton Wahpeton Sioux Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services; Provided, however, that the following tribal programs shall have priority in funding in the percentages set out in this section upon demonstration of need and past performances in the normal tribal budgetary appropriation process:

(a) To the Sisseton Wahpeton Sioux Tribe's Alcohol Program in an amount of at least 15% of the total tax received.

(b) To the Sisseton Wahpeton Sioux Tribal Elders Programs in an amount of 15% of the total tax received.

(c) To the Sisseton Wahpeton Sioux Tribal Youth Program in an amount of at least 15% of the total tax received.

(d) To the Sisseton Wahpeton Sioux Tribal Law and Order Program in an amount of at least 15% of the total tax received.

(e) To the Sisseton Wahpeton Sioux Tribal Education Program in an amount of at least 15% of the total tax received.

(f) To other Tribal needs as designated by the Sisseton Wahpeton Sioux Tribal Council.

Chapter VIII—Revision

Section 1. *Severability.*

If any section of any Chapter of this Ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the Chapter or Ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

Section 2. *All Prior Ordinances and Resolutions Repealed.*

All prior Ordinances and resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

Section 3. *Amendment or Repeal of Ordinance.*

This Ordinance may be amended or repealed only by ¾ (three-fourths) vote of the Tribal Council in Regular Session.

[FR Doc. 81-26200 Filed 9-8-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Reclamation

Contract Negotiations With the Pacific Power & Light Co.; Intent To Negotiate a Temporary Water Service Contract and an Amendatory Water Storage Contract

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Bureau of Reclamation (Bureau) intends to initiate negotiations with the Pacific Power and Light Company (PP&L), Portland, Oregon, for water service from the Glendo Unit, Pick-Sloan Missouri Basin Program, Wyoming.

The proposed temporary water service contract will provide PP&L with up to 2,000 acre-feet of water surplus to project requirements at a rate of $75 per acre-foot. The term of the contract will be for a maximum of 5 years. The water is needed by PP&L as an additional supply of water to operate its 750 megawatt powerplant located near Glenrock, Wyoming, on the North Platte River.

The proposed amendatory water storage contract would amend PP&L's present water storage contract (No. 5–07–70–W0109) dated December 4, 1974, to allow for an increase in water storage from 2,000 to 4,000 acre-feet annually in Glendo Reservoir. The proposed water storage rate is $25 per acre-foot and will be subject to periodic review and adjustment at 5-year intervals throughout the life of the contract. The increase in water storage capacity is needed by PP&L to first store the additional 2,000 acre-feet under the proposed temporary water service contract, and thereafter store additional acquired water rights upon the conversion of those rights to dual agricultural and industrial use.

The Glendo Unit was authorized by the Flood Control Act of 1944 (58 Stat. 887). The unit was constructed under a modified plan as presented in the Definite Plan Report of December 31, 1952, approved by the Act of July 16, 1954 (68 Stat. 486, Pub. L. 83–503).

The present water under contract and the storage space in Glendo, other than that allocated to flood control, is operated in conformity with the

Supreme Court North Platte River Decree. Storage space is available in Glendo or other upstream reservoirs through an exchange of water which is sufficient to accommodate storage of PP&L's water under the proposed amendatory water storage contract.

The general public may observe any meetings schedule by the Bureau with PP&L for the purpose of discussing terms and conditions of the proposed contracts. Advance notice of meetings will be furnished only to those parties making a written request for such notice at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Bureau of Reclamation, Attention: Code 440, P.O. Box 25247, Denver, Colorado 80225. All written correspondence concerning the proposed contracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed forms of contract for public review and comment will not be formally publicized through the **Federal Register** or other media.

Requests for information on scheduled contract negotiating sessions and copies of the proposed contract forms should be obtained through Messrs. Robin D. McKinley or Buddy J. Smith, Repayment Branch, at the above address, or telephone (303) 234–3327 or 234–6562; or through Mr. Dave Wild, Bureau of Reclamation, P.O. Box 1630, Mills, Wyoming 82644, telephone (307) 265–5550.

Dated: September 2, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-26252 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[F-70105]

Alaska Native Claims Selection

On July 25, 1980, Cook Inlet Region, Inc., filed selection application F–70105 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151) and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of a tract of land located near Fairbanks, Alaska.

Section 12(b)(6) of the act of January 2, 1976, autorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region. With the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands within selection F–70105 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 6, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Portion of Section 21, Township 1 South, Range 1 East, Fairbanks Meridian, more particularly described as commencing at the southwest corner of said Section 21;

Thence North 00°09'00" West, along the west boundary line of said Section 21, a distance of 1,082.90 feet to the northeasterly existing right-of-way line of the Richardson Highway, Alaska Project No. F–062–4(16);

Thence Sough 54°01'31" East, along said right-of-way, a distance of 1,406.42 feet to the True Point of Beginning;

Thence leaving said right-of-way, North 48°09'41" West, a distnce of 496.21 feet to a point of curve;

Thence along a 13°01'22" curve to the right, having a radius of 440.00 feet, through a central angle of 61°03'41" for an arc distance of 468.91 feet to a point of tangent;

Thence North 13°21'20" East, a distance of 605.82 feet to the easterly existing right-of-way line of Badger Road;

Thence northerly along said easterly right-of-way line of Badger Road, a distance of 247.00 feet, more or less, to the southerly right-of-way line of the Old Richardson Highway;

Thence southeasterly, along said southerly right-of-way line of the Old Richardson Highway to the West one-sixteenth line of said Section 21;

Thence South, along said West one-sixteenth line, a distance of 1,540.00 feet, more or less, to said northeasterly right-of-way line of the Richardson Highway, Alaska Project No. F–062–4 (16);

Thence North 54°01'31" West, along said northeasterly right-of-way to the point of beginning.

Containing approximately 19.61 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. The following third-party interest, if valid, created and identified by the U.S. Army, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

A right-of-way, No. DACA85–2–78–50, granted to Golden Valley Electric Association, Inc., for a power transmission line ten (10) feet each side of the centerline which crosses Sec. 21, T. 1 S., R. 1 E., Fairbanks Meridian.

Section 12(b)(6) of Public Law (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands and improvements described above have been appraised at a value of $570,370. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 1,140.74 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its

selection rights to 1,140.74 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 9, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-26304 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

[A 12038]

Realty Action; Sale of Public Lands in Apache County, Arizona

Correction

In FR Doc. 81-23203, appearing on page 40810, in the issue of Wednesday, August 12, 1981, make the following change:

In the 8th line of the document change "SE¼" to read "SW¼".

BILLING CODE 1505-01

Roswell District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior (Roswell District).

ACTION: Notice of Advisory Council Meeting.

SUMMARY: In accordance with Public Law 94-579, this notice sets forth the schedule and proposed agenda for a forthcoming meeting of the Roswell District Advisory Council.

DATE: October 7, 1981, beginning at 9 a.m. A public comment period will begin at 2 p.m.

ADDRESS: This meeting will be held in the Berrendo Room, Roswell Inn, 1815 N. Main, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Richard W. Bastin, Acting District Manager, or Tim Kreager, Chief, Planning and Environment Staff, U.S. Bureau of Land Management, 1717 West Second St., P.O. Box 1397, Roswell, NM 88201 (505-622-7670).

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) County road closures; (2) Key issues in resource management in the Roswell Resource Area, including grazing allotment classification; (3) Discussion of the State Director's funding priorities for the fiscal year 1982 budget; (4) Discussion of progress concerning the Waste Isolation Pilot Plant (WIPP) site; (5) Status of energy rights-of-way in the Roswell District; (6) An update on activities at Fort Stanton, e.g.: New Mexico State Univesity agricultural experiments and the Ruidoso airport proposal; (7) The status of nominations for membership on the next Roswell District Advisory Council; (8) Other item chosen by Council members. This meeting is open to the public. Interested persons may make oral statements to the council during the public comment period, or may file written statements. Anyone wishing to make an oral statement must notify the acting district manger by October 2, 1981. Summary minutes will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dates: September 1, 1981.

Richard W. Bastin,

Acting District Manager.

[FR Doc. 81-26278 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 0560277]

New Mexico; Order Providing for Opening of Public Lands to Mineral Leasing and General Mining Laws

August 27, 1981.

1. In an exchange of lands made under the provisions of Section 13 of the Act of March 3, 1921 (41 Stat. 1239) the following described land has been reconveyed to the United States:

New Mexico Principal Meridian

T. 16 N., R. 13 W.,
Sec. 18, Lots 1, 2, and E½NW¼.

The area described contains 152.10 acres in McKinley County.

2. The land is located 5 miles southwest of Crownpoint, NM, or 3¼ miles northeast of Mariano Lake. Legal access to the land is primarily reached by Highway 371 and Highway 56, which crosses a checkerboard land pattern of Indian and BLM land. The soils are sandy to loamy with topographical features varying from flat to rolling and rocky.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above shall at 8:00 a.m. on October 26, 1981, be open to application and offers under the mineral leasing laws and to location and entry under the U.S. mining laws. All valid applications received at or prior to 8:00 a.m. on October 26, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Harold F. Payne,

Acting Chief, Divisions of Technical Services.

[FR Doc 81-26210 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application; Milwaukee County Zoological Park

Applicant: Milwaukee County Zoological Park, Milwaukee, WI 53226.

The applicant requests a permit to import two male and three female captive-bred mandrills (*Papio sphinx*) from the Metro Toronto Zoo, Ontario, Canada, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned filed number PRT 2-8402. Interested persons may comment on this application on or before October 9, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 2, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-26293 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Transco Exploration Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3299, Block 263, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S.C. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Productions Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26203 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-31-M

Union Oil Company; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0559, Block 67, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open wekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, ext. 226.

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Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26204 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-M

Office of the Secretary

Privacy Act Systems of Records; Correction

On August 3, 1981, the Department of the Interior published a revised Privacy Act system of records notice titled "Investigative Records—Interior, Office of Inspector General—2" (46 FR 39482). A correction is being made to the part of the system notice describing where the records are located. The revised system location is as follows:

INTERIOR/OIG-2

* * * * *

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of the Interior, at the following locations: (1) 18th and C Sts., N.W., Washington, D.C. 20240; (2) Suite 1212, 4015 Wilson Boulevard, Arlington, Virginia 22217; (3) Suite 520, 44 Union Boulevard, Lakewood, Colorado 80228; (4) Investigative site during course of an investigation.

* * * * *

Additional information regarding this change can be obtained from Mr. Reed Phillips, Jr., Director, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6194, or the Departmental Privacy Act Officer in the same office, telephone 202-343-6191.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-26256 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 4, 1981. Pursuant to § 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, D.C. 20243. Written comments should be submitted by September 24, 1981.

ARKANSAS

Pulaski County

Little Rock, *Union Life Building*, 212 Center St.

Carol Shull,

Acting Keeper of the National Register.

[FR Doc. 81-26420 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7328.

Volume No. OP1-249

Decided: August 31, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 8771 (Sub-81), filed August 24, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737-1030. Transporting (1) *metal products*, between points in Anoka and Isanti Counties, MN, on the one hand, and, on the other, points in the U.S., (2) *machinery*, between points in Lake County, MN, on the one hand, and, on the other, points in the U.S., and (3) *clay, concrete, glass, or stone products, rubber and plastic products, metal products and machinery*, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 30111 (Sub-3), filed August 13, 1981. Applicant: SAL-SON TRUCKING COMPANY, INC., 248 South St., New York, NY 10002. Representative: Carl L. Haderer, 18 Summit Ave., Montvale, NJ 07645, (212) 578-4530. Transporting *general commodities* (except classes A and B explosives), between Jersey City, NJ, and New York, NY, on the one hand, and, on the other, New Haven, CT, Philadelphia, PA, New York, NY, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, NY, and those points in NJ on and north of NJ Hwys 70 and 72.

Note.—The purpose of this application is to eliminate the present restriction which limits the above authority to traffic moving on freight forwarder bills of lading.

MC 74321 (Sub-164), filed August 7, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330 50 South Steele St., Denver, CO 80209, (303) 320-6100. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 113271 (Sub-81), filed August 10, 1981. Applicant: TRANSYSTEMS, INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452-6415. Transporting (1) *lumber and lumber products*, between points in CO, ID, MT, NV, UT, WA and WY.

MC 113300 (Sub-13), filed August 21, 1981. Applicant: WILLIAM T. HERRON TRUCKING, INC., Box 424, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614)-228-8575. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Marietta Industrial Enterprises, Inc., at points in OH and WV, on the one hand, and, on the other, points in MI, IN, KY, OH, WV, MD, DE, PA, NJ, NY, CT, MA, RI, VT, NH, ME, GA, NC, SC and VA.

MC 113751 (Sub-51), filed August 21, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting (1) *charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, (2) *chemicals and related products*, and (3) *flour*, between the facilities used by Mark Charcoal Co., Inc., and Standard Milling Company, at those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 116370 (Sub-4), filed August 20, 1981. Applicant: CATAWESE COACH LINES, INC., 545 North Second St., Shamokin, PA 17872. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street NW., Washington, DC 20005, (202) 783-3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations,

beginning and ending at points in Berks, Bucks, Carbon, Centre, Dauphin, Delaware, Lackawanna, Lebanon, Luzerne, Montgomery, Philadelphia, and Wyoming, and Wyoming Counties, PA, and extending to points in the U.S. (including AK, but excluding HI).

MC 143061 (Sub-21), filed August 21, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B explosives), between the facilities used by the Sunbeam Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144710 (Sub-8), filed August 7, 1981. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580 (716) 671–8200. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment*, (2) *metal products*, and (3) *building and contractors' materials*, between those points in NY on and west of Interstate Hwy. 81, on the one hand, and, on the other, points in the U.S.

MC 146420 (Sub-4), filed August 10, 1981. Applicant: FRATE SERVICE, INC., Rural Route One, East Peoria, IL 61611. Representative: Daniel M. Harrod, Eureka Professional Bldg., Eureka, IL 61530, (309) 467–2381. Transporting *metal products and racks*, between points in IL, on the one hand, and, on the other, points in IN, KY, MI, OH, WI, and IA.

MC 147811 (Sub-10), filed August 10, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Donald E. Martin, 94 Auburn St., Portland, ME 04103, (207) 797–5194. Transporting (1) *building materials*, and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Superior Distributing, of Waterville, ME, in (1) above, and The Ogan Co., Inc., of Revere, MA, in (2) above.

MC 148380 (Sub-17), filed August 25, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Escambia Treating Co., of Pensacola, FL.

MC 151961, filed August 21, 1981. Applicant: SIRCAP TRANSPORTATION, INC., 4772 North St., Baton Rouge, LA 70806. Representative: C. R. Walker (same address as applicant), (504) 356–6240. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 152840 (Sub-1), filed August 20, 1981. Applicant: PATRICIA AND JAMES KEELER, d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160, (419) 829–5011. Transporting *floor covering*, between points in Wayne and Macomb Counties, MI, on the one hand, and, on the other, Chicago, IL and points in Salem County, NJ.

MC 153270, filed August 25, 1981. Applicant: THE SORG PAPER COMPANY, a corporation, 901 Manchester Ave., Middletown, OH 45042. Representative: W. D. Smith (same address as applicant), (513) 422–3661. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Middletown Paperboard Co., of Middletown, OH.

MC 153960 (Sub-2), filed August 10, 1981. Applicant: STANDARD TRANSFER CO., INC., 1500 Bankhead Hwy., Mableton, GA 30059. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *petroleum, natural gas and their products*, between Douglasville, GA, on the one hand, and, on the other, points in AL. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum, gas, it will expire 5 years from the date of issuance.

MC 155920 (Sub-1), filed August 21, 1981. Applicant: NORMAN G. MAGA AND LUCILLE A. MAGA, P.O. Box 225, Winnemucca, NV 89445. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *machinery;* and (2) *ores and minerals*, between points in Humboldt, Pershing, Lander, Eureka, Churchill, Storey, Elko, White Pine and Nye Counties, NV, on the one hand, and, on the other, points in UT, CO, TX, OR, CA, WY, NM, MT and ID.

MC 156381 (Sub-4), filed August 17, 1981. Applicant: BIG O TRUCKING, INC., P.O. Box 668, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Charles McAlphin, d.b.a. Charles McAlphin Brokerage Company.

MC 156800 (Sub-2), filed August 24, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030, (717) 562–1202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Wiremold Company, of West Hartford, CT, and (2) Barrier Industries, of Port Jervis, NY.

MC 157171, filed August 21, 1981. Applicant: RONALD G. HILL, d.b.a. R&H Transport, P.O. Box 592, Portage, WI 53901. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612)–457–6889. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Mid-States Steel, Inc., of Stoughton, WI.

MC 157831, filed August 21, 1981. Applicant: BISHOP TRUCKING, INC., 4701 Business Park Blvd., Anchorage, AK 99503. Representative: James P. Richmond (same address as applicant), (907) 274–9611. Transporting *commodities in bulk*, between points in King and Pierce Counties, WA, and points in AK.

MC 157850, filed August 24, 1981. Applicant: ENGLISH SHELL SERVICE, INC., 161–163 Main St., Winsted, CT 06098. Representative: Robert J. Mangione (same address as applicant), (203)–379–0777. Transporting *motor vehicles*, between points in Litchfield and Hartford Counties, CT, and Berkshire and Hampden Counties, MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI and VT.

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Decided: August 27, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 20582 (Sub-11), filed August 20, 1981. Applicant: HENRY H. STENENS, INC., 1273 Broadway, Flint, MI 48506. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962–6492. Transporting *household goods, furniture, and fixtures*, between points in the U.S.

Note.—Applicant is seeking to consolidate all of its present authority into a single certificate and remove restriction as to commodity.

MC 52793 (Sub-82), filed August 7, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162.

Representative: David A. Gallagher (same as applicant), (312) 547–2184. Transporting *articles* which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, between points in the U.S. under continuing contract(s) with Beckman Instruments, Inc., of Fullerton, CA.

MC 107012 (Sub-736), filed August 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429–2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Electric, Inc., Programmed Power Division, of Sunnyvale, CA.

MC 115432 (Sub-7), filed August 18, 1981. Applicant: PAWTUXET VALLEY BUS LINES, INC., 76 Industrial Lane, West Warwick, RI 02893. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *passengers and their baggage, in the same vehicle with passengers, in special and charter operations, between points in MA, CT, and RI, on the one hand, and, on the other, points in the U.S.*

MC 119502 (Sub-2), filed July 20, 1981 (correction), previously published in the **Federal Register** issue of August 3, 1981, and republished as corrected this issue. Applicant: UNITED TRANSPORT OF EAST LONGMEADOW, INC., 24 Lyndale St., Springfield, MA 01108. Representative: Erwin D. Hill Jr. (same address as applicant) (413) 525–6665. Transporting *petroleum, natural gas and their products,* between points in MA, CT, RI, NH, and VT. CONDITION: To the extent any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gasses, it shall be limited to a period expiring 5 years from its date of issuance.

Note.—This republication is to correct the territory description.

MC 124333 (Sub-37), filed August 20, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Lois H. Baker (same address as applicant), (302) 652–0508. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with Texaco U.S.A., a division of Texaco, Inc., of Houston, TX.

MC 125403 (Sub-15), filed August 7, 1981. Applicant: S.T.L. TRANSPORT, INC., 120 Grace Ave., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, including St. Louis, MO.

MC 128742 (Sub-4), filed August 3, 1981. Applicant: HALLWAY, INC., 700 W. North St., P.O. Box 263, Springfield, IL 62705. Representative: Steven J. Rosenburg, 111 W. Washington St., Chicago, IL 60602, 312–726–0308. Transporting *food and related products,* between Little Rock, AR, Indianapolis, IN, Des Moines, IA, Omaha, NE, St. Louis, MO, points in Mason County, IL, Clinton County, IA, and Cooper County, MO, on the one hand, and, on the other, points in IL, IA, KS, MO, NE, MN, OH, WI, IN, TN, NC, MI, MS, and AR.

MC 145833 (Sub-1) (correction), filed April 22, 1981, published in **Federal Register** issue of May 11, 1981, and republished, as corrected, this issue. Applicant: SURF COAST TOURS, INC., 835 Ballough Road, Daytona Beach, FL 32014. Representative: William D. Brejcha, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *passengers and their baggage,* in the same vehicle with passengers, in one-way and round-trip, charter and special operations, between points in FL, on the one hand, and, on the other, points in the U.S.

Note.—The original notice of this application failed to include the "one-way" service proposed. There was no opposition to the "round-trip" service, and the grant of authority has become final to that extent. Therefore, opposition statements may be filed in response to this notice only with regard to the addition of one-way service to the operations proposed.

MC 147312 (Sub-5), filed August 17, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI 53132. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting (1) *pulp, paper and related products,* between points in Milwaukee County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, MN, OH, and WI; (2) *industrial and commercial adhesives, and decorative brick,* between points in Cook County, IL, on the one hand, and, on the other, points in the U.S.; and (3) *foundry additives, foundry materials, and ground iron oxide,* between points in the U.S.

MC 147712 (Sub-4), filed August 5, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), 213–921–7474. Transportation *alcoholic beverages,* between Melville, Melvindale, and Detroit, MI, Lawrenceburg, IN, Lawrenceburg, Clermont, Louisville and Bardstown, KY, Chicago, IL, Dundalk and Relay, Md, Elizabeth, NJ, and New York, NY, on the one hand, and, on the other, points in CA.

MC 148203 (Sub-5), filed August 21, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, R. D. #2, Frankfort, NY 13440. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315)797–1970. Transporting *toilet preparations, cutlery, and drugs,* between points in the U.S., under continuing contract(s) with Del Laboratories, Inc., of Plainview, NY.

MC 149002 (Sub-3), filed August 21, 1981. Applicant: CAMPBELL CARTAGE COMPANY, 1109 E. Second St., Maryville, MO 64468. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, (314) 636–9131. Transporting, over regular routes, *general commodities* (except classes A and B explosives), between St. Joseph and Maryville, MO: from St. Joseph over Interstate Hwy 29 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Maryville, and return over the same route, serving all intermediate points and all points in Buchanan, Andrew, Holt, Atchison, and Nodaway Counties, MO as off-route points.

MC 153973 (Sub-2), filed August 18, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Rd., Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *waste paper and newsprint,* between points in the U.S., under continuing contract(s) with FSC Paper Corporation, of Alsip, IL.

MC 156152, filed August 20, 1981. Applicant: IMPERIAL ENTERPRISES CORPORATION, 3440 Kossuth St., Lafayette, IN 47903. Representative: Robert E. Cohn, 1747 Pennsylvania Ave., NW, Washington, DC 20006, (202) 466–6900. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in IN, and extending to points in the U.S.

MC 157622, filed August 10, 1981. Applicant: HISTORIC SAVANNAH FOUNDATION, 41 West Broad St., Savannah, GA 31401. Representative:

Joan Woods Sumner (same as applicant), (912) 233-7703. As a *broker* at Savannah, GA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in Chatham County, GA, on the one hand, and, on the other, points in Beaufort County, SC.

MC 157752, filed August 17, 1981. Applicant: IVEY COACHES, INC., 120 S. Thalia Road, Virginia Beach, VA 23452. Representative: Henry L. Sadler III, 6330 Newtown Road, Suite 218, Norfolk, VA 23502, (804) 461-4300. Transporting *passengers and their baggage, in the same vehicle with passengers*, in charter and special operations, beginning and ending at Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, and Hampton, VA, and points in Surry, Isle of Wight, Northampton and Accomack Counties, VA, and extending to points in the U.S.

MC 157762, filed August 18, 1981. Applicant: STEINHAUS TRUCKING, Morgan St., Rte. 1, Morgan, MN 56266. Representative: John W. Carey, 117 South Park St., Fairfax, Mn 55332, (507) 426-8211. Transporting (1) *food and related products*, and (2) *cleaning products*, between points in the U.S., under continuing contract(s) with Schwan's Sales Enterprises, Inc., of Marshall, MN.

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Decided: September 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 114552 (Sub-261), filed August 21, 1981. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703-525-4050. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 134783 (Sub-79), filed August 26, 1981. Applicant: DIRECT SERVICE, INC., P.O. Box 2481, Lubbock, TX 79408. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203, 303-839-5856. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 138283 (Sub-19), filed August 24, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *food and related products*, between points in the U.S.

MC 142672 (Sub-179), filed August 20, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour Food Company, of Phoenix, AZ.

MC 144893 (Sub-5), filed August 19, 1981. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, 60 North 300 East, P.O. Box 339, St. George, UT 84770, (801) 628-2612. Transporting (1) *petroleum and petroleum products*, in packages, and (2) *vehicles body sealer and sound deadening compounds and related products*, between Vernon, CA, on the one hand, and, on the other, St. George, Cedar City, and Salt Lake City, UT, Grand Junction and Durango, CO, and Battle Mountain, NV.

MC 144982 (Sub-22), filed August 21, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817-457-0804. Transporting *bucket and dipper teeth*, and *garden shears*, between points in Riverside County, CA, on the one hand, and, on the other, Pana, IL.

MC 147173 (Sub-5), filed August 19, 1981. Applicant: C & T TRUCKING, INC., 1050 Brookside Dr., Richmond, CA 94806. Representative: Brian S. Stern, Stern & Jones, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *metal products* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 150133 (Sub-5), filed August 24, 1981. Applicant: DDI TRANSPORT, INC., 2344 Bee Ridge Rd., Sarasota, FL 33579. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005, (202) 347-8332. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-13), filed August 24, 1981. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, 205-262-2756.Transporting *rubber and plastic products*, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 153933 (Sub-2), filed August 24, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrerll C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting *furniture and fixtures*, between points in Davidson and Guilford Counties, NC, on the one hand, and, on the other, points in CT, FL, MA, MI, NJ, NY, RI, and TX.

MC 156443F, filed August 21, 1981. Applicant: GREY RABBIT CAMPER TOURS, INC., d.b.a. THE GREY RABBIT, 2000 Center St., Room 1092, Berkeley, CA 94704. Representative: Richard J. Lee, 2150 Shattuck Ave., Suite 900, Berkeley, CA 94704. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter round-trip and one-way operations, beginning and ending at Bellingham and Seattle, WA, Portland and Eugene, OR, San Francisco, Santa Cruz, and Los Angeles, CA, Denver, CO, Chicago, IL, New York, NY, Boston, MA, and extending to points in the U.S.

MC 157792, filed August 20, 1981. Applicant: AUTOMOBILE CLUB OF RHODE ISLAND, d.b.a. AAA WORLD-WIDE TRAVEL SERVICE, 1035 Reservoir Ave., Cranston, RI 02910. Representative: Ralph A. Bateman (same address as applicant), 401-944-7300. As a *broker*, at Cranston, RI, in arranging for the transportation of *passengers and their baggage* in special or charter operations, between points in the U.S.

MC 157793, filed August 20, 1981. Applicant: C.S.A. TRANSPORT, INC., 651 W. 600 S., Salt Lake City, UT 84104. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, 801-531-1300. Transportating *furniture and fixtures*, between points in the U.S. in and west of MT, WY, CO, and NM.

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Decided: September 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 106274 (Sub-34), filed August 24, 1981. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, NC 27330. Representative: R. B. Guthrie (same address as applicant) (919) 776-0541. Transportating *general commodities* (except classes A and B explosives), between points in GA, MD, NC, SC, VA, and DC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MI, MS, KY, and TN.

MC 119364 (Sub-3), filed August 25, 1981. Applicant: MESDAY TRUCKING SERVICE, INC., 433 Princeton, Ave., Cornell Heights, Trenton, NJ 08619. Representative: Michael Mesday (same

address as applicant), (609) 587–3761. Transportating *general commodities* (except classes A and B explosives), between Trenton, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 127135 (Sub-6), filed August 24, 1981. Applicant: HERBERT O. KINDRICK, d.b.a. KINDRICK TRUCKING CO., Route 8, Box 432, Harriman, TN 37748. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transportating *metal products*, between points in the U.S., under continuing contract(s) with Valley Joist, Division of Ebsco Industries, of Fort Payne, AL.

MC 135705 (Sub-15), filed August 24, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 South Robertson Rd., Casper, WY 82604. Representative: Kim Melrose (same address as applicant), (307) 265–1277. Transporting *cement*, between the facilities of Martin Marietta Cement, in Boulder County, CO, on the one hand, and, on the other, points in Natrona County, WY.

MC 138875 (Sub-310), filed August 24, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *food and related products*, between points in ID, ND, OR, UT, and WA, on the one hand, and, on the other, points in IA, IL, KS, MN, MO, ND, NE, SD, and WI.

MC 140464 (Sub-14), filed August 24, 1981. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Suite P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting (1) *building materials*, and (2) *plastic and plastic products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145974 (Sub-15), filed August 25, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *hazardous materials*, and *jet fuel* (except classes A, B, and C explosives), between those points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then nowrthward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boudnary line between the United States and Canada.

MC 147345 (Sub-2), filed August 25, 1981. Applicant: GRANT A. TOWLE, RICHARD W. TOWLE, AND IRENE A. TOWLE, d.b.a., FREXCO, 10643 Everest St., Norwalk, CA 90650. Representative: Donald R. Henrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting (1) *rubber and plastic products*, (2) *furniture and fixtures*, and (3) *food and related products*, between points in the U.S., under continuing contracts with (a) Radial Tire Company, of Sacramento, CA, and Hercules Tire Sales of Southern California, of Van Nuys, CA, (b) Gillespie Furniture Co., of Los Angeles, CA, and (c) Villa Bianchi Winery, of Paramount, CA.

MC 148445 (Sub-7), filed August 24, 1981. Applicant: WLD TRUCKING COMPANY, a corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, and (3) *metal products*, between points in the U.S., under continuing contract(s) with New Jersey Zinc & Chemicals, a division of Gulf and Western Natural Resources Group, of Nashville, TN.

MC 151044 (Sub-2), filed August 24, 1981. Applicant: MIELE'S EXPRESS, INC., 23 William Rd., Holbrook, MA 02343. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02171, (617) 235–5571. Transporting *such commodities* as are dealth in or used by food and grocery business houses, between points in MA and RI, on the one hand, and, on the other, points in CT, DE, IL, IN, ME MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 153025 (Sub-2), filed August 24, 1981. Applicant: FLANCO TRANSPORTATION, INC., 3105 North Highway 75, Corsicana, TX 75110. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *Mercer commodities*, between the facilities of Western National Rig Fabricators, Inc., at or near Corsicana, TX, on the one hand, and, on the other, points in WY, NM, OK, LA, and TX.

MC 155935, filed August 18, 1981. Applicant: HUTCHINSON'S TRUCKING LTD., 6033 30th St., Edmonton, Alberta, Canada T6P 1J8. Representative: Ronald Ticknor (same address as applicant), (403) 465–7867. Transporting *Mercer Commodities*, (1) between ports of entry on the international boundary line between U.S. and Canada, at points in Toole and Sheridan Counties, MT, and Pembina and Burke Counties, ND, on the one hand, and, on the other, points in MT, ND, SD, CO, WY, KS, OK, TX, NM, NE, MO, UT, LA, CA, OR, and WA, and (2) between ports of entry on the international boundary line between U.S. and Canada, at Tok, AK, on the one hand, and, on the other, points in AK.

MC 157305, filed August 24, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *household appliances, luggage, power equipment, machinery, metal products*, and *Snow removal equipment*, between points in the U.S., under continuing contract(s) with Roper Corporation, of Bradley, IL, and (2) *foodstuffs and restaurant supplies*, between points in the U.S., under continuing contract(s) with Rymer/Munic Packing Co., Inc., of Chicago, IL.

MC 157825, filed August 24, 1981. Applicant: BOB CANNON, d.b.a., CANNON'S HOT SHOT SERVICE, P.O. Box 123, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *Mercer commodities*, between points in TX, OK, NM, and LA.

MC 157874, filed August 25, 1981. Applicant: DOUBLE EAGLE TRUCKING, INC., Road 500 East, Albany, IN 47320. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Champion Target Company, of Richmond, IN.

MC 123914 (Sub-4), filed July 30, 1981, previously noticed in the **Federal Register** on August 18, 1981. Applicant: W. C. KLINE, INC., 3200 South Tenth Ave., Altoona, PA 16603. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *ores and minerals*, between points in Portage, Geauga, Lake, Cuyahoga, and Trumbull Counties, OH, on the one hand, and, on the other, points in Blair County, PA.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26297 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-250

Decided: August 31, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 157740, filed August 17, 1981. Applicant: RALPH R. BEAN, d.b.a. RALPH BEAN TRUCKING, P.O. Box 316, Cornelius, OR 97113. Representative: Ralph R. Bean (same address as applicant), (503) 640-1443. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157840, filed August 24, 1981. Applicant: NICHOLAS LISELLA, d.b.a. VAN PAK WEST, 4220 E. Los Angeles Ave., Suite 201, Simi Valley, CA 93063. Representative: Nicholoas Lisella (same address as applicant), (805) 522-1344. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157871, filed August 25, 1981. Applicant: CAMP, INC. 917 S. Harwood, Dallas, TX 75201. Representative: Paul A. Lueck (same address as applicant), (214) 651-0106. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-161

Decided: September 3, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 157535, filed August 27, 1981. Applicant: BLAINE INGRAM AND SONS, INC., 96 East 900 North, Nephi, UT 84648. Representative: Blaine Ingram (same address as applicant) (801) 623-1801. Transporting *Mercer commodities*, between Nephi, UT, on the one hand, and, on the other, plints in the U.S.

MC 157864, filed August 24, 1981. Applicant: H. P. LEWIS, d.b.a. LEWIS TRANSPORTS UNLIMITED, 2108 Hoyte Ave. Everett, WA 98201. Representative: George R. LaBissoniere, 15 S. Grady Way, suite 233, Renton, WA 98055, (206) 228-3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157904, filed August 25, 1981. Applicant: PACIFIC GREAT LAKES FREIGHT SYSTEMS, INC., P.O. Box 2461, 1481 Meads Ave., Orange, CA 92669. Representative: Gunther W. Mothes (sames address as applicant), (714) 771-6339. Transporting (1) *shipments weighing 100 pounds or less* in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 157914, filed August 24, 1981. Applicant: METRO TRUCKING CO., 1034 Briargate Circle #101-A, Columbia, SC 29210. Representative: W. E. EARNHARDT (same address as applicant), (803) 772-3182. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157944, filed August 28, 1981. Applicant: JOHN H. PETERS, d.b.a. EAST TRUCKING DIVISION, 2848 Pineview Road, Augusta, GA 30909. Representative: R. Jackson B. Smith, Jr., P.O. Box 1291, Augusta, GA 30903, (404) 724-8012. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-26298 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 158]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2633 (Sub-69)X, filed August 13, 1981. Applicant: CROSSETT, INC., P.O. Box 946, Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th FL, Jamestown, NY 14701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 19, 22, 24, 27, 30, 35, 37, 44, 45, 47, 49, 51, 53, 54, 55, 57, 59, 61, 62, 63, 64, 65, 66, 67, 68, E1, E2, E3, E4, E6, E7, E8, E9, E11, E12, E14, E15, E16, E17, and E18 certificates to (1) broaden the commodity descriptions (a) from petroleum and petroleum products (with or without exceptions), in bulk, in its lead and Sub-Nos. 19, 22, 24, 49, 51, 53, 54, 55, 61F, 65F, E4, E7, E11, from liquid petroleum products, in bulk, in Sub-Nos. 4 and 5, from petroleum products, in bulk, (with or without exceptions) in Sub-Nos. E1, E2, E3, E6, E8, E9, E10, E11, and E12, from petroleum products, in bulk, (with or without exceptions), in Sub-Nos. 27, 30, and E15, E17, from petroleum and/or petroleum products, (with or without exceptions) in bulk, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in Sub-Nos. 35, 37, 54, 57, 59, E13, E14, and E18, from lubricating oil, in bulk, in sub-Nos. 37, 44, 45, 47, and E16, to "petroleum, natural gas, and their products and commodities in bulk"; (b) from liquefied petroleum gas in Sub-No. 62F, from petroleum and petroleum products in sub-Nos. 63F, 64F, 66F, and 67F, and from petroleum in sub-No. 49 "petroleum natural gas and their products"; (2) remove "in tank vehicles" or "in containers" in Sub-Nos. 4, 5, 19, 22, 24, 27, 30, 35, 37, 44, 45, 47, 49, 51, 54, 57, 61F, 62F, and 67F; (3) replace (a) Rochester, Ithaca, and Syracuse, NY, and points and places within five miles thereof with Monroe Tompkins and Onondaga Counties, NY, replace Buffalo, NY, and points within 10 miles of Buffalo with Erie and Niagara Counties, NY and replace Warren, PA, and points within seven miles of Warren, with Waren County, PA, in Sub-No. 4; (b) replace Titusville, PA and points within five miles of Titusville and Erie, PA, and points within 15 miles of Erie with Crawford, Venango, and Erie Counties, PA, and Chautauqua County, NY, and replace Olean, Bolivar, and Wellsville, NY with Cattaraugus and Allegany Counties, NY in Sub-No. 5; (c) replace points in Wayne County, NY, except those on and south of NY Hwy 31 with Wayne County, NY in Sub-Nos. 19, E7, E8, E11, and E14; (d) replace Bolivar and Wellsville, NY, with Allegany County, NY, in Sub-No. 22; (e) replace Buffalo, Tonawanda and North Tonawanda, NY and points and places in New York which are located between Buffalo and Tonawanda and are within two miles of the Niagara River, with Erie and Niagara Counties, NY, and replace the boundary of the United States and Canada at any point between Buffalo and Youngstown, NY, with Erie and Niagara Counties, NY, in Sub-No. 24; (f) replace Midland, PA and points within 3 miles of Midland with Beaver County, PA, in Sub-No. 27; (g) replace Erie, PA and points on the Allegheny, Monogahela and Ohio Rivers located within Allegheny, Armstrong, Beaver, and Clarion Counties, PA, with Erie, Allegheny, Armstrong, Beaver, and Clarion Counties, PA, in Sub-Nos. 30 and 17; (h) replace Midland, PA, with Beaver County, PA, in Sub-No. 35; (i) replace Freedom and Neville Island, PA, with Allegheny and Beaver Counties, PA, and Jamestown, NY, with Chatauqua County, NY; (3) in Sub-No. 37; (j) replace Bakerstown, PA, with Allegheny County, PA, and Lackawanna, NY, with Erie County, NY, in Sub-No. 44; (k) replace Farmers Valley, PA, with McKean County, PA in Sub-No. 45; (l) replace Syracuse and East Syracuse, NY with Onondaga County, NY, in Sub-No. 47; (m) replace the pipeline terminal of the Standard Oil company (Ohio) at or near Niles, OH, with Trumbull County, OH, replace Ripley, Model City, and Niagara Falls, NY, with Chautauqua and Niagara Counties, NY, and Freedom, PA, with Beaver County, PA, in Sub-No. 49; (n) replace Corapolis, PA, with Allegheny County, PA, in Sub-No. 51; (o) replace Bradford, Emlenton and Farmer's Valley, PA, with McKean and Venango, Counties, PA in Sub-No. 55; (p) replace Warren, PA, with Trumbull County, OH, IN Sub-No. 61; (q) replace Bradford, PA, with McKean County, PA in Sub-No. 66; (r) replace Jamestown, French, Creek, Clymer, Sherman, Harmony, North Harmony, Busti, Ellery, Kiantone, Ellicott, Gerry, Charlotte, Carroll, Poland, Ellington and Cherry Creek, NY with Chautauqua County, NY in Sub-No. E2 and E5; (s) replace Bolivar, Wellsville, Buffalo, and points within ten miles of Buffalo, Ithaca, Rocherster, and Syracuse, NY, and points within five miles thereof with Allegany, Erie, Niagara, Tompkins, Monroe and Onondaga Counties, NY in Sub-No. E3; (t) replace a portion of Cuyahoga County, OH with Cuyahoga County, OH, in Sub-No. E6; and (u) replace Syracuse and East Syracuse, NY, with Onondaga County, NY in Sub-No. E16; and (4) replace one-way with radial authority in Sub-No. 5, 22, 24, 27, 30, 35, 37, 44, 47, 49, 51, 53, 54, 55, 57, 59, 61F, 62F, 64F, 67F, E1, E3, E4, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, and E18.

MC 67234 (Sub-44)X, filed August 12, 1981. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. La Tourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-No. 33F certificate to (1) broaden the commodity description from automobiles to "transportation equipment" (2) remove a restriction to truckaway service and (3) remove the exception of AK.

MC99408 (Sub-10)X, filed August 31, 1981. Applicant: CITY DELIVERY SERVICE, INCORPORATED, 1 Passan Dr., Laflin Borough, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity descriptions from household goods (as defined by the Commission) and secondhand furniture (not including household goods as defined by the Commission), to "household goods and furniture and fixtures"; and (2) replace Wilkes-Barre, PA, points within 10 miles of Wilkes-

Barre, PA, and Kingston, PA with countywide authority to serve Lackawanna and Luzerne Counties, PA.

MC 114552 (Sub-260)X, filed June 26, 1981, published in the **Federal Register** of July 30, 1981, and republished as follows: Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 22, 26, 27, 46, 49, 56, 66, 67, 68, 72, 76, 83, 84, 89, 96, 108, 119, 122, 123, 126, 130, 132, 135, 136, 137, 140, 147, 152F, 157F, 160F, 161F, 164F, 165F, 174F, 175F, 181F, 186F, 187F, 191F, 192F, 194F, 195F, 197F, 198F, 199F, 200F, 202F, 203F, 211F, 215F, 227F, 230F, 231F, 233F, 235F, 236F, 240F, 253F, and 256F certificates to (1) broaden the commodity description to "construction materials and related materials, equipment, and supplies" from various commodities such as wood flooring and materials use in its installation in Sub-No. 22; buildings, knocked down, in Sub-No. 26; adhesives used in the installation of wood flooring in Sub-No. 27; ventilator systems in Sub-Nos. 49 and 66, conduit and pipe (other than iron and steel) and attachments, parts and fittings in Sub-No. 56, vinylsiding in part of Sub-No. 67, roofing and roofing materials and materials, equipment and supplies in Sub-Nos. 108 and 135, ceiling and acoustical systems in Sub-No. 122, roofing, building and insulating materials in Sub-No. 123, roof decking in Sub-No. 126, roofing and roofing materials in Sub-No. 132, plastic pipe in Sub-Nos. 152F and 192, plastic pipe, fittings, and accessories in Sub-Nos. 161 and 164, pipe, valves, fittings, hydrants and parts and accessories in Sub-No. 165, roofing and building materials, and materials used in their installation and application in Sub-No. 174, building wall and insulating boards and materials, equipment and supplies in Sub-No. 181, asbestos cement pipe, couplings and fittings and accessories used in their installation in Sub-Nos. 186 and 187, building materials in Sub-No. 215, gypsum wallboard, plasterboard joint compound and related products in Sub-No. 230, plastic pipe, plastic pipe fittings and materials, equipment and supplies in Sub-No. 160F, piling and construction equipment and supplies in Sub-No. 203, acoustical tile panels and noise control products, accessories and materials, equipment and supplies in Sub-No. 227, building materials and materials equipment and supplies in Sub-Nos. 231 and 240, and roofing and building materials and materials, equipment and supplies in Sub-No. 233; to "lumber and wood products" from veneer in Sub-No. 22, lumber and composition board in Sub-No. 130; to "construction materials and chemicals and related products" from roofing, building and insulating materials in Sub-No. 136, roofing materials, materials used in the installation of roofing materials, foundation coatings and concrete primers in Sub-No. 175 and building and insulating materials in Sub-No. 235; to "rubber and plastic products" from plastic pipe in part of Sub-No. 67; to "construction materials and rubber and plastic products" from plastic pipe and building materials in Sub-No. 236; to "construction materials and materials used in the installation of such commodities" from roofing and building materials and materials used in the installation of such commodities in Sub-No. 140; to "construction materials, metal products and machinery" from pipe, castings, valves, hydrants, valve and water boxes, and fittings in part (1) and machinery, materials, equipment and supplies in part (2) of Sub-No. 137; from ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories used in the installation of such commodities in Sub-No. 96, from pipe, valves, fittings, hydrants, parts thereof and accessories therefor in Sub-No. 119; to "buildings, whole or in sections and construction materials" from pre-cut log houses, parts and components for pre-cut houses in Sub-No. 253; to "construction materials and accessories therefor and metal products" from construction materials, concrete forms and accessories therefor in Sub-No. 157; to "construction materials, lumber and wood products, clay, concrete, glass or stone products, rubber and plastic products, metal products, and chemicals and related products" from wallboard, fiberboard, plywood, plasterboard, plastic sheeting, panelboard, wall and ceiling panels, tile, molding, and adhesives, materials and accessories therefor in Sub-No. 46; to "construction materials, clay, concrete, glass or stone products, chemicals and related products and metal products" from cement compounds, ground iron borings, concrete surface curing compounds, concrete or masonry plasticizer and water reducing compounds, dry building mortar, and buffing compounds in Sub-No. 211F; to "construction materials, clay, concrete, glass or stone products, lumber and wood products, and chemicals and related products" from roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials and urethane and urethane products in Sub-Nos. 68 and 84; to "construction materials, chemicals and related products, rubber and plastic products, machinery, metal products, and clay, concrete, glass or stone products" from ceiling systems, paint, plastic light diffusers, adhesive, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies in Sub-No. 83; to "construction materials, clay, concrete, glass or stone products and related materials, equipment and supplies" from gypsum and building materials and materials, equipment and supplies in Sub-No. 191; and, to "clay, concrete, glass or stone products" from pre-cast concrete products in Sub-No. 256, (2) remove the in bulk restriction in Sub-Nos. 68, 76, 84, 83, 89, 108, 119, 123, 132, 135, 136, 137, 140, 147, 152, 157, 160, 161, 164, 174, 175, 181, 186, 187, 191, 194, 195, 202, 231, 235, 236, and 240, (3) remove the restriction against size and weight commodities in Sub-No. 137, (4) remove the restriction to service to AK and HI in Sub-Nos. 49, 96, and 187, (5) remove the in tank vehicle restriction in Sub-No. 191, (6) remove the exception to iron and steel in Sub-Nos. 123 and 136, (7) remove facilities limitations (a) in Sub-Nos. 68, 123, 130, 136, and 198, (b) in Sub-No. 72 and replace Deer Park, NY and Lodi, NJ with Suffolk County, NY and Bergen County, NJ, (c) in Sub-No. 83 and replace Scottsboro, AL with Jackson County, AL, (d) in Sub-No. 84 and replace Elizabethtown, KY with Hardin County, KY, (e) in Sub-No. 89 and replace Port Clinton, OH with Ottawa County, OH, (f) in Sub-No. 96 and replace Junction City, KY with Boyle County, KY (g) in Sub-No. 108 and replace Peachtree City, GA with Fayette County, GA, (h) in Sub-No. 119 and replace Birmingham, AL with Jefferson County, AL, (i) in Sub-No. 122 and replace Plainfield, IL with Will County, IL, (j) in Sub-No. 126 and replace Elberton, GA with Elbert County, GA, (k) in Sub-No. 132 and replace Meridan, MS with Lauderdale County, MS, (l) in Sub-No. 137 and replace Holt, AL with Tuscaloosa County, AL, (m) in Sub-No.147 and replace Texarkana with Miller County, AR and Bowie County, TX, (n) in Sub-No. 160 and replace Abbeville, SC with Abbeville County, SC, (o) in Sub-No. 161 and replace Mechanicsburg, PA with Cumberland County, PA, (p) in Sub-No.164 and replace Monroe and Bakers County, NC with Union County, NC, (q) in Sub-No. 165 and replace Bessemer, AL with Jefferson County, AL, (r) in Sub-No. 175 and replace Tuscaloosa, AL with Tuscaloosa County, AL, (s) in Sub-No.181 and replace Macon, GA with Bibb, Jones, Monroe, Twiggs, Crawford

and Houston Counties, GA, (t) in Sub-No. 186 and replace Ambler, PA with Montgomery County, PA, (u) in Sub-No. 187 and replace Hillsboro, TX with Hill County, TX, (v) in Sub-No. 191 and replace Akron and Buchanan, NY, Milford, VA, Quakertown, PA, Wilmington, DE with Erie and Westchester Counties, NY, Caroline County, VA, Bucks County, PA and New Castle County, DE, (w) in Sub-No. 194 and replace Deposit, NY with Broome County, NY, (x) in Sub-No. 195 and replace Lagro, IN with Wabash County, IN, (y) in Sub-No. 197 and replace Fairfield, AL with Jefferson County, AL, (z) in Sub-No. 199 and replace Chester, WV with Hancock County, WV, (aa) in Sub-No. 200 and replace Pittston, PA with Luzerne County, PA, (bb) in Sub-No. 202 and replace Sunbury, PA with Northumberland County, PA, (cc) in Sub-No. 211 and replace Buffalo, NY with Erie and Niagara Counties, NY, (dd) in Sub-No. 215 and replace Windgap, PA with Northampton County, PA, (ee) in Sub-No. 227 and replace Hagerstown, MD and Plainfield, IL with Washington County, MD and Will County, IL, (ff) in Sub-No. 231 and replace Morrow, GA with Clayton County, GA, (gg) in Sub-No.233 and replace Hampton, GA with Henry County, GA, (hh) in Sub-No. 236 and replace Eads, TN, Social Circle, GA and McPherson, KS with Shelby County, TN, Walton County, GA and McPherson County, KS, and (ii) in Sub-No. 253 and replace Irmo, SC with Lexington County, SC, (8) change city to county-wide authority (a) from Evansville, WI to Rock County, WI in Sub-No. 26, (b) Tabor City, NC to Columbus County, NC in Sub-No. 49, (c) Rootstown Township, OH to Portage County, OH in Sub-No. 56, (d) Keyser, WV to Mineral County, WV in Sub-No. 66, (e) Williamsport, MD to Washington County, MD in Sub-Nos. 67 and 192, (f) Franklin, OH to Warren County, OH in Sub-No. 140, (g) Charleston Heights, SC, to Charleston, SC in Sub-No. 174, (h) Frederick, MD to Frederick County, MD in Sub-No. 240, and (i) Ashland, VA to Hanover County, VA in Sub-No. 256, (9) remove the "originating at and/or destined to" restriction in Sub-Nos. 76, 119, 130, and 137, and (10) change one-way to radial authority between various combinations of points throughout the U.S. in all subs except Sub-Nos. 160F, 191F, 203F, 231F, 233F, 235F, and 240F. The purposes of this republication are to notice: (a) broadening of the commodity description in Sub-No. 164, (b) removal of the bulk exception in Sub-No. 83, (c) removal of the facilities limitation in Sub-No. 130, (d) expansion of Macon, GA, to the six named counties in Sub-No. 181, and (e) expansion of Charleston Heights, SC, to Charleston, SC, in Sub-No. 174.

MC 116710 (Sub-42)X, filed August 14, 1981. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71010. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 14, 16, 17, 19, 20, 25, 27, 30, 31, 34F, 36F, 37F, 38F, 40F, and 41F permits to (A) broaden the commodity descriptions in each permit to "commodities in bulk" from sulphuric acid, molten sulphur, liquid sulphur dioxide, anhydrous aluminum chloride, molten polypropylene, dry plastic materials, chemicals, caustic soda and cleaning compounds, liquid amorphous polypropylene and petroleum products, all in bulk; (B) remove restrictive language "in tank vehicles" in all permits, "in shipper-furnished demountable cylinders or containers" in Sub-No. 17, and "except cryogenics and compressed gases" in Sub-No. 41; and (C) broaden the territorial authority in each permit to "between points in the U.S.," under continuing contract(s) with the named shippers.

MC 112989 (Sub-148)X, filed August 26, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions from its Sub-Nos. 10, 31, 39, 51, 55, 74F, 77F, 79F, 82F, 86F, 93F, 94F, 101F, 102F, 111F, 115F, 116F, 121F, 128F, 132F, 136F, 137 and 141 certificates to: (1) broaden the commodity descriptions (A) in Sub-No. 10, to "machinery and contractors' equipment", from heavy machinery and contractors' equipment, the transportation of which require the use of special equipment, (b) in Sub-Nos. 31, 86F and 94F, to "clay, concrete glass or stone products", from gypsum products, and refractory products; (c) in Sub-No. 39, to "machinery and contractors' materials and supplies", from machinery and contractors' materials and supplies related to size and weight commodities; (d) in Sub-No. 1 to "metal products, rubber and plastic products, pulp, paper and related products, and clay, concrete, glass or stone products," from pipe (except iron or steel articles and commodities which because of size and weight require the use of special equipment); (e) in Sub-No. 55, to "rubber and plastic products, metal products and machinery", from irrigation systems, and irrigation systems' equipment materials and supplies; (f) in Sub-No. 74F, to "coal and coal products, lumber and wood products, chemicals and related products and petroleum, natural gas and their products", from charcoal, sawdust fireplace logs, charcoal lighter fluid and hickory chips; (g) in Sub-No. 77F, to "clay, concrete, glass or stone products and machinery", from lighting fixtures and parts for lighting fixtures; (h) in Sub-No. 79F part (1), to "building materials", from insulated building and roofing panels; (i) in Sub-No. 82F, to "chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products", from chemicals, chemical products, petroleum products, acids, plastic articles, and rubber articles; (j) in Sub-Nos. 93F and 102F, to "rubber and plastic products, pulp, paper and related products, lumber and wood products, meal products, and clay, concrete, glass or stone products", from knocked-down buildings; (k) in Sub-No. 101F, to "metal products, clay, concrete, glass or stone products, machinery, furniture and fixtures, and lumber and wood products" from fireplaces, dampers, air heaters, ventilaters, stoves, boilers, grates, cookers and grills; (l) in Sub-Nos. 111F and 132F, to "lumber and wood products", from lumber, lumber mill products, and wood products; (m) in Sub-No. 115F to "ores and minerals and clay, concrete, glass or stone products", from clay, ground, crude or other than crude; (n) in Sub-No. 116F, to "rubber and plastic products, and metal products," from storage tanks, and iron and steel pipe; (o) in Sub-No. 128F, to "ores and minerals", from diatomaceous earth; (p) in Sub-No. 136F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); (q) in Sub-No. 137, to "metal products", from metal articles; and (r) in Sub-No. 141, to "transportation equipment and machinery", from automotive air, oil and fuel filters, and pollution control-devices; (2) replace facilities and cities with county-wide authority (a) in Sub-No. 31, Sevier County, UT (for Sigurd, UT); in Sub-No. 55, Lane County, OR and Benton, Franklin, Walla Walla, Yakima and Grant Counties, WA (for facilities at Eugene, OR and Pasco, Toppenish and Moses Lake, WA); (c) in Sub-No. 74, Lane County, OR (for facilities at or near Springfield, OR); (d) in Sub-No. 77F, Spokane and Stevens Counties, WA and Kootenai County, ID (for Spokane, WA); (e) in Sub-No. 79F Cook, Lake, DuPage and Will Counties, IL, Lake County, IN, Fulton, Clayton, De Kalb, and Cobb Counties, GA, Dallas, Ellis, Kaufman, Rockwall, Collin, Denton, and Tarrant Counties, TX, Salt Lake, Davis and Morgan Counties, UT,

and Washington, DC (for facilities at or near Chicago, IL, Atlanta, GA, Dallas, TX, Salt Lake City, UT and Washington, DC), (f) in Sub-No. 93F, Carson City County, NV (for Carson City, NV), (g) in Sub-No. 94F, Contra Costa, Sacramento and Solano Counties, CA (for Pittsburg, CA), (h) in Sub-No.101F Los Angeles County, CA and Shelby County, KY (for facilities at or near Santa Fe Springs, CA and Shelbyville, KY), (i) in Sub-No. 102F, Tulare County, CA (for Visalia, CA), (j) in Sub-No. 115F, Lake County, OR (for facilities at or near Christmas Valley, OR), and (k) in Sub-No. 121F, San Joaquin County, CA (for facilities at or near Tracey, CA); (3) change one-way to radial authority in Sub-Nos. 31, 51, 55, 77F, 79F, 82F, 86F, 94F, 115F, and 132F; (4) eliminate the restriction limiting service to traffic originating at the named origin facilities and destined to the named destination states in Sub-Nos. 51 and 79F; (5) eliminate the restriction against the transportation of commodities in bulk in Sub-Nos. 79F, 82F, 115F, and 121F; (6) eliminate the restriction against service to AK and HI in Sub-Nos, 79F, 101F, 111F, 121F and 128F; and (7) eliminate the restriction against the transportation of mercer commodities in Sub-No. 51.

MC 133591 (Sub-147)X, filed August 31, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, OH 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions from its Sub-No. 23 certificate to (1) broaden the commodity descriptions from eggs and whey to "food and related products" and (2) delete the restriction limiting transportation of the above commodities moving on the same vehicle at the same time with regulated commodities otherwise authorized.

MC 136012 (Sub-12)X, filed August 26, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati, OH 43215. Representative: Michael Spurlock, Esq., 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions from its lead No. MC–145567 and Sub-No. 2F permit as follows: (1) broaden the commodity description in both permits from liquid resins, core compounds, formaldehyde, acetone, caustic soda, methanol, phenol, ethanol, and nitrogen fertilizer solutions, in tank vehicles to "commodities in bulk"; and (2) expand the territorial description to between points in the U.S., under a continuing contracts(s) with a named shipper.

MC 145812 (Sub-4)X, filed August 28, 1981. Applicant: MARYLAND CONTINENTAL EXPRESS, INC., 129 Overhill Drive Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description to "lumber and wood products" from veneer and lumber; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146055 (Sub-18)X, filed August 14, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 6F, 8F, 9F, 10F, 11, 12, 13, and 14 certificates to (1) Broaden the commodity description to: (a) "food and related products" from meats, meat products and byproducts, and articles distributed by meat packinghouses in Sub-Nos. 2, 6, 10, 11, 12, 13, and 14, and from canned goods in Sub-No. 9, (b) "such commodities as are used or dealt in by manufacturers and distributors of amusement games or machines" from coin operated amusement games and machines; (2) remove "except hides, and commodities in bulk, in tank vehicles" in Sub-Nos. 2 and 10; (3) remove "originating at and destined to" territorial restrictions in Sub-Nos. 2 and 6; and (4) substitute radial authority in place of existing one-way authority; and (5) replace plantsites or named points with countywide authority: Sub-Nos. 2 and 6, Shelby County, IA (facilities near Harlan, IA); and Sub-Nos. 8 and 9, Douglas, Washington, Sarpy and Cass Counties, NE and Pottawattamie and Mills Counties, IA (facilities at Omaha, NE).

MC 148357 (Sub-7)X, filed July 31, 1981. Applicant: AZUSA TRANSPORTATION, INC., 926 W. 10th St., Azusa, CA 91702. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 5 certificates to (1) remove all exceptions from their general commodities description other than "classes A and B explosives"; in both certificates; (2) remove the restriction limiting transportation "to traffic moving on bills of lading of freight forwarders"; in both certificates; (3) remove the restriction against service to AK, CA and HI, in Sub-No. 5; and (4) replace one-way with radial authority, in Sub-No. 5.

MC 150794 (Sub-2)X, filed August 31, 1981. Applicant: ADVANCE TRANSPORTATION SYSTEMS, INC., 605 North Wayne Avenue, Cincinnati, OH 43215. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to broaden the commodity description in its Sub-No. 1F certificate from general commodities with exceptions to "general commodities, except classes A and B explosives."

[FR Doc. 26295- Filed 9-8-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Volumes; 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.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–251

MC 155750 (Republication), filed May 4, 1981, previously noticed in the **Federal Register** issue of May 21, 1981. Applicant: THE ZAMOISKI CO., 8201 Ardwich-Ardmore Rd., Landover, MD 20785. Representative: William C. Camp, 1101 DeSoto Rd., Baltimore, MD 21223. A Decision by the Commission Review Board 2, Decided August 13, 1981, and served August 24, 1981, finds that applicant is fit, willing, and able properly to operate as a *contract carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contract(s) with F. W. Woolworth Co., of New York, NY. The purpose of this republication is to clearly indicate the scope of authority to be granted.

Volume No. OP1-252

MC 144061 (Sub-14F) (Republication), filed January 25, 1980, previously noticed in the **Federal Register** issue of August 26, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. A decision by the Commission, RB #3, decided July 2, 1981 and served July 17, 1981 finds that applicant is fit, willing and able properly to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum oils and liquid chemicals*, in bulk, between points in the United States, under continuing contract(s) with Amoco Chemicals Corporation of Chicago, IL. The purpose of this republication is to reflect the authority granted which is broader than intially published.

Volume No. OPY-3-162

MC 53965 (Sub-19)) (Republication), filed April 6, 1981, published in the **Federal Register** issue of April 23, 1981 and republished on May 29, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. A Decision of the Commission, Review Board Number 3, decided July 31, 1981, and served August 19, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by retail footwear stores*, between points in Shawnee County, KS, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing and able to properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the actual grant of authority.

MC 151374 (Sub-1) (Republication), filed February 23, 1981, published in the **Federal Register** issue of March 24, 1981. Applicant: D. B. WATSON, d.b.a. DOT-LINE TRANSPORTATION, 8023 E. Slauson Boulevard, Montebello, CA 90640. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. A Decision of the Commission, Review Board Number 3, decided July 16, 1981, and served August 18, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *such commodities as are dealt in or used by retail stores and wholesale distributors*, between Los Angeles, CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, TX, UT, WA, and WI; that 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 modify the territorial description to include IA and LA.

[FR Doc. 81-26390 Filed 9-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 20]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 35980 (Sub-7) (Republication), filed March 26, 1981, previously noticed in the **Federal Register** issue of April 9, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Rd., Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. A Decision by the Commission Review Board Number 3, decided June 26, 1981, and served July 22, 1981, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fertilizers and soil conditioners*, between (a) Baltimore, MD, on the one hand, and, on the other, points in Delaware, New Jersey, and Pennsylvania (b) points in Middlesex County, NJ, on the one hand, and, on the other, points in Pennsylvania and (2) coal between points in Carbon, Luzerne, Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points in Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Virginia and Connecticut. Applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to include Connecticut as a destination state.

MC 90870 (Sub-40), (Republication), filed June 9, 1980. Previously noticed in the **Federal Register** issue of July 31, 1980. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. A Decision by the Commission, Review Board Number 3, decided June 4, 1981, and served July 2, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in or used by distributors of steel tubular products* between the facilities of Labarge, Inc., in the U.S., on the one hand, and, on the other, points in the U.S. 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 (1) reflect the change in commodity and (2) change the facilities reference from "Commerce Pipe & Tube Company" at specified points, to "Labarge, Inc. in the U.S.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or

other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 002709A5A, filed August 3, 1981. Applicant: BLUEBONNET EXPRESS, INC., 7800 Little York Road, Houston, TX. Representative: Joe G. Fender, 9601 Katy Freeway, Ste. 320, Houston, TX 77024. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*, moving in express service, constituting an extension of service to and from all points presently authorized as shown by the Commission's records, to, from, and between all points along the routes set forth below, with service to all intermediate points unless otherwise specified, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, and no service shall be rendered on traffic originating at Dallas for delivery at Houston, or on traffic originating in Houston for delivery at Dallas, thus: (1) Interstate Hwy 10 between Houston and Junction, TX; (2) Interstate Hwy 35 between Dallas and Laredo, TX; (3) Interstate Hwy 37 between San Antonio and Corpus Christi, TX; (4) U.S. Hwy 57 between Eagle Pass and Moore, TX; (5) U.S. Hwy 59 between Goliad and Laredo, TX; (6) U.S. Hwy 77 between Dallas and Schulenburg, TX; (7) U.S. Hwy 77 between Halletsville and Victoria, TX; (7a) U.S. Hwy 77 between McFadden and Brownsville, TX; (8) U.S. Hwy 79 between Round Rock, TX and junction U.S. Hwy 190; (9) U.S. Hwy 81 between Hillsboro and Laredo, TX; (10) U.S. Hwy 83 between Brownsville and Leaky, TX; (11) U.S. Hwy 83 between Junction and Eden, TX; (12) U.S. Hwy 84 between Gatesville and Prairie Hill, TX; (13) U.S. Hwy 84 between Gothwaite and Mullin, TX; (14) between Eden and Westhoff, TX; (15) U.S. Hwy 90 between Flatonia and Del Rio, TX; (16) Alternate Hwy 90 between Seguin and Shiner, TX; (17) U.S. Hwy 181 between San Antonio and Corpus Christi, TX; (18) U.S. Hwy 183 between Hocheim and Mullin, TX; (19) U.S. Hwy 190 between Brady and Hearne, TX; (20) U.S. Hwy 277 between Del Rio and Carriso Springs, TX; (21) U.S. Hwy 281 between Lampasas and Brownsville, TX; (22) U.S. Hwy 283 between junction 87 near Brady, TX and intersection of FM Road 504; (23) U.S. Hwy 290 between Carmine and Junction, TX; (24) U.S. Hwy 377 between Junction and Mason, TX; (25) U.S. Hwy 377 between Rocksprings, TX and intersection State Hwy 41; (26) State Hwy 6 between Waco and Hearne, TX; (27) State Hwy 7 between Kosse and Eddy, TX; (28) State Hwy 9 between Corpus Christi, TX and intersection U.S. Hwy 281; (29) State Hwy 16 between Fredericksburg and Zapata, TX; (30) State Hwy 16 between Llano and Gothwaite, TX; (31) State Hwy 21 between San Marco and Bastrop, TX; (32) State Hwy 22 between Hillsboro and Blooming Grove, TX; (33) State Hwy 27 between Comfort and Mountain Home, TX; (34) State Hwy 29 between Georgetown, TX and intersection FM 864 near Fort McKavett, TX; (35) State Hwy 31 between Dawson and intersection of U.S. Hwy 84; (36) State Hwy 35 between Gregory and Tivoli, TX; (37) State Hwy 36 between Caldwell and Gatesville, TX; (38) State Hwy 39 between Hunt and Ingram, TX; (39) State Hwy 41 between Mountain Home and intersection U.S. Hwy 377; (40) State Hwy 44 between Corpus Christi and Freer, TX; (41) State Hwy 46 between Sequin and intersection of State Hwy 16; (42) State Hwy 48 between Brownsville and Fort Isabel, TX; (43) State Hwy 53 between Temple and Rosebud, TX; (44) State Hwy 55 between Uvalde and Rocksprings, TX; (45) State Hwy 71 between Austin and Brady, TX; (46) State Hwy 72 between Kennedy and Fowlerton, TX; (47) State Hwy 80 between San Marcos and Karnes City, TX; (48) State Hwy 85 between Carrizo Springs and Dilly, TX; (49) State Hwy 95 between Temple and Bastrop, TX; (5) State Hwy 97 between Cotulla and Waelder, TX; (51) State Hwy 100 between Port Isabel and intersection U.S. Hwy 77; (52) State Hwy 107 between Combes and Mission, TX; (53) State Hwy 123 between San Marco and Karnes City, TX; (54) State Hwy 127 between Sabinal and Concan, TX; (55) State Hwy 141 between Kingsville and intersection U.S. Hwy 281; (56) State Hwy 142 between Lockhart and Martindale, TX; (57) State Hwy 164 between Waco adn Broesbeck, TX; (58) State Hwy 171 between Mexia and Groesbeck, TX; (59) State Hwy 173 between Jourdanton and Kerrville, TX; (60) State Hwy 186 between Linn San Manuel and Port Mansfield, TX; (61) State Hwy 195 between U.S. Hwy 183 and U.S. Hwy 81 via Florence, TX; (62) State Hwy 202 between Beeville and Refugio, TX; (63) State Hwy 218 between Randolph AFB and Live Oak, TX; (64) State Hwy 261 between Bluffton and Buchanan Dam, TX; (65) State Hwy 286 between Corpus Christi and Chapman Ranch, TX; (66) State Hwy 304 between Gonzalez and Batrop, TX; (67) State Hwy 317 between Belton and McGregor, TX; (68) State Hwy 320 between State Hwy 7 and State Hwy 53 near Barclay, TX; (69) State Hwy 339 between Freer and Banavides, TX; (70) State Hwy 342 between Red Oak and intersection of U.S. Hwy 77; (71) State Hwy 345 between San Benito and Rio Hondo, TX; (72) State Hwy 359 between Laredo and Skidmore, TX; (73) State Hwy 361 between Gregory and Port Aransas, TX; (74) FM Road 12 between San Marcos and Wimberley, TX; (75) FM Road 20 between Fentress and intersection State Hwy 71; (76) FM Road 65 between Crystal City and Brudage, TX; (77) FM Road 70 between Chapman Ranch and Bishop, TX; (78) FM Road 73 between Coolidge and Prairie Hill, TX; (79) FM Road 78 between San Antonio and Seguin, TX;

(80) FM Road 81 between Panna Maria and intersection State Hwy 123; (81) FM Road 86 between Luling and Red Rock, TX; (82) FM Road 88 between Progresso and intersection State Hwy 186; (83) FM Road 106 between Harlingen and intersection State Hwy 345; (84) FM Road 107 between Moody and Eddy, TX; (85) FM Road 133 between Artesia Wells and Catarina, TX; (86) FM Road 136 between Gregory and Woodsboro, TX; (87) FM Road 140 between Charlotte and Campbellton, TX; (88) FM Road 141 between Giddings and Dime Box, TX; (89) FM Road 187 between Sabinal and Vanderpool, TX; (90) FM Road 190 between Asherton and Brundage, TX; (91) FM Road 308 between Elm Mott and Milford, TX; (92) FM Road 337 between Vanderpool and Camp Wood, TX; (93) FM Road 339 between Birome and intersection State Hwy 164; (94) FM Road 413 between Rosebud and Kosse, TX; (95) FM Road 434 between Waco and Chilton, TX; (96) FM Road 436 between Belton and Heidenheimer, TX; (97) FM Road 438 between Temple and Belfalls, TX; (98) FM Road 440 between Killeen and Florence, TX; (99) FM Road 462 between Moore and Tarpley, TX; (100) FM Road 470 between Utopia and Bandera, TX; (101) FM Road 471 between San Antonio and Natalia, TX; (102) FM Road 487 between Florence and Bartlett, TX; (103) FM Road 491 between LaVilla and Lyford, TX; (104) FM Road 493 between Donna, TX and intersection State Hwy 186; (105) FM Road 501 between Pontotoc and Bend, TX; (106) FM Road 504 between Lohn, TX and intersection U.S. Hwy 283 north of Brady, TX; (107) FM Road 510 between San Benito and Laguna Vista,

TX; (108) FM Road 534 between intersection 359 south of Sandia, TX and intersection FM Road 3162; (109) FM Road 535 between Cedar Creek and Rosanky, TX; (110) FM Road 580 between San Saba and Lampasas, TX; (111) FM Road 581 between Lometa and Bend, TX; (112) FM Road 620 between Bee Cave and Round Rock, TX; (113) FM Road 649 between Miranda City and intersection State Hwy 359; (114) FM Road 650 between Roma Los Saenz and Fronton, TX; (115) FM Road 667 between Italy and Frost, TX; (116) FM Road 725 between McQueeney and New Braunfels, TX; (117) FM Road 755 between Rio Grande City and Rachel, TX; (118) FM Road 775 between New Berlin and intersection Interstate Hwy 10; (119) FM Road 812 between Red Rock and intersection U.S. Hwy 183; (120) FM Road 864 between Fort McKavetta and intersection State Hwy 29; (121) FM Road 881 between Sinton and Rockport, TX; (122) FM Road 933 between Waco and Aquilla, TX; (123) FM Road 935 between Troy and intersection U.S. Hwy 77; (124) FM Road 967 between Buda and intersection Interstate Hwy 35; (125) FM Road 969 between Austin and intersection State Hwy 71; (126) FM Road 971 between Granger and Georgetown, TX; (127) FM Road 972 between intersection Hwy 35 and State Hwy 95 south of Bartlett, TX; (128) FM Road 973 between Manor and Del Valle, TX; (129) FM Road 1015 between Lasara and intersection FM Road 1422; (130) FM Road 1017 between La Gloria and Linn San Manuel, TX; (131) FM Road 1021 between Eagle Pass and El Indio, TX; (132) FM Road 1050 between Utopia and intersection U.S. Hwy 83; (133) FM Road 1051 between Reagan Wells and intersection U.S. Hwy 83; (134) FM Road 1222 between Katemcy and intersection U.S. Hwy 87; (135) FM Road 1237 between Troy, TX and intersection State Hwy 36; (136) FM Road 1242 between Bynum and Abbott, TX; (137) FM Road 1283 between Pipe Creek and intersection FM Road 471; (138) FM Road 1304 between Aquilla and intersection Interstate Hwy (139) FM Road 1346 between San Antonio and La Vernia, TX; (140) FM Road 1422 between Monte Alto and intersection FM Road 491; (141) FM Road 1427 between Penitas and intersection U.S. Hwy 83; (142) FM Road 1431 between State Hwy 29 and U.S. Hwy 282 via Kingsland, TX; (143) FM Road 1431 between Jonestown and Cedar Park, TX; (144) FM Road 1518 between Schertz and intersection U.S. Hwy 87; (145) FM Road 1604 between U.S. Hwy 87 and intersection 10 East of San Antonio via Somerset, TX; (146) FM Road 1626 between Manchaca and intersection of Interstate Hwy 35; (147) FM Road 1786 between Alcoa and intersection U.S. Hwy 79; (148) FM Road 1825 & FM Road 685 between Hutto and intersection U.S. Hwy 35; (149) FM Road 1854 between Mendoza and Dale, TX; (150) FM Road 2114 between West and intersection of FM Road 933; (151) FM Road 2116 between Rockdale and Alcoa, TX; (152) FM Road 2200 between Devine and D'Hanis, TX; (153) FM Road 2233 between Sunrise Beach and intersection State Hwy 71; (154) FM Road 2241 between Llano and Tow, TX; (155) FM Road 2340 between Lake Victor and intersection U.S. Hwy 281; (156) FM Road 2644 between Carrizo Springs and El Indio, TX; (157) FM Road 2900 between Kingsland and intersection of FM Road 2233; (158) Park Road 22 between Corpus Christi and Padre Island, TX; (159) Park Road 37 between Lake Hills and intersection State Hwy 16; (160) Park Road 53 between Port Aransas and intersection Park Road 22; (161) Park Road 100 between Port Isabel and south Padre Island, TX; (162) Local Road between New Berlin, TX; and intersection of interstate Hwy 10. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Railroad Commission of Texas, 611 S. Congress, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26261 Filed 9-8-81; 8:45 pm]

BILLING CODE 7035-01-M

[Finance Docket Nos. 29668 and 29668 (Sub-No. 1)]

Denver and Rio Grande Western Railroad Company and Atchison, Topeka and Santa Fe Railway Co.; Exemption and Modification of Double Track Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the modification of the Double Track Agreement between the Denver and Rio Grande Western Railway Company (DRGW) and the Atchison, Topeka and Santa Fe Railway Company (ATSF). The modification permits DRGW to operate unit coal trains over ATSF track from Bragdon, CO (at the end of the current Double Track) to Pueblo, CO.

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 5417, Washington, DC 20423, and

(2) Petitioners' Representative, John S. Walker, P.O. Box 5418, Denver, CO 80217.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

DRGW and ATSF filed concurently a request for waiver of certain information required by 49 CFR 1111.2 and an application under 49 U.S.C. 11343 for authority to modify their Double Track Agreement. We have determined on our own motion to consider the petition and application as a request under 49 U.S.C. 10505 to exempt this transaction from the requirement of prior approval under 49 U.S.C. 11343.

Background

DRGW and ATSF own parallel tracks between South Denver and Bragdon, CO. On February 26, 1936, the parties entered into a contract (known as the Double Track Agreement) covering their rail operations between South Denver and Bragdon, CO. The parties agreed to operate the lines as double-track for traffic of both parties, plus that of the Colorado and Southern Railway Company, a tenant of the ATSF. The Double Track Agreement was approved by the Commission in *Atchison, T. & S. F. Ry. Co. Operations*, 221 I.C.C. 145 (1937).

The parties want to modify the Double Track Agreement to permit DRGW to operate loaded unit trains over ATSF main-line track from Bragdon to Pueblo for interchange. DRGW and ATSF currently interchange unit trains, in what is termed an "awkward interchange situation," between DRGW's Pueblo Yard and ATSF's Pueblo Yard. The modification would enable DRGW to move unit trains over ATSF's main line directly to ATSF's yard for interchange. The parties believe the modification will enhance the efficient and economical operation of unit train service to the ATSF's yard by eliminating switching at DRGW's yard.

Statutory Provisions

The Double Track Agreement is actually a trackage rights agreement permitting ATSF to operate over DRGW track and DRGW to operate over ATSF track. The parties want to extend DRGW's right to operate over ATSF track 11.35 miles into Pueblo, CO. The modification, though not a significant change to the Double Track Agreement, requires our approval under 49 U.S.C. 11343. Compare, *American Train Dispatchers Ass'n.* v. *Union Pac. Co.*, 363 I.C.C. 143 (1980).

Under 49 U.S.C. 10505 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

Although modification of the Double Track Agreement is a transaction requiring our approval under 49 U.S.C. 11343, we believe an exemption is warranted under 49 U.S.C. 10505. Modification would enable DRGW and ATSF to relocate the point where DRGW interchanges unit train movements. 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 49 U.S.C. 10101a. Exempting the transaction would, in fact, promote the objectives of Section 10101a by allowing the parties to improve operations in unit-train service.

The transaction is of limited scope. The modification would affect only unit-train movements of coal that the parties have been interchanging for several years at Pueblo. The only change in rail operation resulting from the extension of the joint trackage would occur at Pueblo.

Having determined the transaction is of limited scope, we need not determine whether regulation is needed to protect shippers from an abuse of market power. We note, however, that the unit train movements involve only one shipper. That shipper will pay for track improvements for DRGW's operations over ATSF's main line. No other shipper is involved in the transaction.

Labor Protection

In granting an exemption under Section 10505, we may not relieve the parties of obligations to protect interests of employees. We will impose the employee protective conditions in *Norfolk & Western Ry. Co.-Trackage Rights-BN*, 254 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980). These conditions satisfy the requirements of 49 U.S.C. 11347 for the protection of employees involved in trackage rights transactions.

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 the modification of the Double Track Agreement between DRGW and ATSF extending joint rail operations from Bragdon to Pueblo, Co. The exemption is subject to the employee protective conditions in *Norfolk & Western Ry. Co.-Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified in *Medocino Coast Ry.-Lease and Operate*, 360 I.C.C. 653 (1980).

2. Within 60 days after consummation of the transaction DRGW and ATSF shall submit three copies of sworn statements showing all journal entries required to record the transaction.

3. Notice of our action will be given to the general public by delivering a copy of this decision to the **Federal Register** for publication.

4. This exemption shall continue in effect for one year from the effective date of this decision. Parties must consummate the transaction during this time to take advantage of this exemption.

5. This decision shall be effective 30 days after publication in the **Federal Register.**

6. Petitions to stay the effective date of this decision must be filed not 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 from the date of publication in the **Federal Register.**

Decided: August 28, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26264 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 78)]

Illinois Central Gulf Railroad Co.; Abandonment of Line in Obion County, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Illinois Central Gulf Railroad Company to abandon its rail line between Kenton (milepost 431.31) and Rives (milepost 442.31) (excluding Kenton and Rives) in Obion County, TN, a total distance of 11 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication uness the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amounts of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26262 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 47)]

Illinois Central Gulf Railroad Co. Exemption for Contract Tariff ICC-ICG-4165

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The supplement to ICG Coal Contract Tariff 4165 to be filed may

become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: By petition filed August 26, 1981, the Illinois Central Gulf Railroad Company (ICG) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that amendments to its coal contract rate tariff ICC–ICG–4165 be made effective on a minimum 30 days' notice. ICG now requests that the supplement to be filed become effective on one day's notice. The shippers filed a statement supporting this request.

ICG and the shippers contend that the amendments are necessary to augment the annual volume period to meet the 1.2 million ton requirement because a 72 day strike by the United Mine Workers changed production parameters for which the annual volume requirement was originally intended. Production problems at the mine, in view of the strike and delays in producing sufficient coal to provide for regular movement by unit train shipments, make it necessary to establish an arbitrary of one dollar per net ton to reimburse the ICG for the increased cost of providing regular train service in lieu of unit train service. ICG states that the urgency to provide publication on one day's notice is necessary to cover movements of less than unit train quantities which were scheduled to begin August 27, 1981.

ICG argues that it is equally urgent to receive permission to waive the usual three-way signatory requirement. The execution process requires coordination of three separate parties in three separate locations. The limited time frame precludes usual handling. In addition, the normal process is further hampered by the strike of the air traffic controllers resulting in irregular mail and passenger service.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exception circumstance that warrants an exemption. The amendments adjust the contract so that the shippers can move coal under the contract provisions to meet their minimum volume requirements. Moreover, this will provide ICG with the revenue needed to compensate for the adjustment. The contract supplement to be filed can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the amendments to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the amendments or to disapprove them.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract supplement to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

Finally, we will treat the request to waive the signature requirement as a petition for extraordinary relief and we will grant it. Since all the parties to the contract have requested this relief, and the signed document shall be filed with the Commission at a later date, we can see no harm in permitting it to become effective before the signatures are received.

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

(49 U.S.C. 10505)

Decided: September 2, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26268 Filed 9–8–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Guidelines for Litigation to Enforce Obligations To Submit Materials for Predissemination Review

Notice is hereby given that the Guidelines for Litigation to Enforce Obligations to Submit Materials for Predissemination review (FR Doc. 80–40215, 45 FR 85529 (daily ed. December 29, 1980)) have been revoked.

Dated: September 3, 1981.

William French Smith,

Attorney General.

Attorney General Policy Governing Litigation to Enforce Obligations to Submit Materials for Predissemination Review

I have today revoked Attorney General Guidelines promulgated on December 9, 1980, regarding litigation to enforce obligations to submit materials for predissemination review.

Some employees and contractors of the United States, generally those in the intelligence agencies, are obligated by contract or otherwise to submit intended publications relating to their intelligence activities for predissemination review by the government to determine whether the proposed publications contain any classified information. The courts have held that the United States may initiate litigation in response to violations of these obligations in order to preserve compliance with the prepublication review system. Departures from that system may result in unwitting as well as intentional disclosures of classified information and undermine the confidence of foreign intelligence services or other sources of information in the ability of the United States to protect confidential information.

The legality and enforceability of the prepublication review system was upheld by the Supreme Court in *Snepp* v. *United States,* 444 U.S. 507 (1980). The Court noted that prepublication review is necessary for intelligence agencies to perform their statutory responsibilities and that failure to comply with the system can be detrimental to vital national interests.

The guidelines of December 9, 1980, were principally deficient in that they tended to suggest that some violations would be ignored, which would have the effect of encouraging, in some cases, avoidance or aiding and abetting the avoidance of the important predissemination review process. Those guidelines accordingly have been revoked to avoid any confusion over whether the United States will evenhandedly and strenuously pursue any violations of confidentiality obligations.

In order to ensure that enforcement policies will be consistently applied and fully compatible with First Amendment rights, only the Attorney General may authorize the filing of suits to enforce obligations to submit materials for predissemination review. In determining whether to authorize suit, the political views of the defendant or the extent to which his publication is favorable or

critical of the United States government or its agencies will not be considered. In addition, present or former government officials shall be held to identical standards regardless or their rank of influence.

Dated: September 3, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-26318 Filed 9-8-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Independent Areas Task Force, Fisheries Subgroup; Meeting

Pursuant to sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday on September 16–17, 1981. The Subgroup will meet in Room 418, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjhourn at 4:00 p.m. on Wednesday, September 16 and Thursday, September 17. They will continue their review of the draft text of the report to be published by the Subgroup.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the prepartation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste mangement and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Exectuve Director, Mr. Stenen N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, D.C. 20235.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 81-26446 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-12-M

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, September 22–23, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

September 22, 1981

Plenary

9:00 a.m.–9:30 a.m.—Announcements
9:30 a.m.–12:00 noon—To Be Announced
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–5:00 p.m.—Panel Meetings
1:00 p.m.–3:00 p.m.—Hydrology: Chairman: Paul Bock, Room B–100
1:00 p.m.–5:00 p.m.—Coastal Zone
Topics: Revenue Sharing and Coastal Barriers
Co-Chairmen: Sharron Stewart, Jack R. Van Lopik
5:00 p.m.—Adjourn

Wednesday, September 23, 1981

Plenary

8:30 a.m.–10:00 a.m.—Tentative: Closed Session
Topic: Global Positioning System (GPS)
10:00 a.m.–12:00 noon—Panel Meetings
Weather Services
Topic: Provision of Weather Services; User Fees
Chairman: Warren Washington, Room B–100
Environment and Regulations
Topic: Review of Several Regulatory Areas
Co-Chairmen: Sylvia A. Earle, Peter Emerson
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–3:00 p.m.—Plenary
Panel Reports
3:00 p.m.—Adjourn (Regular NACOA Meeting)
3:00 p.m.–6:30 p.m.—Panel Meeting
Marine Minerals
Chairman: Burt Keenan
3:00 p.m.–3:15 p.m.—Opening Remarks: Burt Keenan
3:15 p.m.–4:00 p.m.—Strategic metals stockpiling policy: Paul Krueger, FEMA
4:00 p.m.–5:30 p.m.—Continental shelf minerals: J. Robert Moore
5:30 p.m.–6:00 p.m.—Project economics: Jim Johnston
6:00 p.m.–6:30 p.m.—Report on Administration review of the draft Law of the Sea Treaty: Conrad Welling
6:30 p.m.—Adjourn

Thursday, September 24, 1981

8:30 a.m.–12:00 noon—NOAA Presentation
Regulations: Amor Lane, John Padan
Environmental Issues/Assessment: Jim Lawless
Negotiations of Like-Minded Nations: Jim Lawless
Sea Grant: Dave Duane
Polymetallic sulfides: Alexander Malahoff
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–3:00 p.m.—Review of task statement. Discussion of issues
3:00 p.m.–3:15 p.m.—Coffee Break
3:15 p.m.–5:30 p.m.—Discussion of issues cont'd. November meeting date
5:30 p.m.—Adjourn

The public is welcome at the open session and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session on Wednesday, September 23, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 4, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to disclose matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the

Central Reference & Records Inspection Facility, Rm. 5317, U.S. Department of Commerce, Washington, DC 20230, area code 202/377–4217.

Additional information concerning this meeting may be obtained through the Committee's Exceutive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: September 4, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-26445 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Choreography Fellowships); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel, Choreography Section, to the National Council on the Arts, will be held on September 23–25, 1981, from 8:30 a.m.–7:00 p.m., in Room 1422 of the Columbia Plaza Office Complex, 2401 E. Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-25920 Filed 9-8-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Conceptual/ Performance/New Genres); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel, Conceptual/ Performance/New Genres Section, to the National Council on the Arts will be held on September 23–25, 1981 from 9:00 a.m.–5:30 p.m., in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW, Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 81-25661 Filed 9-8-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Policy Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Policy Section of the Visual Arts Advisory Panel to the National Council on the Arts will be held on September 28–30, 1981, from 9:00 a.m.–5:00 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 28–29, from 9:00 a.m.–5:00 p.m. and on September 30, from 9:00 a.m.–2:00 p.m. for policy discussion.

The remaining sessions of this meeting on September 30, 1981 from 2:00 p.m.–5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-25802 Filed 9-8-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Grand Gulf Nuclear Station Units 1 and 2; Meeting; Location Change

The ACRS Subcommittee on Grand Gulf Nuclear Station Units 1 and 2 will hold a meeting on September 17 and 18, 1981, at the Mississippi Arts Center, 201 East Pascagoula Street, Jackson, MS instead of Vicksburg, MS.

All other items regarding this meeting remain the same as announced in the Federal Register.

Further information regarding this meeting can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-26311 Filed 9-8-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. 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.

The draft, temporarily identified by its task number, OP 031–4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 8.13 and is entitled "Instruction Concerning Prenatal Radiation Exposure." It is being developed to describe the instruction that should be provided to workers who may be exposed to radiation concerning biological risks to the unborn child resulting from prenatal exposure to radiation in relation to other risks encountered during pregnancy.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not recieved complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 5, 1981.

Although a time limit is given for comments on these drafts, 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.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) ro for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 1st day of September 1981.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 81-26307 Filed 9-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment approves modifications to the Appendix B (Environmental) Technical Specifications which will allow: (1) Suspension of certain monitoring programs (Sections 3.1.2.A(2) and 3.1.2.C), and (2) editorial corrections required because of inconsistencies, or redundancies. The onsite meteorological monitoring program in the Appendix A Technical Specifications is duplicated in Section 3.3, and therefore, has been deleted.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 8, 1981, (2) Amendment No. 56 to License No. DPR-16, and (3) the Commission's letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-26310 Filed 9-8-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22181; 70-6515]

Central and South West Corp., et al.; Proposed Participation by Pipeline Subsidiary in System Money Pool and Borrowing from Money Pool

September 2, 1981.

In the Matter of Central and South West Corporation, 2700 One Main Place, Dallas, Texas 75250; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604; Central and South West Services, Inc., 2700 One Main Place, Dallas, Texas 75250; and Transok Pipe Line Company, P.O. Box 2008, Tulsa, Oklahoma 74101; Proposed participation by pipeline subsidiary in system money pool and borrowing from money pool.

Central and South West Corporation ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), West Texas Utilities Company ("WTU"), Public Service Company of Oklahoma ("PSO"), Central and South West Services, Inc., ("CSWS") and Transok Pipe Line Company ("Transok"), a pipe line subsidiary of PSO, have filed with the commission post-effective amendments to their application-declaration previously filed and amended pursuant to Section 6, 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act

of 1935 ("Act") and Rules 43, 45, 50(a)(2) and 50(a)(5) promulgated thereunder.

By prior order dated December 31, 1980 (HCAR No. 21868), the applicant-declarants, except Transok, were authorized through June 30, 1982 to make short-term borrowings not to exceed $300,000,000 in aggregate principal amount through the CSW System money pool, commercial paper sales and bank borrowings.

By post-effective amendment, Transok seeks authorization to participate in the CSW System money pool and to borrow up to $15,000,000 through June 30, 1982, from the money pool. Such transactions would be under the same terms as described for the other applicant-declarants in the Commission's prior order (HCAR No. 21868).

By supplemental order dated December 31, 1980 (HCAR No. 21870), Transok was authorized to issue and sell short-term notes maturing no later than December 31, 1981, to PSO up to an aggregate outstanding principal amount of $10,000,000. Upon authorization of Transok's proposed money pool and bank borrowings, Transok requests cancellation of the authorization to issue such notes to PSO.

The application-declaration as amended by the post-effective amendment and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendments or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26284 Filed 9-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11927; 811-3124]

Fiduciary Money Market Trust; Filing of Application

September 2, 1981.

Notice is hereby given that Fiduciary Money Market Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified, management investment company, filed an application on July 15, 1981, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are sumarized below.

Applicant states that it registered under the Act on December 18, 1980, and that it simultaneously registered an indefinite number of its shares of beneficial interest of common stock under the Securities Act of 1933. The registration of those shares did not become effective. According to the application, Applicant sold $100,000 of its shares on January 26, 1981, to Federated Cash Management Corporation, its only shareholder. All of the shares were voluntarily redeemed at their net asset value on June 5, 1981. Applicant further states that it was dissolved pursuant to its Declaration of Trust and applicable state law on June 5, 1981.

Applicant avers that it has never made a public offering of its securities, has fewer than 100 security holders for purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company as defined by the Act, it shall so declare by order and, upon taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0.5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26283 Filed 9-8-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/437]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on September 24, 1981, at 1:30 P.M., in Room 8238 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-fourth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on May 24, 1982. In particular, the working group will discuss the following topics:

Maritime distress system

Performance standards for shipborne radio equipment

Promulgation of navigational warnings

Life-saving radio equipment

Digital selective calling

Matters related to ITU World Administrative Radio Conferences

Matters related to CCIR Study Groups

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. R. L. Swanson, U.S. Coast Guard (G-TTM-S/32), Washington, D.C. 20593. Telephone (202) 426-0517.

Dated: August 20, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-26278 Filed 9-8-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice 772]

Claims Against Iran

This notice concerns claims of U.S. nationals against Iran within the jurisdiction of the Iran-U.S. Claims Tribunal established by the Claims Settlement Agreement signed at Algiers on January 19, 1981. Specifically, it addresses: (1) The establishment of the Security Account from which awards of the Tribunal will be funded; (2) the rules of procedure applicable to claims filed before the Tribunal; (3) the registration and settlement of claims of less than $250,000; and (4) the settlement of claims of $250,000 or more.

For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Establishment of the Security Account

Arrangements were concluded on August 17, 1981, for the establishment of the Security Account at N.V. Settlement Bank of the Netherlands. The Account is to be used for the sole purpose of securing the payment of, and paying, claims of U.S. nationals against Iran, as provided in the Claims Settlement Agreement. The technical agreements establishing this account were signed in Amsterdam by the Federal Reserve Bank of New York as Fiscal Agent of the United States; Bank Markazi Iran; Banque Centrale d'Algerie as escrow agent; De Nederlandsche Bank N.V., the central bank of the Netherlands; and N.V. Settlement Bank of the Netherlands, which will act as the depositary. Pursuant to these agreements and the Algiers Declarations of January 19, 1981, the United States transferred to Iran on August 18 certain Iranian assets in U.S. banking institutions in the United States, including approximately $2.038 billion in bank deposits, $13.2 million in non-bank funds, and a limited amount of securities. Of this amount, $1 billion has been deposited in the Security Account for the funding of awards to be made by the Iran-U.S. Claims Tribunal Against Iran.

As provided in the Algiers Declarations and the technical agreements of August 17, 1981, the Government of Iran is obliged to replenish the Security Account whenever it falls below $500 million. Under the terms of the technical agreements, the central bank of Iran, Bank Markazi, is also expressly obliged to replenish the Account.

The technical agreements provide that certain issues pertaining to the operation of the Security Account will be submitted to the Tribunal for resolution. The United States will ask the Tribunal to determine whether the interest on the Security Account should remain in the Account or be tranferred to Iran. The United States and Iran will jointly ask the Tribunal to determine how the management fees for the Account should be allocated between the Federal Reserve Bank of New York and Bank Markazi, what their respective responsibilities should be for indemnifying N.V. Settlement Bank of the Netherlands and De Nederlandsche Bank, and whether funds in the Account should be available to pay claims settled by the parties directly concerned.

2. Rules of Procedure

In accordance with the provisions of the Claims Settlement Agreement, claims of U.S. nationals against Iran must be submitted to the Tribunal between October 20, 1981, and January 19, 1982. The Tribunal previously issued Administrative Directive No. 1 providing preliminary guidance for claimants concerning the manner of submitting claims. See Public Notice 764 (46 FR 37418, July 20, 1981). The Tribunal will meet at The Hague beginning September 14 to formulate more detailed rules of procedure to supplement and modify the UNCITRAL rules which are generally applicable to the submission and resolution of claims. Claimants and other interested persons who would like to offer suggestions concerning the form and substance of the rules to be adopted by the Tribunal are invited to make their views known to the Administrator for Iranian Claims at the earliest possible date. The Department will endeavor to convey these suggestions to the Tribunal before the rules are adopted and to provide an opportunity for subsequent comments to be received by the Tribunal.

3. Registration and Settlement of Claims of Less Than $250,000

Every person subject to U.S. jurisdiction with claims against Iran that arose before April 15, 1980 was initially required to report all such claims to the Department of the Treasury by May 15, 1980. See section 535.618 of the Iranian Assets Control Regulations (45 FR 24408, April 19, 1980).

Subsequent to the signing of the Algiers Declarations on January 19, 1981, and the establishment of the Iran-U.S. Claim Tribunal, U.S. nationals with claims against Iran that fall within the Tribunal's jurisdiction and have a value, in the aggregate, of less than $250,000 were required to register those claims with the Department of State by May 8, 1981. See Public Notice 749 (46 FR 19693, April 1, 1981) and Public Notice 753 (46 FR 25026, May 4, 1981). The information submitted in connection with the registration of these claims is to be used by the Department in seeking to conclude an agreement with Iran providing for the settlement of all such claims in return for a lump-sum payment by Iran. If such an agreement is reached, claims covered by the agreement will be adjudicated by a domestic agency of the United States Government, and the lump-sum payment will be distributed in accordance with that agency's determinations.

In an effort to provide all claimants in this category with the fullest possible opportunity to register their claims against Iran, and because the lump-sum settlement negotiations had not yet begun, the Department subsequently announced that it had been able to accept registrations received after May 8 and would continue to do so until the settlement negotiations had begun. The Department stated that the final deadline would not be earlier than July 31, 1981. See Public Notice 763 (46 FR 36277, July 14, 1981).

The Department has now completed its compilation of claims registered to date and has submitted information concerning these claims to the Government of Iran for the purpose of initiating the settlement negotiations. The Department anticipates that these discussions will begin within the next few weeks. Once they have begun, it may be impossible for the Department to take into account any additional unregistered claims. Claimants who have not registered their claims by that time may be excluded from sharing in the proceeds of a lump-sum settlement and from having their claims presented to the Tribunal.

Accordingly, U.S. nationals with claims of less than $250,000 who have not yet registered their claims with the Department of State should register them *immediately* with the Administrator for Iranian Claims, Office of the Legal Adviser, Department of

State, Washington, D.C. 20520. Telephone [202] 632-5040. The Department expects that it will be unable to take into account claims registered after *September 30, 1981.*

If lump-sum settlement negotiations with Iran do not achieve an early agreement, the Department will submit to the Iran-U.S. Claims Tribunal the claims of less than $250,000 that have been registered with the Department. In that event, the Department will provide a standardized statement of claim form for use by claimants whose claims have a value, in the aggregate, of less than $250,000.

4. Settlement of Claims of $250,000 or More

The Claims Settlement Agreement of January 19, 1981, provided for a six-month period during which the United States and Iran would promote the settlement of claims by the parties directly concerned. As previously announced, this period has been extended to October 19, 1981.

The Department has received information indicating that a substantial number of claimants with claims of $250,000 or more have been invited by the Government of Iran to enter into discussions in Vienna or elsewhere for the purpose of agreeing on settlement terms prior to October 20, 1981. Claimants engaging in such discussions are encouraged to advise the Department of the general progress of such discussions, and in particular of any problems which might usefully be addressed on a government-to-government level for the purpose of promoting the settlement of claims during this period. Claimants with such information should contact the Administrator for Iranian Claims.

David P. Stewart,

Administrator for Iranian Claims, Office of the Legal Adviser.

[FR Doc. 81-26251 Filed 9-8-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Section 6 to 13 Title 6 of the United States Code. An underwriting limitation of $187,000 has been established for the company.

Name of Company: NORTH EAST INSURANCE COMPANY
Business Address: 959 Brighton Avenue, Portland, Maine 04102
State of Incorporation: Maine

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular-570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33971 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of Treasury, Washington, D.C. 20226

Dated: August 31, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc 81-26292 Filed 9-8-81; 8:45 am]

BILLING CODE 4810-35-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Upper Mississippi River System; Draft Comprehensive Master Plan; Special Meeting

A Special Meeting of the Upper Mississippi River Basin Commission will be held Monday, September 14, 1981, and Tuesday, September 15, 1981. The meeting will begin at 1:00 p.m. on September 14th and is expected to adjourn early in the afternoon on September 15th, in Minneapolis, Minnesota, in the East Room of the Curtis Hotel. The purpose of the meeting is to approve a draft Comprehensive Master Plan for the Management of the Upper Mississippi River System for publication on October 1 for subsequent public review.

This notice changes the location and adds an additional meeting day to our notice as published in the **Federal Register** on August 27, 1981, 46 FR 43353.

Rodney N. Searle,

Chairman-Designate.

[FR Doc. 81-26273 Filed 9-8-81; 8:45 am]

BILLING CODE 6410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 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

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:30 am., Wednesday, September 9, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1983 Budget discussion.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-5374.

[S-1342-81 Filed 9-4-81; 3:14 pm]

BILLING CODE 6351-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: September 4, 1981.

PLACE: 1700 G Street, N.W., 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Amendment of regulations contained in parts 523 and 561 related to securities constituting permanent equity.

[S-1344-81 Filed 9-4-81; 3:22 pm]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m. September 14, 1981.

PLACE: Hearing room 1, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Docket No. 81-10: General Rate Increases in the Puerto Rico and Virgin Island trades—Consideration of the Record.

CONTRACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1346-81 Filed 9-4-81; 3:35 pm]

BILLING CODE 6730-01-M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, September 14, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: September 4, 1981.

William W. Wiles,
Secretary of the Board.

[S-1345-81 Filed 9-4-81; 3:35 pm]

BILLING CODE 6210-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Friday, September 11, 1981.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.

2. Final regulation revising Part 721—Federal Credit Union insurance and group purchasing activities.

3. Statement of Policy: Sale-and-Leaseback Transactions.

4. Reports of actions taken under delegations of authority.

5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Friday, September 11, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Road

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudications. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

2. Administrative Action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

3. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Personnel Policies and Practice. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1343-81 Filed 9-4-81; 3:21 pm]

BILLING CODE 7535-01-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: Following the 9 a.m. Prehearing Conference (MC78-3) on September 9, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Docket No. R80-1 [Remanded by Governors, U.S. Postal Service on June 29, 1981.]

[Closed Pursuant to 5 U.S.C. § 52b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-1339-81 Filed 9-4-81; 9:40 am]

BILLING CODE 7715-10-M

7

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: September 11, 1981; 10 a.m.

PLACE: Board Room, Room 2-500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS:

Portions Closed to the Public (10 a.m.)

1. Internal Personnel Matters.
2. Litigation Report.

Portions Open to the Public (10:30 a.m.)

3. Approval of Minutes of July 9 Meeting.
4. Amendment of By-Laws for USRA.
5. Consideration of Delaware and Hudson Loan Agreement Waiver Request.
6. Consideration of Conrail Request for Drawdown of Employee Reduction Funds.
7. Consideration of Conrail's Fourth Quarter Commitment Request.
8. Contract Actions.
9. Conrail Monitoring.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S-1341-81 Filed 9-4-81; 11:05 am]

BILLING CODE 8240-01-M

8

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: September 11, 1981; 9 a.m.

PLACE: Board Room, Room 2–500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE USRA ADVISORY BOARD:

Portions Closed to the Public (9 a.m.)

1. Discussion of Functions of Advisory Board.
2. Discussion of Advisory Board Ogranizational Matters.
3. Review of Conrail Proprietary and Confidential Financial Information.
4. Review of Delaware and Hudson Proprietary and Financial Information.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S-1340-81 Filed 9-4-81; 11:05 am]

BILLING CODE 8240-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 14, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, September 15, 1981, at 10 a.m. An open meeting will be held on Thursday, September 17, 1981, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552B(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting sheduled for Tuesday, September 15, 1981, at 10 a.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeal.
Settlement of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Thursday, September 17, 1981, at 10 a.m., will be:

1. Consideration of whether to issue a release soliciting public comment on the standard of conduct to be applied in a professional disciplinary proceeding pursuant to Rule 2(e) of the Commission's Rules of Practice. For further information, please contact Stephen E. Cavan at (202) 272–2454.
2. Consideration of what response to make to the Freedom of Information Act appeal of Terry M. Moe for access to statistical data concerning Commission investigation, civil and administrative action and criminal referrals to the Department of Justice during the period of 1934 to present. For further information, please contact Gilles Attia at (202) 272–2448.
3. Consideration of clarifying amendments to Rule 463 under the Securities Act of 1933, relating to reports by first-time issuers of their sales of securities and use of proceeds, and revision of related Form SR to a short-answer format. For further information, please contact Susan Davis at (202) 272–2589.
4. Consideration of whether to rescind Rule 17a–9 under the Securities Exchange Act of 1934. For further information, please contact Bruce Beatt at (202) 272–2886.
5. Consideration of whether to grant Louis M. Kornman relief of a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Robert Anderson at (202) 272–2916.
6. Consideration of whether to issue a release prepared by Division of Corporation Finance setting forth interpretations of the insider reporting and trading rules promulgated under Sections 16(a) and 16(b) of the Securities Exchange Act of 1934. These rules are designed to implement and administer the insider reporting and trading provisions of Section 16. For further information, please contact Michael R. Kargula at (202) 272–2573.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

September 4, 1981.

[S-1347-81 Filed 9-4-81; 3:33 pm]

BILLING CODE 8010-01-M

federal register

Wednesday
September 9, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; Performance Bonding

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 800–809

Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend existing rules in Subchapter J relating to reclamation bond and insurance requirements.

This action is prompted by the identification of some rules as counterproductive and burdensome. The intention is to issue a regulatory program with additional flexibility for States in implementing the Act (Pub. L. 95–87), under State primacy which meets the overall goals of the statute.

DATES: The comment period for the proposed amendments will extend until October 9, 1981.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR–11), Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments, notices of public meetings, and summaries of the meetings will be available for inspection at Room 153, South Interior Building.

A public hearing will be held on September 24, 1981, at the following location:

Washington—Department of the Interior Auditorium, 18th and C Sts. N.W., Washington, D.C.

For addresss where additional copies of these proposed amendments are available, see "AVAILABILITY OF COPIES" under "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: Russell F. Price, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior; 202–343–4022.

SUPPLEMENTARY INFORMATION:

Public Comment Period

The comment period on the proposed revision will extend until October 9, 1981. All written comments must be received at OSM Headquarters, U.S. Department of the Interior, Administrative Record (TSR–11), South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, by 5:00 p.m. on that date. Comments received after that time will not be considered or included in the Administrative Record for the final rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to locations other than that specified above will be considered and included in the Administrative Record for the final rulemaking.

Public Comments

Written comments should be as specific as possible. Comments not pertaining to the issues proposed cannot be considered under this rulemaking. OSM appreciates any and all comments, but those most useful and likely to influence decisions on these revisions will be those which include a reason for any given recommendation. Written comments will be accepted until 5:00 p.m. on October 9, 1981, at the address indicated above under "Addresses."

Availability of Copies

Copies of these proposed amendments may be obtained from the following OSM offices:

OSM Headquarters, U.S. Department of the Interior, Administrative Record (TSR–11), South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202–343–4728.

OSM Regional I, 603 Morris Street, Charleston, West Virignia 25301; 304–342–8125

OSM Region II, Suite 500, 530 Gay Street, S.W., Knoxville, Tennessee 37902; 615–637–8060

OSM Region III, Room 502, Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; 317–269–2600.

OSM Region IV, Scarritt Building, 5th Floor, 818 Grand Avenue, Kansas City, Missouri 64106; 816–374–2618.

OSM Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; 303–837–5511.

Public Hearing

A Public Hearing on these proposed rules will be held on September 24, 1981, to hear all those who wish to testify.

Persons wishing to testify at the public hearing on this propoosed revision should contact the person listed under "For Further Information Contact" on or before September 11, 1981. Individual testimony at this hearing will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearings would greatly assist OSM officials who will attend the hearings. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been sceduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audidence who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings

Representatives of OSM will be available to meet between September 9, 1981, and October 9, 1981, at the request of members of the public, State representatives, and other organizations to listen to advice and recommendations concerning the content of these proposed amendments. Persons wishing to meet with representatives of OSM during this time period may request a meeting at the Washington office or any of the five regional offices. Persons to contact to schedule such meetings are as follows:

Washington—Russ Price, 202–343–4022
Charleston—Jesse Jackson, 304–345–4720
Knoxville—William Thomas, 615–637–8060, ext. 200.
Indianapolis—Al Perry, 317–269–2656
Kansas City—Richard Dawes, 816–374–5109.
Denver—John Hardaway, 303–837–4072.

OSM representatives will be available at the Washington office or the regional offices for these meetings between 9:00 a.m. and noon and 1:00 and 4:00 p.m. local time, Monday through Friday excluding holidays. All such meetings are open to the public. If possible, notices of the meetings will be publicly posted in advance in the Administrative Record Office listed above under "ADDRESSES" as to the location of the meeting. A written summary of the meetings will be made a part of the Administrative Record and will be available to the public.

Bonding

Explanation of the proposed rulemaking actions: The bonding and insurance rule published at 44 FR 15312 (March 13, 1979) have undergone extensive criticism in the form of written

comments, petitions, litigation and difficulties experienced by State regulatory agencies in implementation. These reactions have resulted in some amendments to the bonding rules and have generally refined the issues involved. The most significant actions are as follows:

1. Petition by Mining and Reclamation Council filed April 1979 resulting in the amendment of 17 sections issued as proposed rule January 24, 1980 (43 FR 6028), and as final amendments on August 6, 1980 (45 FR 52306).

2. Several letters of policy directed to State programs as requested by the surety industry in order to clarify ambiguities in the rules;

Use of Phase Bonds for guaranteeing specific work within the mining and reclamation operations. (OSM letter of December 1980.)

Transition Bonding Coverage from initial Program to Permanent Program Criteria. (OSM letter dated March 10, 1981.)

3. Petition by Mining and Reclamation Council and Surety Association of America (January 20, 1981) to amend the requirement for an incremental bond to extend to an entire permit area for purposes of forfeiture (46 FR 16276, March 12, 1981). (OSM letter granting petition dated April 14, 1981).

4. Draft modifications to Subchapter J dated March 26, 1981, were sent to State regulatory authorities and all others who had previously commented on bonding rulemaking notices.

The Office of Surface Mining (OSM) has reviewed comments on the March 26, 1981 Draft of Subchapter J, and proposes these revisions to the permanent regulatory program governing the bonding and insurance provisions implementing Sections 509 and 519 of the Surface Mining Control and Reclamation Act of 1977 (the Act). This action is designed to provide a program sufficient for State implementation and interpretation in fulfilling the requirement for reclamation performance guarantees and protection of the public and environment. This protection is afforded through criteria governing the bonding process which provides sufficient funds for a third party to perform reclamation operation should the operator fail to complete the work satisfactorily. These rules also protect property and the public from injury or damage by requiring adequate liability and property damage insurance should an unexpected event or disaster occur.

The actions proposed herein are proposed to replace in its entirely Subchapter J of the existing Permanent Regulatory Program. In its place rules are being proposed to better implement Sections 509 and 519 of the Act and fulfill the mandate of the Administration to reduce regulatory burdens. The action of replacing current rules is consistent with Executive Order 12291 issued February 17, 1981, and with the Administration's directive for regulatory relief from excessive, burdensome or counterproductive regulations. The issues detailed below will be addressed with respect to their effectiveness or omission in the proposed rules.

Information in the rules being amended and the previous Federal Register notice preamble is available for reference should commenters desire.

On January 28, 1981, the Secretary, Department of the Interior, ordered that all regulations which were excessive, burdensome or counterproductive be identified, and asked States and industry to recommend sections to be revised. In keeping with this assignment, rules in proposed or final form were postponed, and hearings canceled, which resulted in withdrawal or termination of rulemaking procedures. OSM, in compliance with the administrative mandate to simplify and remove excessive regulatory burdens, intends to repropose all rules governing bonding and issuance under the permanent regulatory program. On March 26, 1981, a draft of proposed bonding amendments was made available to all interested parties. Many comments were received on the draft rule and changes reflected in this rulemaking address the modifications from the March 26, 1981 draft. Significant changes included the format, numbering sequences and the degree of detail included in the rules.

Contained in this notice are rules implementing Sections 509 and 519 of the Act. The intent of these rules is to allow operators latitude in order to comply with overall performance standards without unnecessary counterproductive constraints. The rules, as proposed, place responsibility on the operator to complete reclamation operations or provide funds by which the State or Federal Government can contract for the desired reclamation.

Organization of the proposed Subchapter J offers from the previous parts and sections. The entire Subchapter is coded as Part 800, with sections numbered and assigned as follows:

Existing rule 30 CFR	Topic	Proposed rule designation
800.1	Scope	800.1
Action: Change of format leaves this section as Scope for entire Subchapter J. Other sections in Parts 801–809 providing Scope of Part are proposed to be deleted.		
800.2	Objective	800.2
Action: No change (N/C) This Section covers the objective of all bonding rules; all other statements of objective are proposed for deletion.		
800.5	Definitions	800.5
Action: Minor changes are proposed to the definition of surety bond and collateral bond. Extensive changes are proposed for the definition of self-bonding, including deletion of 15 terms now found in § 806.14. An escrow bond definition is added.		
800.11	Requirements to file a bond.	800.11
Action: This section has been rewritten and rearranged, but relevant provisions from the existing rule remain.		
800.12	Insurance certificate	800.60
Action: Incorporated with terms of insurance rather than a separate section.		
800.13	Regulatory authority responsibilities.	800.4
Action: Minor editorial changes of paragraphs (a)-(f) are proposed. A new paragraph (g) is added which provides that operation without bond coverage as a violation of permit requirements.		
801.1	Scope	Deleted.
Action: See 800.1 above.		
801.2	Objective	Deleted.
Action: 800.2 above.		
801.4	Responsibilities	800.17(a)
Action: The proposed revision correlates with the paragraph 800.13(g) for all cases.		
801.11	Applicability	Deleted.
Action: Any constraint in applying bonding procedures to long-term operations will be at the regulatory authority's discretion.		
801.12	Amount of bond required.	Deleted.
Action: Refer to general bonding amount provisions under § 800.14 for explanation.		
801.13	Period of liability	800.17(b)
Action: Same provisions as existing rule.		
801.14	Form of bond	Deleted.
Action: Any form of bond allowed by other sections of Subchapter J is allowed.		
801.15	Applicability of other sections.	Deleted.
Action: Since Part 801 is proposed as a Section, all other provisions of Subchapter J apply.		
801.16	Subsidence and mine drainage.	800.17(c)
Action: This paragraph as proposed is shortened from the present rule and its provisions depend on other sections, such as cost estimating under § 800.14 and the period of liability under § 800.13; provisions for bonding surface-control measures remain unchanged.		
801.17	Bond forfeiture	800.17(d)
Action: Same provisions as existing rule.		
805.1	Scope	Deleted.
Action: See § 800.1, above.		
805.11	Determination of amount.	800.14
Action: This section, as proposed, shortens the specific elements of cost estimates of reclamation. Each State regulatory authority will be required to meet the standard of establishing bond cost estimates accurately enough to fully contract for or complete the reclamation operations itself.		
805.12	Minimum amount	800.14
Actions: Provisions have been proposed as part of determination of amount under proposed § 800.14. No change in the provision is proposed.		
805.13	Period of liability	800.13
Action: The same provisions as the existing rule are proposed, but aspects of limited bond are guarantees added in Paragraph 800.13(a).		
Editorial changes are proposed for other paragraphs.		
805.14	Adjustment of amount.	800.15

Existing rule 30 CFR	Topic	Proposed rule designation
Action: The same provisions are proposed for inclusion, but a distinction has been drawn between bond release versus bond adjustment for purposes of notifying the public. A paragraph concerning modifications to the permit area and reclamation plan consistent with the Act is proposed for addition corresponding to 30 CFR 788.		
806.1	Scope	Deleted.
Action: See § 800.1 above.		
806.11	Form of the performance bond.	806.12
Action: (a) Similar provisions of existing rules are proposed for retention. (b) This paragraph, as proposed, reflects provisions of the Act for alternative bonding systems.		
806.12 (a)-(d)	Terms and conditions of the bond.	800.16(e)(6)(7)
Action: This section proposes to include general provisions applicable to all types of bonds, similar to those in the present rules.		
806.12(e)	Surety bonds	800.20
Action: Conditions for accepting surety bonds are proposed to be shortened, and State regulations governing maximum amounts and other limits are proposed for deletion for State law determination.		
806.12 (f) and (g)	Collateral bonds, letters of credit, real property.	800.21 (a), (b), (c)
Action: Conditions for accepting collateral, letters of credit, and real property proposed to be shortened. Limitations in use and specific procedures are proposed for deletion.		
806.13	Escrow bonding	800.21(d)
Action: This section is proposed to remain basically as found in the existing rules, except, requirement for Federally-insured accounts is modified.		
806.14	Self-bonding	800.23
Action: Extensive deletions of specific acceptance limits and collateral requirements are proposed. Self-bonding, as proposed, requires State regulatory development of standards of acceptance and procedures. The provisions of the Section track those of the Act, Section 509(c).		
806.15	Replacement of bonds.	800.30
Action: This section, as proposed, incorporates the existing paragraphs (a) and (c), but deletes paragraph (b) as unnecessary when bonding methods of § 800.12 are available.		
806.16	Terms and conditions of liability insurance.	800.60
Action: Provisions of existing rules are proposed to be incorporated in this rule.		
806.17	Combined surety escrow bonding.	Deleted.
Action: This section is proposed to be deleted.		
807.1	Scope	Deleted.
Action: See § 800.1 above.		
807.11, 807.12	Procedures for seeking release of performance bond/criteria and schedule for release of performance bond.	800.40
Action: Sections 807.11 and 807.12 are combined into a single bond release section, § 800.40. The proposed rule contains most existing procedures, but deletes specific provisions, such as detailed requirements of the newspaper advertisement and a specific percentage of bond release after Phase II reclamation.		
808.1	Scope	Deleted.
Action: See 800.1 above.		
808.11	General	800.50(a)(1)
808.12	Procedures	800.50(b)
808.13	Criteria for forfeiture	Deleted.
808.14	Determination of forfeiture amount.	Deleted.
Action: Procedures and forfeiture actions are proposed under § 800.50. Several specific requirements such as criteria of forfeiture and amount to be forfeited are included in the general text. Implementation provisions giving discretion to the regulatory authority within the performance goals of completion of reclamation are proposed to be added.		
Part 809	Anthracite mines in Pennsylvania.	800.70
Action: This part has been rewritten as a proposed section, including the provisions of the existing rule, implementing Section 529 of the Act.		

Within this revision major issues have been addressed which were the subject of litigation, rulemaking and agency discussion before the decision was made to amend the Subchapter totally. These issues can be divided into four areas:

(1) Major issues subject to continuing rulemaking:

(a) Self-bonding § 806.14.

(2) Issues subject to remand by the District Court:

(a) Citizen access to mine sites during bond release, § 807.11.

(b) Refund of forfeited bond not necessary to complete reclamation operation, § 808.14.

(3) Issues subject to petition action:

(a) Extension of liability on incremental bonds to the entire permit area under forfeiture, § 808.12(c).

OSM requested comments on the last issue by publishing a petition at 46 FR 16276 (March 13, 1981) seeking to delete the extension. The petition was granted by OSM letter (April 14, 1981).

(4) Issues which were addressed in comments requested by Secretary of the Interior James G. Watt's letter of January 28, 1981 requesting comments and recommendations on the regulatory program:

(a) Comments made by the NCA/AMC Joint Committee.

(b) Comments made by the Mining and Reclamation Council of America dated *March 3, 1981.*

(c) Comments made by Texas Utilities and Generating Corporation dated *February 27, 1981.*

These comments have been addressed in the proposed revision of the rules. The comments are dealt with in detailed discussion of revisions proposed to be made to the rules appearing below.

It should be pointed out that provisions of Section 509(c) of the Act allow the Secretary to approve an alternative system deemed "to achieve the objectives and purposes of bonding program." Therefore, any State which believes that an alternative approach would be acceptable and meet the criteria of financial assurance for reclamation completion may present their proposal. Those alternatives which are feasible and justified will be considered for implementation, monitoring and evaluation.

As well as setting the standards for bond alternative, adjustment, release and forfeiture, the rule outlines several alternative methods of bonding (i.e., surety bonds, collateral, escrow accounts, etc.). This is not expected to restrict the use of other methods which will fulfill the requirements of the bonding program (such as industry funds, State reclamation fund programs, or any combination of bond guarantees); nor does it preclude the establishment of more stringent criteria by which adequate financial guarantee are assured. Indeed, a broad coverage State fund alternative may require special constraints on forfeiture, release and application of bonds different from those applied on bonds full coverage on specific increments and phases of work to be performed. Effect of the Surface Mining Act:

The Office is sensitive to issues raised with respect to the Act, the most relevant of which are (1) length of the bond/revegetative liability period, (2) the requirement for cost estimate adjustments within bond terms, (3) public involvement in bond release, (4) extension of the liability period due to augmented practices and (5) the burden of development of standards for self-bonding. These issues while reflected in the regulations are problems the ultimate resolution of which may be directed to statutory amendment; and, as such, comments on these proposed regulations should not address the Act, except to the extent that a statutory provision on bonding allows latitude which is not being provided in these regulations. The intention of these regulations is to implement the Act and establish standards and objectives by which the goals of the Act are met.

Major Issues Addressed

Subject: Citizen Access to Mine Site for bond release.

Status: Remanded for consideration by District Court.

Provisions of new § 800.40 "Bond Release Procedures," refer to Section 513 of the Act which provides for public access with permittee concurrence, which allows the regulatory authority to arrange with an operator access to the mine site for purpose of gathering information relevant to the bond release proceedings.

This is consistent with the District Court's interpretation, *In re: Permanent Surface Mining Regulations Litigation,* No. 79-1144, U.S.D.C.

Subject: Refund of unused funds. § 808.14.

Status: Remanded by District Court for resolution in its February 26, 1980 decision. The District Court for the District of Columbia directed that the rules governing forfeiture be amended to provide that, in the case of bond

forfeiture, only those funds necessary to perform reclamation be forfeited and the unused money be returned. OSM recognizes that at the time a forfeiture takes place the cost of reclamation can only be an estimate and will be subject to the variables of inflation, competitive bidding, and administrative costs. Retaining unused funds until reclamation has been completed allows the regulatory authority the necessary flexibility in funding change orders, cost overruns, and other unforeseen expenses commonly experienced in construction contracts. Not until reclamation has been completed and the final project costs known, can the exact amount to be refunded be determined. OSM, however, believes that this action is discretionary with the regulatory authority and the proposed rule proposes to delete former § 808.14 (a) and (b) for State program implementation.

Subject: Extension of Liability of Any Bond to the Entire Permit Area.

Status: A petition for rulemaking was granted by OSM. Section 800.50(f) provides for forfeiture of any or all bonds, if necessary, but limits application of the proceeds to use on the particular lands covered by the original guarantee. This concept complies with the principles of suretyship and the definition of performance bond as found in this proposed rule. Action was initiated in the **Federal Register** to suspend the present provision in 30 CFR 808.12(c) pending this rulemaking.

Subject: Bond Release Percentages.

Resolution: There has been opposition to the limit of 25% bond release after Phase II reclamation. The amount of bond to be released periodically as reclamation is completed will depend on the State's evaluation of the cost estimate of reclamation work remaining after Phase I work is completed. The proposed discretion must be exercised so as to retain adequate funds to reestablish revegetation during the period after the revegetative portion of the bond is released.

Subject: No Assessment of Penalty Due to Loss of Bond Coverage.

Resolution: Notice of violation without associated penalty. Proceed to cessation order if replacement not provided within abatement period.

Subject: Real Property of Permit Area as Collateral.

Resolution: No specific limitations are placed on land offered as collateral, except it may not be mined under any permit.

Detailed Discussion of Proposed Revisions to Subchapter J

Part 800—General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs.

New §§ 800.1 and 800.2 are identical to the March 13, 1979 §§ 800.1 and 800.2 concerning scope and objective, respectively.

Proposed § 800.4 corresponds to the former § 800.13—Regulatory authority responsibilities. A substantive paragraph was added, 800.4(g), that provides for continuous bond coverage during all surface coal mining operations. This provision clarifies that the Act requires uninterrupted bond coverage. The remaining paragraphs of 800.4 are the same as 800.13 with minor editorial changes.

§ 800.5 Definitions

The following definitions are proposed to be deleted from the rules: Common-size comparative balance sheet, common-size comparative income statement, retained earnings, working capital, current assets, current liabilities, current ratio, acid-test ratio, quick assets, cash, liquidity ratio, asset ratio, return on investment, net worth, net profit and capital assets. These definitions relate to the self-bonding provisions. Since the specific criteria used to determine eligibility to self-bond is proposed to be deleted from 30 CFR 800.23 and acceptance standards are to be determined by the regulatory authority, the definitions would be unnecessary in this rule.

Escrow Account Bond

This definition of "escrow account bond" is added at the request of a State commenter who pointed out that all other types of bonds are defined.

Surety Bond

The definition of surety bond remains the same except for minor editorial changes.

Collateral Bond

The requirement that cash be deposited in Federally-insured accounts was deleted in the March 26, 1981 draft in order to provide greater flexibility for operators. A State regulatory authority objected to this deletion. The requirement is deleted in the proposed rule. However, the State may insert the requirement that cash be deposited only in Federally-insured accounts since this requirement is more stringent than the Federal rule.

A State regulatory authority suggested that negotiable certificates of deposits be payable or assigned to the regulatory authority and be allowed to be held by Federally-insured banks. This suggestion is adopted because it does not affect the risk to the regulatory authority and meets the intent of Congress for placing cash or collateral with a trustee to ensure continued availability and to maintain the value.

The word "other" is added to the definition of investment grade securities under (6) because a commenter pointed out that under item (2), negotiable bonds of the U.S., a security issued by State or a municipality may also be investment-grade rated. Securities rated AAA, AA, or A are acceptable rather than only those with the highest rating given as provided in the existing definition. This change was suggested by a commenter who pointed out that these ratings were more consistent with prudent investment management standards applicable to fiduciaries.

A State regulatory authority suggested that only securities traded on a nationally recognized securities exchange be allowed so that fair market value could be readily determined. Such a requirement could be adopted by this State as a more stringent provision than the Federal provision.

Self-bond

The definition of self-bond is proposed to be revised to delete the requirement for collateral in the existing definition. The Act does not specifically require the posting of collateral in order to self-bond; although the regulatory authority may require collateral as a more stringent provision. Several commentors suggested deleting the term "promissory note" from the March 26, 1981 draft because the term was inappropriate. This term is deleted. The reference to the sufficiency of the bond amount in the definition is also deleted from the draft rule because it was pointed out that no reference is made to the bond amount in any other bond definitions. The requirements that persons or organizations controlling the financial practices of the permittee executing the indemnity agreements is also proposed to be deleted.

§ 800.11 Requirement To File a Bond

Paragraphs (a) and (b) are proposed to be revised to more closely parallel Section 509(a) of the Act. Paragraph (b) concerning incremental and cumulative bonding was deleted from the March 26, 1981 draft rules. Comments from State regulatory authorities and others requested clarification in this area. Thus, paragraph (b) is reinserted in the proposed rule and renumbered (c). The only substantive change from the

existing rule is the requirement that the liability on cumulative bonds extend to all the increments covered. This is necessary to assure that the bond does not fall below the full reclamation cost for these combined acreages. The first sentence in (b)(1) concerning liability on the entire permit during the life of the mine is proposed to be deleted because it is inconsistent with a limited guarantee covering discrete increments of the permit. Paragraph (c) is proposed to be deleted because it refers to other parts and contains no substantive provisions.

Research and Environmental Practice Bonding

On April 17, 1980, the Department of Agriculture, RECLAM Coordinating Committee, petitioned for OSM to consider incentives which might apply to research conducted by State or Federal agencies, universities, or other research agencies. (See 45 FR 4166, June 18, 1980 and 45 FR 43437 June 27, 1980). The proposal cited the reluctance of surface coal operators to allow parcels to be offered for research because the operator remains liable and must continue bond coverage until successful vegetation is achieved and until the liability period expires.

One proposal offered as a solution to this bonding issue was to allow a reduced bond amount or a waiver of bond coverage on such tracts. OSM has evaluated this proposal and finds no statutory basis for eliminating or reducing the financial guarantees on such tracts. However, liability may be transferred from the coal operator to another party if the same contractual obligations of reclamation and performance are provided to the regulatory authority.

Another option considered was to describe this research under the experimental practices permitted under Section 711 of the Act. OSM has interpreted Section 711 to provide only exceptions to Sections 515 and 516 of the Act, the environmental performance standards, not to the guarantee for reclamation bonding. Experimental practices may present economic incentives in that the work to be performed may be less expensive than conventional reclamation methods; thus, cost savings realized in completing the reclamation will be reflected in reduced bond requirements. OSM has determined that no specific variance from bonding requirements can be included for research parcels.

§ 800.12 Requirement To File a Certificate of Liability Insurance

This Section is proposed to be deleted from the proposed rule because the substantive provisions therein are contained in proposed § 800.60—Insurance.

Proposed Section 800.12 (Formerly 30 CFR 806.11)

Section 806.11, Form of the performance bond. This section had been proposed to be revised in the March 26, 1981 draft rules as § 800.12.

Section 806.11(a)(6). Several comments were received concerning the deletion of this provision in the draft rules. As now proposed § 800.12(a)(4) provides that the bond form could consist of a combination of any of the bonding methods listed in that section. The commenters contended that the inclusion of this provision in § 800.12 afforded those operators who may not qualify for self bonding or who would not be able to provide a surety bond for the entire bond amount with an alternative that would better enable them to guarantee total reclamation costs. OSM agrees with this contention and has reinserted the provision.

Section 806.11(a)(5) is proposed to be deleted. The inclusion of the combination of bonding methods, as previously explained, would preclude the necessity of listing separately a combined surety/escrow bonding method. In addition, consideration of the comments concerning this bonding method prompted the deletion of § 806.17 (Section 800.24 in the March 26, 1981 draft rules). Accordingly § 800.12 has been revised to delete the method of a combined surety/escrow bond.

Section 806.11(b). One comment noted that the term "bonding program" in this section was vague and suggested that this Section should appear in § 800.11 to clarify that alternative bonding procedures, as well as alternative bonding forms, may be acceptable. OSM believes that the rule provides for alternatives in both bonding procedures and bonding forms, and recognizes, as other commenters pointed out, that other types of financial commitments may be appropriate. To clarify that an alternative bonding system must achieve the objectives and purposes of the Act, OSM proposes to rephrase § 800.12(b) to more nearly recite the provision of Section 509(c) of the Act.

Consideration of comments which clearly showed that escrow accounts are a form of collateral bond has prompted OSM to delete draft § 800.22 and include the provisions for escrow accounts in proposed § 800.21. Proposed § 800.12 has also been revised to eliminate the identification of escrow accounts as separate bond forms.

Section 800.13, (Formerly § 805.13) Period of Liability

Provisions governing the period of bond liability were included in the draft rule of March 26, 1981. They were written to allow the concept of § 805.13 without explicit and extensive regulations; however, they were considered inadequate to explain the concept.

Several commenters suggested that § 800.13(a) be amended to include a sentence limiting the liability period for bonds posted to guarantee a particular phase or increment of reclamation. As this wording is consistent with recent OSM policy guidelines, OSM proposes to add this sentence.

Section 800.14 (Formerly §§ 805.11 and 805.12) Determination of bond amount.

Provisions governing the determination of bond amount previously under § 805.11 were included in the draft rule of March 26, 1981 as § 800.14. They were written to allow the concept of § 805.11 and § 805.12 without explicit and extensive regulations. They were, however, considered inadequate to explain the concept.

One commenter questioned whether the $10,000 minimum bond pertaining to the total permit or to each increment. The only time the $10,000 minimum bond amount would apply on an incremental basis is when there is only one increment of the permit area being disturbed or in some stage of reclamation. Effectively, this would mean either the first or last increment in a permit area.

Section 509(a) of the Act requires that the bond—that is the total bond or bonds—for the entire area under one permit be no less than $10,000.

Another commenter wanted to add the phrase "* * *using reasonable and prudent business judgment and practices * * *" to § 800.14(b). Because the regulatory authority would contract for reclamation under forfeiture conditions, and this would most likely be under a bidding situation, OSM believes that reclamation would be carried out expeditiously. Therefore, this phrase was not included.

Several commenters suggested adding language requiring the establishment of an escrow account prior to issuance of a permit with the deposit of the minimum $10,000 bond. The commenters maintain that the escrow account would establish funds obtainable without litigation if forfeiture required the regulatory

authority to reclaim instead of the operator. Although OSM believes that this is an excellent idea, the Act does not require such stringency. Therefore, OSM believes that this change should be left to the State regulatory agencies to promulgate.

Several commenters noted that subsections of § 800.14 could be combined and made more efficient. OSM agrees and the new regulations propose this change.

One State regulatory authority stated that it bases bond amounts on a flat per-acre rate rather than on the cost of reclamation. Although the Secretary of the Interior may determine that this practice is allowable, the Federal Act requires the operator to submit a cost estimate and the regulatory authority to use several different items to determine the bond.

Some commenters suggested that the $10,000 minimum bond amount be lowered in cases where the cost of reclamation is less. OSM cannot lower the amount because to do so would require an amendment to the Act and could not be accomplished simply by revising the regulations.

Section 800.15, formerly § 805.14 Adjustment of amount

As with §§ 800.13 and 800.14, the provisions of § 800.15 in the draft rule of March 26, 1981, were found to be inadequate to convey the meaning of former § 805.14.

Two commenters requested that bond adjustments be predictable, such as having them set at the beginning of the permit term or at the time the permit is revised. Some States review permits on a yearly basis, which should be sufficient to keep pace with inflation and to satisfy the "predictability" requirement.

However, the Act mandates that the regulatory authority adjust the bond amount when the cost of reclamation work changes, while at the same time requiring that permits must be reviewed halfway through their terms (2½ years in most cases). Changing bond amounts every 2½ years would not keep pace with current fluctuating rates of inflation; consequently the "predictability" requirement must be handled at the State level.

Numerous commenters noted that paragraphs (a) and (d) of the draft were essentially the same. OSM has eliminated the first sentence in § 800.14(a) and replaced it with the entire wording of § 800.14(d). The second sentence of § 800.14(a) is proposed as § 800.14(b) and is revised to include regulatory authority notification of the surety and any other person with a property interest in collateral, as requested by several commenters. Sections 800.14 (b) and (c) are proposed as § 800.14 (c) and (d), respectively.

Two commenters requested that § 800.14(b) (now (c)) be amended to allow the surety to request reduction of bond. Section 519(a) of the Act specifically states that "The *permittee* may file a request. * * *". Consequently, this change has not been proposed in the revised regulation.

One commenter opposed removing the procedural requirements of bond reduction from § 800.15(b) (now (c)) because it eliminates citizen involvement. OSM agrees that citizen involvement is required when the reduction is requested on previously disturbed lands. Consequently, OSM proposes to amend the regulation accordingly.

Section 800.16 (formerly 30 CFR 806.12 (a)–(d), (e)(6) and (g)(7))

Section 806.12, Terms and conditions of the bond. This section is revised and proposed as § 800.16

Sections 806.12(e)(6) and (g)(7). The language common to these sections was condensed and included in the draft rules as § 800.16(e) and made applicable to all bond forms. The majority of the comments received concerned this proposed section. Many commenters indicated that the terms "individual" and "company" were rather vague, and generally suggested that the word "individual" be deleted and the word "company" be changed to "surety company." With the view that these terms apply in cases of self bonding, OSM believes that reference to these entities should remain in the rule. Since the definition of "person," as given in Section 701(19) of the Act, includes these entities, this word is inserted in the rule. To clarify that surety companies are also included in the rule, the term "surety company" is inserted. Further minor revisions of the wording also clarify the rule's applicability to all bond forms. Commenters varied in their concerns about the notification of action alleging insolvency or bankruptcy. Some commenters suggested deletion of the provision, while others suggested that it be reworded to state that the regulatory authority shall be notified. The rule intends that notice shall be given, but allows flexibility in the establishment of a mechanism for such notification.

Another comment suggested that the rule be amended to state that the permittee shall also be notified. OSM contends that it is the permittee's responsibility to maintain a bond, and replace it if necessary, and therefore believes that the permittee shall also be notified of any action that may jeopardize the continuance of a bond. The rule as proposed was revised appropriately.

The major concern about this proposed section pertained to the provision of § 800.16(e)(2). Some commenters noted that the issuance of a notice to an operator of being without bond was vague, in that it may imply that a notice of violation shall be issued. Other commenters stated that the rule afforded no environmental protection, since the regulatory authority appeared to be left with little or no authority to enforce the maintenance of a bond. One regulatory authority stated that it should be authorized to issue a notice of violation, and preferred the wording of § 806.12(e)(6)(iii).

Section 509(b) of the Act clearly states that the bond shall be for the duration of the operation and appropriate revegetation period. Section 521(a)(3) clearly states that if an operator is in violation of any requirement of the Act a notice of such violation shall be issued, fixing a reasonable time for abatement; and that an order of cessation of the operation shall follow, if the violation is not abated within the scheduled abatement time. OSM recognizes that circumstances of insolvency or bankruptcy are not within an operator's control, and the language of § 806.12(e)(6)(iii) reflects that consideration. With the provision for notification of action alleging insolvency or bankruptcy described in proposed § 800.16(e)(1) the operator will be sufficiently forewarned of any potential loss of bonding coverage. It is the permittee's responsibility to assure that bond coverage is maintained. OSM has, therefore, proposed to reinsert language of § 806.12(e)(6)(iii) and has made it applicable to all bond forms.

Section 800.17 (formerly Part 801). Bonding requirements for underground coal mines, coal processing plants, associated structures and other long-term coal-related facilities and structures.

Provisions governing bonding of underground mines and other long-term coal processing operations were included in the draft rule date March 26, 1981 at § 800.11(c). The paragraph intended to allow the concept found in Part 801 without explicit and extensive regulations, but was found to be inadequate to explain the concept. Several comments were received regarding draft paragraph 800.11(c). Most misunderstood its intention and asked for clarification. Others were concerned that no clear provision for bonding of surface measures to prevent

subsidence remained from Part 801. Two specific comments cited the draft rule as preventing the concept of incrementally covering long-term operations and suggested a rewrite was necessary.

OSM in clarifying the bond concept for long-term operations has proposed a section at § 800.17 to incorporate the concept finalized as Part 801 (August 6, 1980). From the comments received this provision could not be adequately explained in a single paragraph. Therefore, specific procedures requiring bond coverage that does not lapse between permit terms has been proposed.

As proposed, this section establishes bonding conditions for long-term operations, generally with a 30–50 year lifetime. It has become apparent that bonding for thirty years would not be available commerically, and a mechanism must be developed to cover the reclamation of such areas. As indicated in the preamble to the Final Rule, August 6, 1980 (45 FR 52308) and the proposed provision January 24, 1980 (45 FR 6030), these disturbed areas remain constant throughout the life of the operation and require a fairly constant bond amount. Therefore, once a bond is posted, in theory it could remain until reclamation occurred, perhaps 30 years, later. In practice, bonding is not available from a surety for 30 years. Therefore, bonding provisions are proposed similar to provisions of Part 801, which allow bonding terms equal to the permit duration, with a replace or pay provision to apply 120 days prior to repermitting or entering the reclamation phase of the permit.

Provisions for subsidence bonding have been revised from the 30 CFR 801.16 provision, and the proposed rule only requires that surface control measures not completed when the permit is issued, be guaranteed by a performance bond.

Forfeiture provisions will apply to those bonds required for continuous operation which are not replaced or extended for the upcoming permit term when renewal is required.

One commenter requested a variance from all bonding requirements for long-term facilities where the final land use is industrial or mining. This concept has been considered, and a variation is believed to be incorporated in the determination of the amount of bond necessary to reclaim the permit area to support the postmining land use, expecially when considering the reclamation techniques for these facilities in establishing the bond amount. Reclamation land use for industrial usage may be less than other land use requirements and, therefore, may be significant in the bond amount required by the operator. The regulatory authority must approve the degree of reclamation required to meet the reclamation plan. The office does not believe that bonding can be eliminated completely under the Act where long-term reclamation is ultimately required or which may occur at any time during the facility's life, especially if an operator goes out of business or unpredicatably closes an operation.

Section 800.20 (formerly 30 CFR 806.12(e))

Section 806.12(e), Surety Bonds. This portion of § 806.12 is proposed as found in the March 26, 1981 draft rules as § 800.20.

Section 800.20(a). Several commenters noted that this proposed Section contained language which identified types of collateral bonds, and suggested that such language be deleted. OSM agrees and has deleted the inappropriate language from the provision.

Section 800.20(b). Commenters noted that this proposed section did not include the exception provided in current § 806.12(e)(1), and indicated that such an exclusion could prohibit cancellation of bond for lands not disturbed. One commenter also suggested that there may be conflict between cancellation of bond pursuant to this section and replacement of bond pursuant to proposed § 800.30. It is recognized that lands not disturbed, and therefore not requiring further bond coverage, need not be subject to bond replacement. Considering this, OSM has proposed § 800.20 to provide for cancellation of bond for lands not disturbed.

It is not clear what potential conflict with the replacement of bonds pursuant to proposed § 800.30 may occur with reference to disturbed lands. Proposed § 800.20(b) clearly refers to bond cancellation for lands not disturbed. If disturbed lands are eligible for bond release then such release procedures pursuant to proposed § 800.40 will be implemented. If, however, disturbed lands are not eligible for bond release, replacement bond must be obtained. Since no potential for conflict is recognized, the suggested revision to include bond cancellation "* * * for disturbed lands as provided in § 800.30" has not been made.

Section 800.21 (formerly 30 CFR 806.12(f))

Section 806.12(f), Collateral bonds. This portion of § 806.12 had been revised and proposed in the March 26, 1981, draft rules as § 800.21.

Section 800.21(a)(2). Commenters noted that the current market value of collateral may fluctuate and suggested that a statement concerning a periodic reevaluation of collateral be included in the rule. OSM recognizes that the provisions of proposed § 800.15 will allow the regulatory authority to adjust the bond as necessary to assure the availability of adequate reclamation funds, yet believes that § 806.12(i) provides more specific authorization for such adjustment with reference to collateral. Accordingly, § 806.12(i) has been proposed for reinsertion under § 800.21(e).

Section 800.21(b)(2). Two commenters suggested the reinsertion in this proposed section of the "90-day notification period" specified in § 806.12(g)(1). OSM believes that the proposed rule provides the regulatory authority with the flexibility to determine specific procedures concerning the acceptability of letters of credit and that the provisions of proposed § 800.16 will assure the maintenance of adequate bond coverage, regardless of the bonding method used.

Section 800.21(b)(3). On regulatory authority was concerned that this proposed rule would adversely affect its present ability to draw upon the letter of credit without an order of forfeiture. The proposed rule does not prohibit the regulatory authorities from promulgating specific rules to obtain needed reclamation funds, but merely establishes that the letter of credit must be payable upon an order of forfeiture.

Section 800.21(c)(2)(ii). Several comments indicated that some States do not have procedures for the certification of appraisers, but that appraisers are certified by professional organizations. Considering this, OSM has revised this proposed rule to specify that the appraiser must be certified, although not necessarily by the State.

Considering comments which clearly showed that escrow accounts are forms of collateral bond, OSM has deleted proposed § 800.22 of the draft rule and proposed to include the provisions under § 800.21(d).

Section 800.21(d) (formerly 30 CFR 806.13)

Section 800.13 Escrow bonding. This section had been revised and proposed as § 800.21(d). It was included in the March 26, 1981, draft rule as § 800.22.

Section 800.22. One comment contended that escrow bonding, as described, was merely another form of

collateral bonding, and suggested that these provisions be included in the section concerning collateral bonds. Recognizing this, OSM has deleted § 800.22 found int he draft rule and proposes to include the escrow account provision in § 800.21.

Section 800.23 (Formerly 806.14) Self-bonding

Self-bonding has been the subject of much controversy since it was originally proposed. The preamble to the August 6, 1980 permanent bonding rules details the issues involved in self-bonding (45 FR 52313–52314).

OSM stated in the August 6, 1980 preamble that a study on self-bonding would be conducted to evaluate alternatives. This study has subsequently been cancelled, since the States under the proposed rule would design their own self-bonding programs.

The proposal of Texas Utilities Generating Company was generally adopted in the March 26, 1981 draft rules. This draft provision established at least a $10 million net worth or at least $20 million of tangible fixed assets as the criteria for financial solvency. A State commenter pointed out that these minimums should be left to the regulatory authority to establish. In many cases the 10 to 20 million dollars would prohibit numerous small operators from providing self-bond when the amount of acreage planned for disturbance may not be large enough to justify 10 or 20 million dollars.

As an alternative to the 10 or 20 million dollar test, and a rating by an investment service is allowed to show financial solvency in the draft rules. This alternative would also be unavailable to small but financially secure operations and would not be relevant to the question of their financial solvency. The Act permits, but does not require, the regulatory authority to adopt self-bonding. In assessing whether or not to allow self-bonding, the regulatory authority is in the best position to evaluate the financial stability of the coal industry in the area, the overall bonding program and the risk involved in accepting self-bonds. Therefore, to allow maximum flexibility to the States, the office is not setting criteria to establish financial solvency and continuous operations for self-bonding which provide guarantees equivalent to other bonding methods. Each regulatory authority must establish uniform criteria if self-bonding will be allowed. This is necessary so that operators can readily discern whether or not they qualify for self-bonds. Previously promulgated regulations by OSM may be used as a guide. Self-bonding without collateral was proposed on January 24, 1980 (45 FR 6035 and 6040–6041).

Section 806.14 provided for a net worth of six times the bond amount and the posting of collateral in order to self bond. Continuous operation for 10 years as well as analysis of the financial statements of the applicant where also required. These provisions are proposed for deletion.

Section 800.23(b) requires the regulatory authority to establish criteria for self-bonding which provides an equivalent guarantee to other bonding methods.

Section 800.23(c) is comparable to § 806.14(a)(7) concerning a change in self-bonding conditions. The text as proposed was not changed.

The provisions in the March 26, 1981 draft relating to criteria for establishing a self-bonding program are proposed for deletion.

Section 800.24 (formerly 30 CFR 806.17)

Section 806.17 Combined surety/escrow bonding. This section was revised and proposed in the March 26, 1981, draft rules as § 800.24.

Section 800.24. Two comments contended that separate rules governing a combination of the surety and escrow account bonding methods need not be proposed. Both commenters reasoned that adequate procedures existed for such combinations or that adequate alternative procedures could be implemented. Considering this contention, as well as the proposed reinsertion of the provision for combination of bonding forms in proposed § 800.12, OSM proposed to delete this section. It is believed that both the option for a combination of surety and escrow bonds and the regulatory authorities' flexibility in promulgating the necessary procedures will be maintained.

§ 800.40 (formerly Part 807) Requirement to release performance bond. Rules concerning the requirement to release performance bond were included in the March 26, 1981, draft rule. The rules were written to allow for the concepts of Part 807 without the explicit and extensive regulations. Since then, these rules were considered inadequate to explain the concept contained in Part 807.

Several commenters requested that § 807.11(a)(1) be reinserted in § 800.40(a) so that applications for bond release can only be submitted at times or seasons that will allow the regulatory authority to evaluate completed reclamation operations. They also requested that "* * * or as soon as weather conditions permit * * *" be inserted in § 800.40(b) for the same reason and objected to the 30-day time limit. The 30-day time limit is mandated by the Act. However, OSM agrees with the first part of the request and has proposes § 800.40(a) and (b) accordingly.

Numerous commenters requested that § 807.11(b)(7) be reinserted so that public participation in bond release would be insured, as intended by Congress. Without this requirement, citizens would not know they can submit written comments, objections, or requests for hearings on the proposed bond release, or where to send them. OSM agrees that this information is necessary and, therefore, proposes to reinsert it at § 800.40(a).

Many commenters requested that the regulatory authority notify the surety or other person with interest in collateral as well as the permittee of its decision to release or not release a bond. OSM concurs with this request and has amended § 800.40(b) to reflect this change.

Several commenters thought that § 800.40(c) was confusing because all language concerning phases of reclamation was omitted. The commenters requested clarification. Consequently, OSM proposes § 800.40(c) to include references to the three phases of bond release.

Some commenters noted that the phrase dealing with soil productivity had been omitted from § 800.40(c)(2). OSM has reinserted in the proposed rule the phrase that was inadvertently omitted in the draft.

Several commenters requested that at the end of Phase II reclamation, at least 25 percent of the bond would be released. Others wanted at least 15 percent of the bond to be retained until the completion of Phase III reclamation. Still others requested that the 60 percent release at the end of Phase I include the replacement of topsoil. Others were pleased by the new wording.

Because the Act specifically states that 60 percent of the bond can be released at the end of Phase I reclamation (not including topsoil replacement) and leaves the percentage releases for Phases I and III to the discretion of the regulatory authority, OSM believes that § 800.40(c) conveys the meaning of the Act and allows the State regulatory authorities latitude to decide on amounts to release for Phases II and III.

Numerous commenters requested changes in the regulations that are not consistent with the Act; therefore, these changes are not proposed. In additon to those already discussed, the requests included extending the 30-day limit for

submitting proof of newspaper advertisement of bond release application; not allowing agencies charged with socioeconomic responsibilities to file bond-release objections; and not notifying parties other than the landowner and the regulatory authority about bond release.

Section 800.50 Forfeiture of bonds (formerly Part 808). Part 808 has been modified to reflect changes requested in response to the March 26, 1981 draft rule. Section 808.1 has been deleted as not required since forfeiture provisions are proposed as a section rather than a separate part.

Section 808.11 General. This section as proposed is revised under § 800.50(a). The language contained in the March 26, 1981 draft rules gave double discretion to the regulatory by changing the words "shall forfeit" to "may forfeit" and then listing in paragraphs (b) and (c) ways forfeiture could be avoided. The performance bond or bonds are conditioned upon accomplishment of the reclamation plan as approved by the regulatory authority. If the operator fails to conduct reclamation in accordance with the relamation plan or defaults on other conditions of a bond, the operator has violated the bonding provisions of the Act and bond forfeiture is required. Therefore, it is believed that no discretion to take forfeiture action is allowed under these circumstances; however, adequate latitude is available for the regulatory authority to withhold forfeiture if an operator or a surety agree to a compliance schedule in completing reclamation successfully. Therefore, the office proposes to reword paragraph (a) to require the regulatory authority to take action to forfeit under such circumstances and include methods for compliance in paragraphs (a)(1) and (2) thereby replacng the designations (b) and (c) found in the March 26, 1981 draft rule.

808.11(c). This paragraph of the existing rules allows a surety to perform its reclamation guarantee rather than forfeit the bond amount. In a policy decision, OSM determines that a surety bond could be accepted for a specified phase of reclamation, without violating the overall concept of bond coverage. Such phase coverage if written by a surety would limit the surety guarantee in the reclamation operation to work to be accomplished in that phase of reclamation. Therefore, § 800.50(a)(2) is proposed as recommended by commenters to allow limited surety involvement in performance under forefeiture to something less than total completion of the reclamation plan, if a limited guarantee was initially accepted.

Section 808.12 Procedures. Provisions of § 808.12 are proposed under paragraph 800.50(b). The content remains basically unchanged, with the exception of § 808.12(a)(3), (4) and (c). Section 808.12(a)(3) is proposed for revision as § 800.50(b)(3) to eliminate the phrase "Proceed in an action for collection on the bond" and replace with "Proceed to collect the amount forfeited". The State regulatory authority requesting this change pointed out that no legal action or suit is necessary to forfeit a bond. Therefore a more direct phrase was appropriate.

Section 808.12(a)(4) is proposed for deletion at the request of a State regulatory authority. The commenter stated that the paragraph (b)(3) sets the conditions for appeal and paragraph (c) states the regulatory authority decision as final; therefore, the provision telling the regulatory authority to defend the action is unnecessary.

Section 808.12(b). This paragraph is proposed for deletion because it is not considered necessary to expand or further specify the regulatory authority's role.

Section 808.12(c). This provision was subject to a rulemaking petition published March 12, 1981 at 46 FR 16276. Many comments were received and most supported the petition, stating that this amendment would provide sureties with the flexibility necessary to write reclamation bonds. The amendment proposed herein as § 800.50(d) eliminates the necessity for bonds posted for an increment to extend to the entire permit area under conditions of forfeiture. This extension, the petitioners argued, was beyond the intention of intial bond guarantee. Two State regulatory authorities opposd the amendment stating that bonds limited to increments would cause accounting problems, would create the need for each increment to stand on its own and would require excessive bond amounts on separate increments. Their concept involves averaging the per acre bond over an entire permit area which would allow the regulatory authority adequate funds to complete the entire reclamation plan.

Section 808.12(c) proposed January 24, 1980 and issued final August 6, 1980, at 45 FR 52324, supported the extension of bond liability to the completion of the reclamation plan on the entire permit area, rejecting the concept of incremental bonds providing independent guarantees unto themselves. This concept of extended liability continues to be appropriate when one bond covers an entire permit area, or bonds are calculated cumulatively. However,when multiple type bonds cover specific phases, extending these limited guarantees to the entire permit area performance is beyond the incremental or original reclamation guarantee.

Cumulative bonding presumes a single bond amount covering varying reclamation work during the mining process. Since the precise coverage at any one time would be difficult to assess, it is advantageous that cumulative bonds cover the total disturbed area up to their maximm limit. Any bond posted for the entire permit area as found in proposed § 800.11(c)(1)(i) could not be limited to any incremental area.

Therefore, in an attempt to alleviate major obstacles in implementing surety coverage of phases, and incremental bonds, and allow combination bonds, the requirement to extend an incremented bond is proposed for deletion.

A State reclamation association in referring to paragraph 800.50(f) of the March 26, 1981 draft (existing 30 CFR 808.12(c)) questioned whether the paragraph allowed the regulatory authority to use forfeited bonds from one job site to pay for reclamation of another. OSM believes that the conditions of incremented bonds should be made clear that the performance guaranteed for an increment of a permit area is applicable only to the work necessary to reclaim that area within the permit area. Under provisions of proposed 800.50(c) and (d), the regulatory authority does not have discretion under a forfeited performance bond to use proceeds on work not originally guaranteed. However, some States required bond amounts to be penal sums and not necessarily limited to the amount of remaining reclamation work. OSM believes that this type coverage ensures performance of reclamation, and in meeting the intent of the Act considers the penal provisions as more stringent than the agencies' performance bonding rules.

Section 808.13 Criteria for forfeiture. Provisions of this section have been deleted and are considered to be incorporated in proposed § 800.50(a). Specific conditions are proposed for regulatory authority discretion. As noted in discussions on paragraph 800.50(a) mandatory forfeiture is required if reclamation operations are not conducted in accordance with the reclamation plan or if the operator defaults on the conditions of the bond. This provides sufficient latitude for the regulatory authority to determine when forfeiture is required. Therefore, existing § 808.13 is proposed for deletion.

Section 808.14 Determination of forfeiture amount. This section was included in the March draft as § 800.51. The proposed Section responded to a remand by the District Court, which cited OSM's rules for forfeiting the entire bond amount without a provision for returning unused amounts. Additionally, in the March draft, OSM inserted the requirement that forefeited bond amounts may be utilized to cover administrative expenses. Several commenters objected to this inclusion, contending that OSM and the Regulatory Authority administrative expenses are already covered. The concept of funding of administrative expenses actually represented the cost of contracting, inspecting, and legal actions associated with the reclamation of the permit area by the State. It would seem an appropriate cost to the operator or the surety to pay for all contracting costs, since under forfeiture an operator has imposed a workload not anticipated by the regulatory authority, nor anticipated by the surety, and hopefully not by the operator in receiving the permit.

OSM in review of comments regarding the use of forfeited bonds believes it to be in the best interest of the State regulatory authorities in implementing this provision not to specify rules to determine the amount to be forefeited. This is more appropriately left to the discretion of the regulatory authority. Section 800.50(b)(1) requires a determintion of the amount to be forfeited with reasons cited, and § 800.50(e) requires that funds only be used to contract on the permit area associated with bond coverage. Therefore, under forfeiture of a performance bond, funds not used to contract for reclamation would be subject to refund, since unused funds are not transferrable to another site. However, this rationale may not apply if bond forfeiture renders a penal sum rather than a performance guarantee. The section governing the amount of the bond to be forfeited is proposed for deletion. The concept is preserved in § 800.50(b) for regulatory authority action.

Section 800.60 (formerly 30 CFR 800.12 and 806.16)

Section 806.16 Terms and conditions for libability insurance. This section has been proposed in the March 26, 1981, draft rules as § 800.60.

Section 806.60(a). The majority of the comments received concerned two provisions of this proposed section. Three commenters noted that Section 507(f) does not specify compensation for "* * * damage to water wells," and recommended that this phrase be deleted. Section 507(f) and proposed rule § 800.60(a) specify that coverage shall be adequate to compensate persons damaged, including property damage, and intitled to compensation under the provisions of State law. It is believed that this provision will include damage to water wells and that such damage need not be specifically identified in the proposed rule. The rule as proposed more nearly recites language of § 507(f) of the Act.

Several comments concerned minimum amounts specified for bodily injury. Two commenters stated that the amounts may not be adequate. Another commenter stated that prudent minimum amounts should be determined by the regulatory authority and be based upon experience in each State. One commenter explained that, in reference to a policy covering several operational locations, the total limit is available for any one occurrence, subject to exhaustion of the total policy limits. A final comment notes that the minimums are specified for bodily injury, but not for property damage, and suggested that the provision be revised to cover both occurrences.

Section 507(f) of the Act states that coverage shall be in an amount adequate to compensate any persons damaged as a result of the operations. While this provision intends that coverage shall be adequate, OSM believes that minimum amounts must be specified. The regulatory authorities will retain the ability to specify higher minimums. Proposed § 800.60(a) specifies that the minimum amount apply to both bodily injury and property damage.

Section 800.70 (Formerly Part 809)—Bonding and Insurance Requirements for Anthracite Surface Coal Mining and Reclamation Operations

Bonding for anthractie operations has been reduced to a section rather than a separate part. Therefore, § 809.1 *Scope*, § 809.2 *Objective*, § 809.3 *Responsibility* and § 809.11 *Applicability* would be deleted. Section 30 CFR 809.12 *Requirements*, has been renumbered § 800.70 without text change. The comments in the preamble concerning the text of the permanent regulations of March 13, 1979, (44 FR 15124) remain applicable.

Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environment Policy Act

OSM has examined these final rules according to the criteria of Executive Order 12291 (February 17, 1981) and determined that they do not constitute major rules. The economic impact of the rules is expected to be indirectly beneficial to coal operators and consumers, because of increased availability of bonds and flexibility to regulatory authorities in implementing the rules.

The rules have also been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and OSM has determined that the proposed rules do not have a significant impact on a substantial number of small entities. The proposed rules are expected to reduce the regulatory burden on small coal operators by all eviating previous constraints on the surety market thereby allowing increased types of collateral.

It is hereby determined that this proposed rulemaking does not constitute 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 (42 U.S.C. 4332(2)(C)) is required.

Dated: August 18, 1981.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13192) it is proposed to amend Title 30 Subchapter J of the Code of Federal Regulations as set forth below:

PARTS 801–809 [REMOVED]

Subchapter J, Parts 801–809 are removed, Part 800 and the heading for Subchapter J are revised as follows:

Subchapter J—Performance Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

PART 800—BOND AND INSURANCE REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS UNDER REGULATORY PROGRAMS

Sec.

Sec.

Authority: Secs. 102, 201(c), 501(b), 503, 504, 507, 508, 509, 510, 515, 516, 519, and 529, Pub. L. 95-87, 91 Stat. 448, 449, 468, 470, 471, 474, 475, 477, 478, 479, 480, 486, 488, 489, 491, 495, 501, and 514 (30 U.S.C. 1201, 1202, 1211, 1251, 1253, 1254, 1257, 1258, 1259, 1260, 1265, 1266, 1269, and 1279).

§ 800.1 Scope.

This part sets forth the minimum requirements for the Secretary's approval of regulatory program provisions for bonding and insuring surface coal mining and reclamation operations.

§ 800.2 Objective.

The objective of this Part is to set forth the minimum requirements and responsibilities for filing and maintaining bonds and insurance for surface coal mining and reclamation operations under regulatory programs in accordance with the Act.

§ 800.4 Regulatory authority responsibilities.

(a) The regulatory authority shall prescribe and furnish forms for filing performance bonds.

(b) The regulatory authority shall prescribe terms and conditions for performance bonds and insurance which meet, at a minimum, the requirements of this Part.

(c) The regulatory authority shall determine the amount of the bond, in accordance with 30 CFR 800.14.

(d) The regulatory authority may accept a self-bond in lieu of a surety or collateral bond if the permittee meets the requirements of 30 CFR 800.23 and any additional requirements in the State or Federal program.

(e) The regulatory authority shall release liability under bonds in accordance with 30 CFR 800.40.

(f) The regulatory authority shall cause all or part of a bond to be forfeited in accordance with 30 CFR 800.50.

(g) The regulatory authority shall require in the permit that adequate bond coverage be in effect at all times. Operating without a bond is a violation of a condition upon which the permit is issued.

§ 800.5 Definitions.

Surety bond means an indemnity agreement in a sum certain payable to the regulatory authority, executed by the permittee as principal and which is supported by the performance guarantee of a corporation licensed to do business as a surety in the State where the operation is located.

Collateral bond means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the regulatory authority of one or more of the following:

(a) The deposit of cash in one or more accounts, payable only to the regulatory authority upon demand;

(b) Negotiable bonds of the United States, a state or a municipality, endorsed to the order of, and placed in the possession of, the regulatory authority;

(c) Negotiable certificates of deposit, made payable or assigned to the regulatory authority and placed in its possession or held by a Federally insured bank;

(d) An irrevocable letter of credit of any bank organized or authorized to transact business in the United States, payable only to the regulatory authority upon presentation;

(e) A perfected, first-lien security interest in real or personal property in favor of the regulatory authority; or

(f) Other investment-grade rated securities having a rating of AAA, AA, or A or equivalent rating issued by a nationally recognized securities rating service, endorsed to the order of, and placed in the possession of the regulatory authority.

Self Bond means an indemnity agreement in a sum certain executed by the permittee and made payable to the regulatory authority, without separate surety;

Escrow Account Bond means cash deposited in one or more accounts which are payable on demand only to the regulatory authority or cash deposited directly with the regulatory authority.

§ 800.11 Requirement to file a bond.

(a) After a surface coal mining and reclamation permit application has been approved but before such permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond or bonds for performance made payable to the regulatory authority and conditioned upon the faithful performance of all the requirements of the Act, the regulatory program and the permit.

(b) At a minimum, the bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within an identified increment during the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this Section.

(c) An operator shall not disturb surface acreage or extend any underground shafts, tunnels or operations prior to acceptance by the regulatory authority of a performance bond covering the surface acreage to be affected.

(1) After the amount of the bond has been determined for the permit area in accordance with 30 CFR 800.14 the permittee may either file—

(i) An entire performance bond or bonds required during the term of the permit; or

(ii) A cumulative bond schedule listing the areas covered by the bonds and the sequences for release of acreage as reclamation progresses through varying phases and for the addition of other acreage as it is affected. The amount of bond required to obtain a permit shall include the full reclamation cost of the initial area being affected; or

(iii) An incremental bond schedule and the new performance bond required for the first increment in the schedule.

(2) When the operator elects to identify increments to be separately bonded, he or she shall identify the initial and successive incremental areas for bonding on the permit application map submitted for approval as provided in 30 CFR Part 780, and shall specify the proportion of the total bond amount required for the term of the permit which will be filed prior to commencing operations on each incremental area. The scheduled amount of each performance bond increment shall be filed with the regulatory authority at least 30 days prior to the commencement of surface coal mining and reclamation operations in the next increment.

§ 800.12 Form of the performance bond.

(a) The regulatory authority shall prescribe the form of the performance bond. The regulatory authority may allow for either—

(1) A surety bond;

(2) A collateral bond;

(3) Self bonding; or

(4) A combination of any of these bonding methods.

(b) The Secretary may approve, as part of a State or Federal program, an alternative bonding system, if it will achieve the objectives and purposes of the bonding program established by this chapter.

§ 800.13 Period of liability.

(a) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period which is coincident with the operator's responsibility for revegetation provided in 30 CFR 816.116. However, the liability period for certain bonds may be limited if they are posted and approved to guarantee only specific phases and/or increments of reclamation within the permit area.

(b) The period of liability shall commence after the last year of augmented seeding, fertilizing, irrigating, or other work and shall continue for not less than 5 full years in areas with more than 26.0 inches average annual precipitation and for not less than 10 full years in areas with 26.0 inches or less average annual precipitation. Except as noted in paragraph (c) of this section, the period of liability shall begin again whenever augmented seeding, fertilizing, irrigating, or other work is required or conducted on the site prior to bond release.

(c) The regulatory authority may approve selected reclamation practices which conform to provisions of 30 CFR 816.116(c) or 817.116(c), without extending the liability period.

(d) Small, isolated, and clearly defined portions of the permit area requiring extended liability because of augmentation may be separated from the original area and bonded separately with the approval of the regulatory authority. Such areas must be limited in extent and not constitute a checkerboard pattern of failure. Proper access to the separated areas for remedial work should be included.

(e) If the regulatory authority approves a long-term, intensive agricultural post-mining land use, in accordance with 30 CFR 816.133, the applicable 5 or 10 year period of liability shall commence at the date of initial planting.

(f) The bond liability of the permittee shall include only those actions which he or she is obligated to take under the permit, including completion of the reclamation plan, in such a manner that the land will be capable of supporting a postmining land use approved under 30 CFR 816.133(c) or 817.133(c). Actions of third parties which are beyond the control and influence of the permittee and for which he or she is not responsible under the permit need not be covered by the bond.

§ 800.14 Determination of bond amount.

(a) The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential; shall be based on, but not be limited to, the estimated cost submitted by the permit applicant; and shall be determined by the regulatory authority.

(b) The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the regulatory authority in the event of forfeiture, and in no case shall the bond for the entire area under one permit be less than $10,000.

§ 800.15 Adjustment of amount.

(a) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time-to-time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

(b) The regulatory authority shall notify (1) the permittee, (2) the surety, and (3) any other person with a property interest in collateral of any proposed bond adjustment and provide the permittee an opportunity for an informal conference on the adjustment. Bond adjustments are not subject to procedures of bond release under § 800.40, except as stipulated in paragraph (c) of this section.

(c) A permittee may request reduction of the amount of performance bond upon submission of evidence to the regulatory authority proving that the permittee's method of operation or other circumstances will reduce the estimated cost to the regulatory authority to reclaim the area bonded. This reduction of bond shall be deemed a bond adjustment if the reduction is based on a change in method of operation or a decrease in the number of acres to be disturbed. If the reduction is due to a decrease in the number of acres that have already been disturbed, then the request for reduction will be considered a request for partial bond release in accordance with the procedures of 30 CFR 800.40.

(d) In the event that an approved operation and reclamation plan is modified in accordance with Subchapter G of this Chapter, the regulatory authority will review the bond for adequacy and, if necessary, will require adjustment in the bond to conform to the operations and reclamation plan as modified.

§ 800.16 General terms and conditions of bond.

(a) The performance bond shall be in an amount determined by the regulatory authority as provided in 30 CFR 800.14.

(b) The performance bond shall be payable to the regulatory authority.

(c) The performance bond shall be conditioned upon faithful performance of all the requirements of the Act, this Chapter, the regulatory program, and the conditions of the permit.

(d) The duration of the bond shall be for the time period provided in 30 CFR 800.13.

(e)(1) The bond shall provide a mechanism for a bank or surety company to give prompt notice to the regulatory authority and the permittee of any action filed alleging the insolvency or bankruptcy of the surety company, the bank or the permittee, or alleging any violations which would result in suspension or revocation of the surety or bank charter or license to do business.

(2) Upon the incapacity of a bank, surety company, or person by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the permittee shall be deemed to be without bond coverage. The regulatory authority shall issue a notice of violation to any operator who is without bond coverage which shall specify a reasonable period to replace bond coverage, not to exceed ninety (90) days. Such notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 30 CFR 843.13 and need not be reported as a past violation in permit applications under 30 CFR 778.14 or 782.14. If such a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued.

§ 800.17 Bonding requirements for underground coal mines, coal processing plants, associated structures and other long-term coal-related facilities and structures.

(a) *Responsibilities.* The regulatory authority shall require bond coverage in an amount determined under § 800.14, for long-term surface facilities and disturbed surface areas of underground mines. Specific reclamation techniques required for underground mines and long-term facilities shall be considered in determining the amount of bond to complete the reclamation.

(b) *Long-term period of liability.* (1) The period of liability for every bond

covering long-term surface facilities shall commence with issuance of a permit and extend until all reclamation, restoration, and abatement work under provisions of the permit have been completed and the bond is released under provisions of 800.40, or replaced or extended in accordance with paragraph (b)(2) of this section.

(2) To achieve continuous bond coverage for long-term operations, the performance bond shall commence with issuance of a permit, cover the initial term of the bond and be conditioned to extend, replace, or pay the full amount of the bond 120 days prior to the expiration of the bond term.

(c) *Bonding of subsidence control measures.* An operator shall not extend any underground shafts, tunnels or underground operations until measures to prevent subsidence from causing material damage detailed in 30 CFR 784.20 have been completed or a performance bond guaranteeing completion of such work, if applicable, is accepted by the regulatory authority.

(d) *Bond forfeiture.* The regulatory authority shall forfeit a bond pursuant to this section if—

(1) 120 days prior to bond expiration the operator has not filed a performance bond for the revegetation liability period or a new permit term as required for continuous coverage; or

(2) The regulatory authority determines that a permittee is subject to forfeiture under § 800.50.

800.20 Surety bonds.

(a) A surety bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located.

(b) Surety bonds shall be non-cancellable during their terms, except that surety bond coverage for lands not disturbed may be cancelled with the prior consent of the regulatory authority.

800.21 Collateral bonds.

(a) Collateral bonds, except for letters of credit and escrow accounts, shall be subject to the following conditions:

(1) The regulatory authority shall obtain possession of and keep in custody all collateral deposited by the applicant, until authorized for release or replacement as provided in this Subchapter.

(2) The regulatory authority shall value collateral at its current market value, not face value; and

(3) The regulatory authority shall require that certificates of deposit be assigned to the regulatory authority, both in writing and upon the books of the bank issuing such certificates.

(b) Letters of credit shall be subject to the following conditions:

(1) The letter may only be issued by a bank organized or authorized to do business in the U.S.;

(2) Letters of credit shall be irrevocable during their terms; and

(3) The letter must be payable upon demand to the regulatory authority in part or in full by receipt from the regulatory authority of a notice of forfeiture issued in accordance with 30 CFR 800.50.

(c) Real and personal property posted as a collateral bond shall meet the following criteria:

(1) The applicant shall grant the regulatory authority a first mortgage, first deed of trust or perfected first-lien security interest in real or personal property with a right to sell or otherwise dispose of the property in the event of forfeiture under 30 CFR 800.50

(2) In order for the regulatory authority to evaluate the adequacy of the property offered to satisfy this requirement, the applicant shall submit a schedule of the real or personal property which shall be mortgaged or pledged to secure the obligations under the indemnity agreement. The list shall include—

(i) A description of the property;

(ii) The fair market value as determined by an independent appraisal conducted by a certified appraiser; and

(iii) Proof of possession and title to the real property.

(3) The property may include land which is part of the permit area; however, land pledged as security shall not be mined under any permit.

(d) Escrow accounts shall be subject to the following conditions:

(1) The regulatory authority may authorize the operator to supplement the bond through the establishment of an escrow amount deposited in one or more accounts made payable upon demand only to the regulatory authority or deposited with the regulatory authority directly. The total bond including the escrow amount shall not be less than the amount required under terms of performance bonds including any adjustments, less amounts released in accordance with release of performance bonds.

(2) Interest paid on an escrow account shall be retained in the escrow account and applied to the bond value of the escrow account unless the regulatory authority has approved the payment of interest to the operator.

(3) Certificates of deposit may be substituted for an escrow account with the approval of the regulatory authority.

(e) The estimated bond value of all collateral posted as bond assurance under 30 CFR 800.21 shall be subject to a margin—bond value to market value ratio—determined by the regulatory authority. The margin shall reflect legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in having reclamation completed.

The bond value of collateral may be evaluated at any time, but shall be evaluated and, if necessary, the performance bond increased or decreased as part of permit renewal. In no case shall the bond value exceed the market value.

§ 800.23 Self bonding.

(a) The regulatory authority may accept the applicant's self-bond when the applicant demonstrates to the satisfaction of the regulaory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient to assure performance of all reclamation requirements pursuant to the applicant's permit.

(b) If the regulatory authority adopts a self-bonding program, detailed criteria for financial and operating critria regarding minimum qualifications which provide guarantees equivalent to other bonding methods shall be specified and procedures for evaluating candidates for self-bonds shall be set forth.

(c) If at any time any of the conditions upon which the self-bond was approved no longer prevail, the regulatory authority shall require the posting of a surety or other bond before mining operations continue.

§800.30 Replacement of bonds.

(a) The regulatory authority may allow permittees to replace existing bonds with other bonds providing the same coverage.

(b) The regulatory authority shall not relase existing performance bonds until the permittee has submitted and the regulatory authority has approved acceptable replacement performance bonds. A replacement of performance bonds pursuant to this Section shall not constitute a release of bond under 30 CFR 800.40.

§ 800.40 Requirement to release performance bond.

(a) *Bond Release Applications.* (1) The permittee may file an application with the regulatory authority for the release of all or part of a performance bond or deposit. Applications may only be filed at times or during seasons that allow the

regulatory authority to evaluate properly the reclamation operations alleged to have been completed. The times or seasons appropriate for the evaluation of certain types of reclamation shall be identified in the mining and reclamation operations plan required in Subchapter G of this Chapter and approved by the regulatory authority.

(2) Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed at least once a week for four seccessive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. The advertisement shall state that written comments, objections, and request for a public hearing or informal conference may be submitted to the regulatory authority, and provide the address of that office and the closing date by which comments, objections, and requests must be received. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b)(1) *Inspection by regulatory authority.* Upon receipt of the notification and request, the regulatory authority shall within thirty days, or as soon as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the regulatory authority in making the bond release inspection.

(2) Within sixty days from the filing of the request, if no public hearing is held pursuant to 30 CFR 800.40(e), or if there has been a public hearing held pursuant to 30 CFR 800.4(f) within thirty days thereafter, the regulatory authority shall notify the permittee and the surety or other person with an interest in collateral in writing of its decision to release or not to release all or part of the performance bond or deposit.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation or phase of reclamation covered by the bond or deposit or portion therof has been accomplished as required by the Act according to the following schedules for reclamation of Phases I, II, and III:

(1) At the completion of Phase I, after the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area.

(2) At the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in 30 CFR 816.116 for reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirments set by 30 CFR 816.49 or until soil productivity for prime farmlands has returned to the equivalent levels of yield as non-mined land of the same soil type in the surrounding area as determined from the soil survey performed pursuant to Section 507(b)(8) of the Act. Where a silt dam is to be retained as a permanent impoundment pursuant to 30 CFR 816.47 a portion of bond may be released under this paragraph so long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.

(3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 30 CFR 816.116; *provided, however,* That no bond shall be fully released until all reclamation requirements of the Act and the permit are fully met.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing an opportunity for a public hearing.

(e) When any application for total or partial bond release is filed with the regulatory authority, the regulatory authority shall notify the municipality in which the surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest which might be adversely affected by release of the bond or the reponsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or is authorized to develop and enforce environmental standards with respect to such operations shall have the right to file written objections to the proposed release from bond with the regulatory authority within thirty days after the last publication of the notice required by Paragraph (a)(2) of this section. If written objections are filed, and a hearing requested, within thirty days of the request for such hearing the regulatory authority shall inform all the interested parties of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality for two consecutive weeks. A public hearing shall be held in the locality of the surface coal mining operation from which bond release is sought or at the State capital, at the option of the objector, within thirty days of the request for such hearing.

(g) Without prejudice to the right of an objector, or the applicant, the regulatory authority may hold an informal conference as provided in Section 513 of the Act to resolve such written objections.

(h) For the purpose of such hearing the regulatory authority shall have the authority to administer oaths, subpoena witnesses, or written or printed material, compel the attendance of

witnesses, or production of the materials and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

§ 800.50 Forfeiture of bonds.

(a) The regulatory authority shall take action to forfeit all or part of a bond for any permit area or an increment of a permit area if reclamation operations are not conducted in accordance with the reclamation plan, or the terms of the permit, or the operator defaults on the conditions under which the bond was accepted.

(1) The regulatory authority may withhold forfeiture if the permittee or another party agrees to performing reclamation operations in accordance with a compliance schedule which meets the conditions of the permit, the reclamation plan and the regulatory program.

(2) The regulatory authority may allow a surety to complete the reclamation plan, or the applicable bonded phase or increment of the reclamation plan, if the surety can demonstrate an ability to complete the reclamation in accordance with the approved reclamation plan, provided, no surety liability shall be released, except for partial releases authorized under 30 CFR 800.40, until successful completion of all reclamation under the terms of the permit, including applicable liability periods of 30 CFR 800.13.

(b) In the event forfeiture of the bond is required by this section, the regulatory authority shall—

(1) Send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing of the determination to forfeit all or part of the bond including the reasons for the forfeiture and the amount to be forfeited;

(2) Advise the permittee and surety, if applicable, of the conditions under which forfeiture may be avoided and rights of appeal from the determination that may be available under any applicable State or Federal law.

(3) Proceed to collect the bond amount forfeited as provided by applicable laws for the collection of defaulted bonds or other debts, if an appeal is not filed within a time established by the regulatory authority and a stay of collection is not issued by the hearing authority or such appeal, if taken, is unsuccessful.

(c) Upon default, the regulatory authority may forfeit any and all bonds deposited to complete those reclamation operations for which the bonds were posted.

(d) The regulatory authority shall utilize funds collected from bond forfeiture to contract for completion of the reclamation plan, or portion thereof, on the permit area or incremental acreage on which bond coverage applies.

§ 800.60 Terms and conditions for liability insurance.

(a) The regulatory authority shall require the applicant to submit at the time of permit application a certificate certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which the permit is sought. The certificate shall provide for personal injury and property damage protection in an amount adequate to compensate all persons injured or property damaged as a result of surface coal mining and reclamation operations, including the use of explosives, to all persons and who are entitled to compensation under the applicable provisions of State law. Minimum insurance coverage for bodily injury and property damage shall be $300,000 for each occurrence and $500,000 aggregate.

(b) The policy shall be maintained in full force during the life of the permit or any renewal thereof including completion of all reclamation operations under this chapter.

(c) The policy shall include a rider requiring that the insuror notify the regulatory authority whenever substantive changes are made in the policy including any termination or failure to renew.

(d) The regulatory authority may accept from the applicant, in lieu of a certificate for a public liability insurance policy, satisfactory evidence from the applicant that it satisfies applicable State self-insurance requirements approved as part of the regulatory program and the requirements of this section.

§ 800.70 Bonding for anthracite operations in Pennsylvania.

(a) All of the provisions of this Subchapter shall apply to bonding and insuring anthracite surface coal mining and reclamation operations in Pennsylvania except that:

(1) Specified bond limits shall be determined by the regulatory authority in accordance with applicable provisions of Pennsylvania statutes, rules and regulations promulgated thereunder and implementing policies of the Pennsylvania Department of Environmental Resources.

(2) The period of liability for responsibility under each bond shall be established for those operations in accordance with applicable laws of the State of Pennsylvania, rules and regulations promulgated thereunder, and implementing policies of the Pennsylvania Department of Environmental Resources.

(b) Upon amendment of the Pennsylvania permanent regulatory program with respect to specified bond limits and period of revegetation responsibility for anthracite surface coal mining and reclamation operations, any person engaging in or seeking to engage in those operations shall comply with additional regulations the Secretary may issue as are necessary to meet the purposes of the Act.

(c) Nothing in this Part shall exempt anthracite surface coal mining and reclamation operations from the requirements of this Subchapter, except as set forth in this section.

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Part III

Department of the Interior

Fish and Wildlife Service

Final Frameworks for Late Season Migratory Bird Hunting Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This document finalizes proposed rulemakings published in the **Federal Register** on March 25, July 8, and August 17, 1981, and establishes frameworks (i.e., the outer limits for dates and times when shooting may occur, hunting areas, and the number of birds which may be taken and possessed) for late season migratory bird hunting regulations for the 1981–82 season. These seasons generally commence on or about October 1, 1981, and include most of those for waterfowl.

Except as noted, the frameworks are similar to those in effect last hunting season. The Service continues its program of stabilized season lengths and bag limits for ducks during the regular hunting season into the 1981–82 hunting season. This will be the second year of a 5-year cooperative study with Canada.

In the Atlantic Flyway, zones for duck hunting are modified or initiated in 4 States, length of Canada goose seasons in 3 States and the snow goose season throughout the flyway are extended, and the brant season is opened on a limited basis. Hunting zones are changed in several Mississippi Flyway States, goose quota reductions are specified for Illinois and Wisconsin, and changes are made in the goose limits and transportation regulations in portions of the Mississippi Flyway. In the Central Flyway, zones for duck hunting may be selected experimentally in 4 States; other States may divide their duck seasons into 3 segments in lieu of zoning. Longer seasons are established for Canada geese in designated portions of South Dakota and Nebraska, and for white geese only in New Mexico. Four States may designate goose seasons by zones. In the Pacific Flyway, more liberal regulations are offered for several areas frequented by the Rocky Mountain Population of Canada Geese; for white geese in portions of California, Oregon, and Washington; and for cackling and white-fronted geese in portions of California. Cascade County, Montana, is added to Teton County for whistling swan hunting with no increase in the number of permits allocated to the State.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late season migratory bird hunting regulations for the 1981–82 season.

EFFECTIVE DATE: This rule takes effect on September 9, 1981. State selections of seasons and other options are due by September 4, 1981.

ADDRESSES: State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received on the proposed late season frameworks are available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. Copies of the environmental assessment on stabilization of hunting regulations are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. The Service's biological opinion resulting from its consultation under Section 7, Endangered Species Act, is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic, value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 25, 1981, the Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (46 FR 18666) proposals to amend 50 CFR Part 20, with comment periods ending July 16 and August 24, 1981, respectively for the 1981–82 early and late hunting frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On July 8, 1981, the Service published in the **Federal Register** (46 FR 35316) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 13, 1981, the Service published for public comment in the **Federal Register** (46 FR 35056) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 29, 1981, the Service published in the **Federal Register** (46 FR 38868) a fourth document consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1981–82 season. In a fifth document published in the **Federal Register** on August 17, 1981 (46 FR 41736), the Service published supplemental proposed frameworks for the late hunting seasons. On August 21, 1981, the Service published in the **Federal Register** (46 FR 42642) a sixth document consisting of a final rule amending Subpart K of 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in four States; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82.

This final rulemaking is the seventh in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and establishes final frameworks for late season migratory bird hunting regulations for the 1981–82 season.

Review of Public Comments and the Service's Response

In the **Federal Register** dated July 8, 1981 (at 46 FR 35316), the Service reported and responded to all public comments on the proposed late season frameworks which had been received up to June 3, 1981. Twenty-one additional written comments and oral statements from 7 individuals at the late seasons Public Hearing on August 4 were summarized and responded to in the **Federal Register** dated August 17, 1981 (at 46 FR 41736). A number of changes were made in response to these various

comments and to additional biological data.

Thirty-seven additional written comments were subsequently received prior to the closing of the public comment period for the proposed late hunting season frameworks on August 24, 1981. These comments originated from 9 State conservation agencies, 22 individuals (including petitions submitted on behalf of 796 persons), 1 Federal agency, 2 local governments, and 3 organizations. Respondents sometimes submitted several communications. Frequently letters did not specifically mention the open comment period or refer to the Service's proposals. However, because they were received during the comment period and generally related to migratory bird hunting regulations, they were treated as comments. Excluded from the following summary are comments on: early hunting season frameworks from which regulations have already been finalized (see the **Federal Register** dated August 21, 1981, at 46 FR 42642); specific hunting season dates, which are yet to be selected by State conservation agencies; and species not defined as migratory game birds. The comments are summarized and addressed in the same order that the various regulatory topics appeared in the **Federal Register** dated March 25, 1981.

Zoning. Maine indicated that in selecting waterfowl seasons it desired the option to choose between the zones in effect during the 1980–81 hunting season and the new zones described in the **Federal Register** dated August 17, 1981, at page 41741. Nebraska reported that Cass and Sarpy Counties had been inadvertently omitted from the list of counties comprising Zone 4 in that State. This omission occurred on page 41744 of the foregoing **Federal Register.**

Response. The final late season frameworks include the two zone options for Maine and the two additional counties in Zone 4 of Nebraska.

Goose and Brant Seasons

Atlantic Flyway. Comments from the Connecticut Department of Environmental Protection and one individual supported the 20-day increase in Canada goose season length proposed by the Service but recommended that a daily bag limit of 4 rather than 3 Canada geese be allowed. The Soil Conservation Service, Department of Agriculture, provided information on damages to certain Connecticut farm crops caused by grazing geese. Damage to cover crops during the early fall is particularly serious in Newport, Kent, and Washington Counties. Lengthening the season to 90 days and setting the season's opening as early as September 20 were recommended to alleviate depredations. The Northern Rhode Island Conservation District similarly commented on goose depredations upon agricultural crops and the need for hunting season relaxations.

Seven letters were received from individuals residing in Rhode Island, where the same Canada goose frameworks are being proposed. All favored extending the goose season from 70 to 90 days, as the Service proposes.

Response. The Service's final frameworks allow these two States to select 90-day seasons within the framework of October 1, 1981, through January 31, 1982, with a bag limit of 3 Canada geese and a possession limit of 6. The longer framework this year allows States greater flexibility in selecting seasons. In some locales the sedentary geese do not become vulnerable to hunting until late winter. The Service believes that extending the season by 20 days and allowing a later framework will be of more importance in alleviating crop damage than providing an additional goose in the daily bag limit. Experience gained this fall and winter with these relaxations will be reviewed to determine their benefits in alleviating crop depredations.

Seven New Jersey hunters signing one letter commented on brant and snow goose regulations. They favored a 30-day brant season and a limit of 1 to 3 brant daily. They further recommended increasing the snow goose daily bag limit to 6 birds daily as a means of making the hunting of these birds more attractive. A letter from the New Jersey Waterfowlers Association commented extensively on snow goose populations and management, and recommended a 90-day season with 6 geese allowed daily.

Response. The Service's frameworks provide for a 90-day season (an increase of 20 days over last year) and a daily limit of 4 snow geese throughout the Atlantic Flyway. This is what was recommended by the Atlantic Flyway Council. This level of harvest opportunity is believed to be consistent with flyway management objectives for Atlantic snow geese.

New Jersey recommended that the proposed brant frameworks, providing for a continuous 30-day season, be modified to allow split seasons. New Jersey pointed out that other waterfowl hunting seasons are split and it would be desirable to avoid having the brant season open at times when other waterfowl seasons would be closed. If this were not avoided, hunting pressure might be undesirably focused exclusively on brant during certain periods.

Response. The rationale offered by New Jersey is reasonable and the frameworks are modified to allow States in the Atlantic Flyway to select split seasons for brant.

Mississippi Flyway. A number of comments were received on the Service proposal to reduce harvest quotas on Mississippi Valley Population (MVP) Canada geese slightly more than proposed by the Upper Region of the Mississippi Flyway Council.

The Cairo Chamber of Commerce and the City of Cairo, both of Cairo, Illinois, opposed the 3,000-bird reduction in Illinois' Canada goose quota, noting that the restriction would adversely affect the local economy. The Southern Illinois Quotozone Waterfowl Association and four persons opposed reduction of the Illinois goose quota. The Conservation Advisory Board, Illinois Department of Conservation, expressed concern that harvest quotas were being reduced for MVP geese at a time when the Illinois segment of the population was stable or increasing. Illinois also requested that the season framework opening date in the Southern Illinois Zone be delayed from November 6 to November 9.

In contrast, the Arkansas Game & Fish Commission, the Kentucky Department of Fish & Wildlife Resources, and the Louisiana Department of Wildlife and Fisheries objected that the proposed reduction in quotas was not sufficient to increase MVP Canada geese as specified in the MVP management plan.

In Indiana, concern focused on the shortening of the goose season in Posey County to 50 days from the 70 days in effect last year. The Indiana Division of Fish and Wildlife and 8 individuals, with petitions bearing the signatures of 796 persons objected to including Posey County, Indiana, in the area where a 20-day reduction in season length for MVP Canada geese was proposed. This reduction was recommended by the Mississippi Flyway Council. The State noted that geese using Posey County range into Henderson and Union Counties, Kentucky, where 70-day seasons are being proposed. The petitioners based their opposition to the 20-day season reduction in the belief that Indiana hunters are being unfairly penalized in efforts to increase the numbers of MVP Canada geese.

The decision to reduce the overall harvest of Mississippi Valley Population Canada geese stems from the downward trend in its status since 1977. This trend is contrary to the population goal

established for this population, and works against achieving the distribution goal. The problem may be exacerbated this year because the fall flight is expected to be smaller than last year and may be below average.

The States involved in the management of MVP geese customarily reach agreement and make a recommendation to the Service on the level of harvest deemed appropriate. This year, however, they failed to agree on harvest quotas, a key element in harvest management. There was general agreement that the season length should be reduced from 70 to 50 days, but no agreement was reached on the Wisconsin and Illinois quotas. Upper Region States of the Mississippi Flyway Council recommended a combined quota of 55,000 (compared to 63,000 in 1980); while the Lower Region States recommended 36,000.

Under these circumstances, the Service endorsed the 50-day season length recommendation, and proposed a quota of 50,000 birds—20,000 birds to Wisconsin (a reduction of 33 percent from last year) and 30,000 birds to Illinois (a 9 percent reduction). The disparity in quota reduction is based on the fact that most of the MVP decline is attributed to that segment of the population harvested mainly in Wisconsin. The harvest in Illinois has contributed to the decline but to a lesser degree. The reduction in season length and harvest quotas reflect a desire to reverse the 3-year downward trend in the MVP. The Service believes the population decline is real and that action this year is essential. If the reductions prove inadequate, further steps will have to be considered next year.

The framework has been revised so that the Canada goose season opening in southern Illinois is delayed from November 6 to November 9.

A minor correction is made in the description of the area in Tennessee where the Canada goose season is limited to 50 days.

Central Flyway. Additions and corrections to the frameworks applicable in this flyway include providing a possession limit of 10 geese, of which no more than 4 may be dark geese, in New Mexico; and changing the last date in Kansas from November 28 to November 29 when more liberal Canada goose and white-fronted goose limits apply.

Pacific Flyway. Corrections in this flyway's frameworks include replacing "Malheur County" with "Klamath County" in defining the area where more liberal bag limits for dark geese apply; and deleting mention of Wyoming in the framework relating to the Pacific Population of Canada geese.

Non-toxic Shot Regulations

On June 12, 1981, the Service published in the Federal Register (46 FR 31030) proposed rules describing zones in which non-toxic shot is required for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Non-toxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas. The final regulations on non-toxic shot zones were published in the Federal Register (46 FR 40879) on August 13, 1981.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council of Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Consequently, the Service reviewed all regulations frameworks being contemplated this year for season lengths, limits, shooting hours, and outside dates within which States may select general seasons for waterfowl, coots, and gallinules; extra teal in regular seasons; special scaup seasons; whistling swan seasons in 3 western States; sandhill crane seasons in portions of the Central Flyway and southeastern Arizona; and special falconry regulations. As a result of intra-Service Section 7 consultation, the Chief, Office of Endangered Species, stated in a biological opinion dated July 30, 1981, "* * * your action, as proposed, is not likely to jeopardize the continued existence of the above listed species [Aleutian Canada goose, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane] and is not likely to result in the destruction or adverse modification of any designated Critical Habitat." As reported in the Federal Register dated July 13, 1981 (at 46 FR 36060), and July 29, 1981 (at 46 FR 38869), Section 7 consultations for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands were concluded on May 15, 1981, and for other proposed early season frameworks on June 15, 1981, with satisfactory biological opinions.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the Federal Register dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with new requirements on Federal agencies in developing new rules. A summary of an initial regulatory impact analysis was included in the same Federal Register.

The Service subsequently completed a final regulatory impact and flexibility analysis (FRIA) on June 30, 1981, and published a summary of it in the Federal Register dated August 21, 1981, at 46 FR 42643.

The Service's FRIA was planned so that it would suffice for both the early and late season final regulations. Copies of the final analysis are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Correction of Error in Early Season Regulations for Mourning Doves in North Dakota

The Service takes this opportunity to correct an error in the above regulations

relating to the bag and possession limits. These regulations, finalized in the Federal Register dated August 21, 1981 (at 46 FR 42645), incorrectly showed North Dakota's limits for mourning doves as 10 birds daily and 20 in possession. Because North Dakota selected the 45-day length season option, the limits should have read 15 doves daily and 30 in possession.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting, must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on March 25, July 8, and August 17, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service, and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

1. Accordingly, the Service under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 701 et seq), prescribes the final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing dates, and hunting areas, from which State conservation agency officials may select open season dates and other options. Upon receipt of these selections from State officials, the Service will publish in the Federal Register final rulemaking amending certain sections of Subpart K of 50 CFR Part 20 to reflect late seasons, limits and shooting hours for the contiguous United States for the 1981–82 season.

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Final Regulations Frameworks for 1981-82 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of New Mexico, Texas, Colorado, Oklahoma, Montana, Wyoming, and Arizona; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

Split Season: States in all Flyways may split their season for ducks, geese, or brant into two segments of equal or unequal lengths. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting Hours: Between one-half hour before sunrise and sunset daily in all States, for all species, and for all seasons. The hours noted here also apply to hawking (taking by falconry).

Extra Blue-winged Teal: States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

Extra teal: States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit for 9 consecutive days during the regular duck season of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession.

Special Scaup-only Season: States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1981, and January 31, 1982, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1981.

4. These areas must be described and delineated in State hunting regulations.

OR

Extra Scaup: As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Point System: Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, and West Virginia may not select the point system pending completion of zoning studies.

Deferred Season Selections: States that did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 1, 1981, and January 20, 1982.

Hunting Season: 50 days.

Daily Bag and Possession Limits (including restrictions on black ducks): (a) basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks.

Canvasbacks and Redheads: Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The possession limit on redheads is twice the daily bag limit under conventional regulations. The canvasback possession limit is equal to the daily bag limit. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina - Those portions of each State lying east of U.S. Highway 1.

Restrictions on Wood Ducks: Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

Early Wood Duck Season Option: Virginia, North Carolina, South Carolina, and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the flyway in 1981 shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possession limits shall be the same as established for the flyway under conventional or point system regulations. For those States using conventional regulations, the 9 consecutive days extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Lake Champlain Area, New York Follows Vermont: The Lake Champlain Area of New York must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

Special Scaup and Goldeneye Season: In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

Zoning:

Long Island: New York may, for Long Island, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York: Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a 2-segment split season without penalty may be selected in each zone. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

New York Zone Definitions: The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with

Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and West Virginia: Maine may implement its current zoned season program on an operational basis. New Hampshire, Massachusetts, Connecticut, and West Virginia each may be divided into two zones on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. New Jersey may be divided into three zones and Pennsylvania may be divided into four zones for the same purpose. Option (a) or (b) for seasons and bag limits is applicable to the zones within the Flyway framework. Only conventional regulations may be selected in Maine, New Hampshire, Massachusetts, Connecticut, West Virginia, and Pennsylvania. New Jersey must select the point system. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a two-segment split season without penalty may be selected. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options, and the 16-day special scaup season shall be allowed.

Zone definitions:

Connecticut

North Zone - That portion of the State north of Interstate 95.

South Zone - That portion of the State south of Interstate 95.

Maine

As an alternative to the zones offered during the 1980-81 season, the following zones may be selected:

North Zone - Game Management Zones 1 through 5.

South Zone - Game Management Zones 6 through 8.

Massachusetts

Coastal Zone - Beginning at the New Hampshire-Massachusetts border, that portion of the State east and south of a boundary formed by Interstate 95, south to U.S. Route 1, south to Interstate 93, south to Route 3, south to U.S. Route 6, southwest to Route 28, northwest to Interstate 195, and west to the Rhode Island line.

Inland Zone - That portion of the State west and north of the above boundary.

New Hampshire

Coastal Zone — Beginning at the Maine-New Hampshire line in Rollinsford, that portion of the State east of a boundary formed by State Highway 4 west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts line.

Inland Zone — That portion of the State west of the above boundary.

New Jersey

Coastal Zone — That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone - The remaining portion of the State.

West Virginia

Allegheny Mountain Upland Zone (contained with the circumscribed boundaries below).

The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line.

Remainder of the State - That portion outside the above boundaries.

Point System Option for all States in the Atlantic Flyway: As an alternative to conventional bag limits for ducks, a 50-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: In Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck (except in Virginia, North Carolina, South Carolina, and Georgia during the early wood duck season option), redhead, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, wigeon, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard, the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina, and Georgia, and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Sea Ducks: In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Coot Limits: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1981, and January 20, 1982, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

Closures on Canada Geese: The season is closed on Canada geese in Florida and Georgia.

Snow Geese

Snow Geese: Between October 1, 1981, and January 31, 1982, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits are 4 and 8 geese, respectively.

Atlantic Brant

Hunting Season: Between October 1, 1981, and January 20, 1982, States in the Atlantic Flyway may select 30-day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

MISSISSIPPI FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 3, 1981, and January 20, 1982, in all States except that in Iowa the framework opening date is September 19 and in Mississippi the framework closing date is January 31.

Hunting Season: Not more than 50 days.

Limits: The daily bag limit for ducks is 5, and may include no more than 3 mallards, no more than 2 of which may be female mallards, 1 black duck, and 2 wood ducks (except as noted below). The possession limit is 10, including no more than 6 mallards, no more than 4 of which may be female mallards, 2 black ducks, and 4 wood ducks (except as noted below).

Canvasback and Redhead Limits: Except in closed areas, the conventional limit on canvasbacks and redheads is 1 daily and 2 in possession for each species. Under the point system, canvasbacks count 100 points each (except in closed areas) and redheads count 70 points each.

Closed Areas for Canvasback Hunting:

Mississippi River - Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama - Baldwin and Mobile Counties.

Louisiana - Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan - Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 8, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota - Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio - Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee - Kentucky Lake lying north of Interstate Highway 40.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits on coots are 15 and 30, respectively.

Point System Option: As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points; the redhead, female mallard, wood duck (except as noted below), black duck, and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, wigeon, gadwall, shoveler, scaup, green-winged teal, and mergansers (except hooded merganser) count 40 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coot Limits—Point System: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Early Wood Duck Season Option: Arkansas, Louisiana, Mississippi, and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 3 and October 15. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system, the point value for wood ducks shall be 25 points. For other species of ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regulations and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Western Louisiana: In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens no later than November 7, 1981. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Zoning: Alabama, Illinois, Indiana, Michigan, Missouri, Ohio, and Tennessee may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Alabama: South Zone - Mobile and Baldwin Counties. North Zone - The remainder of Alabama. The season in the South Zone may be split.

Illinois: North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. Central Zone - That portion of the State between the North and South Zone boundaries. South Zone - That portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone - That portion of Indiana north of State Highway 18. South Zone - The remainder of Indiana.

Michigan: North Zone - That portion of the State north of a line extending east from the mouth of the Manistee River along the north bank to the U.S. 31 bridge, north on U.S. 31 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. South Zone - The remainder of Michigan.

Missouri: North Zone - That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone - The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: North Zone - The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. South Zone - The remainder of Ohio. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone - Lake and Obion Counties, or a designated portion of that area. State Zone - The remainder of Tennessee.

Within each State: (1) the same bag limit option must be selected for both zones; and (2) if a special scaup season is selected for a zone, it shall not begin until after the regular season closing date in that zone.

Geese

Outside Dates, Season Lengths, and Limits: Between October 3, 1981, and January 20, 1982, States in this Flyway may select 70-day seasons on geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between October 3, 1981, and February 14, 1982, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described in the above paragraph.

Canada Goose Closures: The season on Canada geese is closed in Arkansas and Louisiana.

Minnesota. In the:

(a) Lac Qui Parle Zone (described in State Regulations)—the season on Canada geese closes after 50 days or when 5,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season. The daily bag limit is 2 Canada geese and the possession limit is 4.

Iowa: The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri. In the:

(a) Swan Lake Zone (described in State regulations)—the season on Canada geese closes after 70 days or when 20,000 birds have been harvested, whichever occurs first. Through November 20, the daily bag limit is 1 Canada goose and the possession limit is 4. After November 20, the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Area (east of U.S. Highway 67 and south of Crystal City)—State may select a 50-day season on Canada geese between December 1, 1981, and January 20, 1982, with a daily bag limit of 2 Canada geese and a possession limit of 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season in the respective duck hunting zones. The daily bag limit is 2 Canada geese, and the possession limit is 4.

Wisconsin: The goose season is 50 days except in that portion of the State west of the Burlington—Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties, where the season will be 70 days.

The harvest of Canada geese is limited to 20,000. In the Horicon and Central Zones (described in State regulations), the daily bag and possession limits are 1 Canada goose. Elsewhere in Wisconsin, the daily bag limit is 1 Canada goose and the possession limit is 2.

Illinois: 50-day seasons on geese may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 31. The harvest of Canada geese is limited to 30,000, with 24,000 birds allocated to the Southern Illinois Zone (described in State regulations). The daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese in the Southern Illinois Zone will open November 9 and extend through December 31, 1981, or until the Zone's quota of 24,000 birds is reached, whichever occurs first.

Michigan. The goose season is 50 days, except in the Saginaw County Goose Management Area, where the season may be 70 days, and the Southeastern Canada Goose Management Area, where the season may extend for 107 days within the flyway framework dates. Boundaries of the above areas are described in State regulations. Daily bag and possession limits are as follows:

(a) Counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon—the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Canada Goose Management Area - Through November 14, the daily bag limit will be 1 Canada goose and the possession limit will be 2. From November 15 through November 30, the daily bag limit will be 2 Canada geese and the possession limit will be 4. For the remainder of the season, the daily bag limit will be 3 Canada geese and the possession limit will be 6.

(c) Remainder of the State—the daily bag limit is 1 Canada goose and the possession limit is 2.

Ohio: The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer, and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

Indiana: The season for Canada geese may extend for 70 days, except in Posey County, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4. The goose seasons may be set by North and South Zones.

Kentucky: The season for Canada geese may extend for 70 days, except in Hickman, Fulton, Carlisle, and Ballard Counties, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Tennessee: The season for Canada geese may extend for 70 days, except in Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highway 45W, where the season will be 50 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion of the State west of State Highway 13, where the daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese is closed in that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45.

Mississippi: In the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the season on Canada geese will be November 7 through December 16, 1981. The daily bag limit is 1 Canada goose and the possession limit is 2. In the remainder of the State, the season on Canada geese is closed.

Alabama: The season is closed on all geese in the counties of Henry, Russell, and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri and Illinois Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone and the Swan Lake Zone of Missouri will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Shipping Restrictions: Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

CENTRAL FLYWAY

Ducks (including mergansers) and Coots

Outside Dates: Between October 3, 1981, and January 17, 1982, inclusive, in Central Flyway States and portions of States.

Hunting Season: The basic season may include no more than 60 days. States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: Conventional limits on ducks (including mergansers), singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks (including mergansers) may include no more than 1 canvasback (note areas closed to canvasback hunting), 1 redhead, 1 female mallard, 1 hooded merganser, and 2 wood ducks. The possession limit may include no more than 1 canvasback (note areas closed to canvasback hunting), 2 redheads, 2 female mallards, 2 hooded mergansers, and 4 wood ducks. The daily bag and possession limits on coots are 15 and 30, respectively.

Closures. Areas closed to canvasback hunting are:

North Dakota - that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota - all of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Point System Option in the Central Flyway: As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit is 83 days provided that the last 23 days of such season must begin on or after December 12, 1981. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations. The season length for the Low Plains Unit (those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit) may not exceed 60 days.

Point Values: Canvasbacks count 100 points each (note areas closed to canvasback hunting); female mallards, Mexican-like ducks, mottled ducks (Texas only), wood ducks, redheads, and hooded mergansers count 70 points each; blue-winged teal, green-winged teal, cinnamon teal, scaup, pintails, gadwalls, wigeon, shovelers, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days. Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Portions of Colorado, Montana, New Mexico, and Wyoming in Pacific Flyway: Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which

includes the counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Zoning: Kansas, Nebraska, South Dakota, and Wyoming may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Kansas: Two zones in the Low Plains portion of the State as follows:

Zone 1. That portion of south-central Kansas bounded by the State line and the following highways: on the west by U.S. 283; on the north by K-4, U.S. 81, U.S. 56, K-150, and U.S. 50; and on the east by K-99.

Zone 2. The remaining area within the Low Plains of Kansas.

Nebraska: Four zones within the Low Plains portion of the State as follows:

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, and Douglas Counties, including the adjacent waters of the Platte River.

Zone 3. The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Antelope, Boone, Nance, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, Burt, and Washington Counties.

Zone 4. Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

South Dakota: Two zones within the Low Plains portion of the State as follows:

South Zone. Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties.

North Zone. The remainder of the Low Plains portion of South Dakota.

Wyoming: Four zones in the Central Flyway portion as follows:

Zone 1. Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties.

Zone 2. Platte, Goshen, and Laramie Counties.

Zone 3. Carbon and Albany Counties.

Zone 4. Park, Big Horn, Hot Springs, Washakie, and Fremont Counties.

Geese

Outside Dates: States in the Central Flyway may select goose seasons between October 3, 1981, and January 17, 1982, inclusive, (except as noted for New Mexico).

West Tier States.

Montana: For its Central Flyway portion, Montana may select a season of 93 days. The daily bag and possession limits are 2 and 4 geese, respectively, in Sheridan County, and 3 and 6 geese, respectively, in the remainder of the Central Flyway portion.

Wyoming: Wyoming may select seasons of 93 days with daily bag and possession limits of 2 and 4 geese, respectively, for each of four Goose Management Units, which coincide with management zones for ducks, in the Central Flyway portion.

Colorado: Colorado may select, for the Central Flyway portion a season of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

New Mexico: New Mexico, for the Central Flyway portion, may select a season of 93 days during the period October 3, 1981, through February 14, 1982, except that only light geese may be taken after January 17, 1982. The daily bag limit is 5 geese which, through January 17, 1982, may include no more than 2 dark geese, and a possession limit of 10 geese which may include no more than 4 dark geese.

Texas (west of U.S. 81): Texas, for that portion west of U.S. Highway 81, may select a season of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 10 geese which may include no more than 4 dark geese.

East Tier States - Light geese.

North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (for that portion east of U.S. Highway 81) may select seasons for light (Ross' and snow, including blue) geese of 86 days with daily bag limits of 5 and possession limits twice the daily bag limits.

East Tier States - Dark geese. States in this tier may select seasons on dark (Canada and white-fronted) geese of 72 days (except in Nebraska and South Dakota as noted) as follows:

North Dakota: The daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 31, 1981, and no more than 2 Canada geese or 2 white-fronted geese or 1 of each during the remainder of the season.

South Dakota: In Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson, Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp (east of U.S. Highway 183), and Yankton (west of U.S. Highway 81) Counties, the season length may not exceed 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season. In the remainder of the State, the season length may not exceed 72 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose.

Nebraska: In Goose Management Unit 1 comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties, the season length may not exceed 79 days and the daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

In Goose Management Unit 2, the remainder of Nebraska east of U.S. Highway 183, and in Goose Management Unit 3, that portion of Nebraska west of U.S. Highway 183, the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 22, 1981, and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

Kansas: The daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 29 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

Oklahoma: In Goose Management Unit 1 (that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271) and in Goose Management Unit 2 (the remainder of Oklahoma), the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

Texas: In that portion east of U.S. Highway 81, the bag limit may include no more than 1 Canada goose and 1 white-fronted goose daily.

East Tier States Goose Possession Limits: Goose possession limits are twice the daily bag limits.

Sandhill Cranes

Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming may select sandhill crane seasons with daily bag and possession limits of 3 and 6, respectively, and during an October 3, 1981-January 31, 1982, framework as follows:

Colorado and Wyoming: 37 consecutive days during the period of October 3 through November 22, 1981, in the Central Flyway portion of Colorado except the San Luis Valley area, and in the Wyoming counties of Crook, Goshen, Laramie, Niobrara, Platte and Weston.

New Mexico and West Texas: 93 consecutive days between October 20, 1981, and January 31, 1982, in the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

Oklahoma and North Texas: 58 consecutive days on or after November 22, 1981, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

Montana: 37 consecutive days, to open with the goose season, in all of the Central Flyway portion of Montana except Sheridan County and that area south and west of Interstate Highway 90 and the Big Horn River.

Permits: All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits distributed by the appropriate State conservation agency on an equitable basis without charge.

Protection of Whooping Cranes: An emergency closure of the hunting season will be considered in an area where whooping cranes from either the Rocky Mountain or Wood Buffalo-Aransas flocks are found during periods when there is risk of their being taken by hunters.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide including the Jicarilla Apache Indian Reservation, and that portion of Montana including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties.

Ducks (including Mergansers), Coots, Gallinules, and Common Snipe

Outside Dates: Between October 3, 1981, and January 17, 1982.

Hunting Seasons: Concurrent 93-day seasons on ducks (including mergansers), coots, gallinules, and common snipe may be selected in Pacific Flyway States except as subsequently noted.

Duck Limits: Basic daily bag and possession limits on ducks (including mergansers) are 7 and 14, respectively. No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

Coot and Gallinule Limits: The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

Common Snipe Limits: The daily bag and possession limits on common snipe are 8 and 16, respectively.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern Zone of California must coincide with season dates selected by Oregon. For the Southern Zone of California, the State may designate season dates differing from those in the remainder of the State.

Nevada—Clark County Waterfowl Zone: For Nevada, county of Clark, the State may designate season dates differing from those in the remainder of the State.

"Columbia Basin" Portions of Washington, Oregon, and Idaho: In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

Colorado, Montana, New Mexico, and Wyoming — Common Snipe: For States partially within the Flyway 93-day seasons on common snipe between September 1, 1981, and February 28, 1982, may be selected.

Geese

Outside dates, season lengths, and limits on geese: Between October 3, 1981, and January 17, 1982, 93-day seasons on geese (except brant) may be selected in the Pacific Flyway States, except as subsequently noted. The basic daily bag and possession limits are 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (Canada and white-fronted geese); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Aleutian Canada goose closure: The season is closed on the Aleutian Canada goose. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Canada goose closures in California: Three areas in California, described as follows, are restricted in the hunting of all Canada geese:

(1) In the counties of Del Norte and Humboldt there will be no open season on any Canada geese during the 1981-82 waterfowl hunting season.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, the hunting season for taking any Canada geese will not open until December 15, 1981, and may continue to the end of the 1981-82 waterfowl hunting season.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning; the hunting season for taking any Canada geese will close on November 23, 1981.

"Columbia Basin" Portions of Washington and Oregon—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, the goose season may be of 100 days duration and must run concurrently with the duck season; and the bag limits for geese are to be the same as in the general goose season in their respective States.

Oregon (Lake and Klamath Counties) — geese: In the Oregon counties of Lake and Klamath the daily bag and possession limits through October 30 are reduced to 2 and 4 geese, respectively, with no more than 1 and 2, respectively, being dark geese. Thereafter, the limits may be increased to those which are allowed for the Flyway.

California (Northeastern Zone) — geese: In the Northeastern Zone of California through October 30, the limits are 1 dark goose or 1 white goose in the daily bag and 2 geese in possession. Thereafter, the limits may be increased to 4 geese in bag and possession with not more than 2 dark geese or 3 white geese being in either the daily bag or possession.

California (Balance of the State Zone) — geese: In the Balance of the State Zone the season shall not exceed 79 days. The daily bag and possession limits are 5, with not more than 2 dark geese or 3 white geese in either the daily bag or possession.

Pacific Population of Canada geese—Idaho, Oregon, and Montana: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1981.

Rocky Mountain Population of Canada Geese—Montana and Wyoming: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond December 31, 1981.

Idaho, Colorado, and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season on Canada geese may be no more than 83 days and may not extend beyond December 31, 1981.

Nevada—experimental zoning: For Nevada, the State may experimentally designate season dates on geese in Clark County and on geese in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. The daily bag and possession limits are 2 Canada geese throughout the State.

Arizona, Nevada, California, Utah, and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; in Clark County, Nevada; and in Washington County, Utah; the season on Canada geese may be no more than 86 days. The daily bag and possession limits are 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) the daily bag and possession limits on Canada geese are 1 and 2, respectively.

Washington—snow geese: In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the seasons on snow geese may not extend beyond January 3, 1982.

Pacific Brant

Between October 25, 1981, and February 22, 1982, States in this Flyway may select an open season on Pacific brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

BILLING CODE 4310-55-C

Whistling Swans

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties; (e) permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

Sandhill Cranes

Arizona may select an experimental sandhill crane season subject to the following conditions:

1. The season may not exceed 4 days in November 1981.

2. The hunting area is confined to the Wilcox Basin Area defined as Game Management Units 30A, 30B, 31, and 32.

3. Each hunter must obtain and possess a special permit issued by the State. No more than 100 permits may be issued. The season limit is two sandhill cranes.

4. Other migratory bird hunting regulations shall apply.

5. The season on whooping cranes is closed. Emergency closures for all crane hunting may be invoked should circumstances justify such actions.

SPECIAL FALCONRY FRAMEWORKS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

PART 20—MIGRATORY BIRD HUNTING

2. Accordingly, paragraph (b) of § 20.103, Title 50 CFR, is corrected to read:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

* * * * *

(b) *Mourning Doves—Central Management Unit.*

In Missouri, Nebraska, and South Dakota:	
Daily bag limit	10
Possession limit	20
In Kansas, New Mexico, Oklahoma, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, North Dakota, and Wyoming:	
Daily bag limit	15
Possession limit	30

* * * * *

Dated: August 28, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26254 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-55-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/SLSDC			DOT/SLSDC	
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 13 through September 19, 1981

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Agricultural Marketing Service—

40892 8-13-81 / Fresh peaches grown in designated counties in Washington; comments by 9-14-81

42492 8-21-81 / Implementation of user fees for cotton classification service to producers; comments by 9-10-81

42490 8-21-81 / Revision in fees for cotton and cottonseed; comments by 9-10-81

Animal and Plant Health Inspection Service—

41519 8-17-81 / Citrus blackfly regulations; comments by 9-16-81

36148 7-14-81 / Mediterranean fruit fly; addition of portions of Alameda and Santa Clara Counties and all of San Mateo County, Calif. to list of regulated areas; (interim rule); comments by 9-14-81

37706 7-22-81 / Mediterranean Fruit Fly; emergency designation; comments by 9-14-81

36711 7-15-81 / Screwworms; relief of restrictions to prevent spread; comments by 9-14-81

Food Safety and Inspection Service—

36113 7-14-81 / Cattle post-mortem inspection staffing standards (interim rule); comments by 9-14-81

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

39764 8-4-81 / Minimum guidelines and requirements for accessible design; comments by 9-18-81 (2 documents)

CIVIL AERONAUTICS BOARD

35936 7-13-81 / Elimination of rules tariffs and notice to passengers of conditions; reply comments by 9-14-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

43977 9-2-81 / Ocean salmon fisheries off coasts of Calif., Oreg., and Wash., closure of subareas; comments by 9-17-81

DEFENSE DEPARTMENT

Air Force Department—

41527 8-17-81 / Environmental impact analysis process; comments by 9-16-81

Office of the Secretary—

42083 8-19-81 / Enforcement of state traffic laws on DOD installations; comments by 9-18-81

EDUCATION DEPARTMENT

3880, 3889 7-29-81 / College housing progam; comments by 9-14-81 (2 documents)

ENVIRONMENTAL PROTECTION AGENCY

39175 7-31-81 / Air programs; delayed compliance order for New England Power Company, Salem Harbor Generating Station, Mass.; comments by 9-14-81

36716 7-15-81 / Approval and promulgation of implementation plans; Iowa; Comments by 9-14-81

42089 8-19-81 / Chlorpyrifos; proposed insecticide tolerances on Chinese Cabbage; comments by 9-18-81

42088 8-19-81 / Chlorpyrifos; proposed tolerance for insecticide in or on peppers; comments by 9-18-81

36717 7-15-81 / Control of air pollution from motor vehicles and motor vehicle engines; exclusion and exemption; comments by 9-14-81

41818 8-18-81 / Designation of area for air quality planning purposes attainment status; Ohio; comments by 9-17-81

42472 8-21-81 / Municipal wastewater treatment works; construction grants; draft availability; comments by 9-15-81

32599 6-24-81 / National emission standards for hazardous air pollutants; benzene fugitive emissions; comment by 9-14-81

41104 8-14-81 / Noise emission standards for portable air compressors, medium and heavy trucks, motorcycles and motorcycle replacement exhaust systems, truck mounted solid waste compactors, and noise labeling requirements for hearing protectors; comments by 9-14-81

41817 8-18-81 / Standards of performance for new stationary sources; fossil fuel fired steam generator; comments by 9-17-81

FEDERAL COMMUNICATIONS COMMISSION

37923 7-23-81 / Amendment to permit increased antenna height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; comments by 9-15-81

34609 7-2-81 / FM broadcast station in Canton, Ill.; proposed changes in table of assignments; reply comments by 9-14-81

37919 7-23-81 / FM broadcast station, College, Alaska; changes in table of assignments; comments by 9-14-81

34608 7-2-81 / FM broadcast station in DeRidder, La.; proposed changes in table of assignments; reply comments by 9-14-81

34605 7-2-81 / FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; reply comments by 9-14-81

35132 7-7-81 / FM broadcast station in Lowville, N.Y.; changes in table of assignments; reply comments by 9-17-81

35133 7-7-81 / FM broadcast station in Midland, Texas; changes in table of assignments; reply comments by 9-17-81

34606 7-2-81 / FM broadcast station in Petal, Miss.; proposed changes in table of assignments; reply comments by 9-14-81

34603 7-2-81 / FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; reply comments by 9-14-81

34607 7-2-81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; reply comments by 9-14-81

37925 7-23-81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; comments by 9-15-81

35127 7-7-81 / FM broadcast stations in Yuma, Ariz.; proposed changes in table of assignments; reply comments by 9-17-81

42478 8-21-81 / Inquiry into future role of TV translators and low-power television broadcasting in national telecommunications systems; comments by 9-15-81

43068 8-26-81 / Process regarding Equal Access to Justice Act rules; comments by 9-15-81

40536 8-10-81 / Reallocation of UHF-TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; reply comments by 9-15-81

37927 7-23-81 / Release, allocation, assignment and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; comments by 9-14-81

41820 8-18-81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; comments by 9-14-81

37916 7-23-81 / TV auxiliary broadcast pickup stations on a secondary basis, allocating a certain frequency band; comments by 9-18-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35942 7-13-81 / Environmental considerations; providing temporary housing to individual disaster victims; comments by 9-15-81

FEDERAL HOME LOAN BANK BOARD

42273 8-20-81 / Eligibility of partnerships to hold NOW accounts at member institutions; interpretive rule; comments by 9-18-81

42275 8-20-81 / Treatment of gains and losses from the sale of mortgage assets; comments by 9-14-81

FEDERAL RESERVE SYSTEM

32592 6-24-81 / Credit by brokers and dealers and credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9-15-81

37516 7-21-81 / 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; comments by 9-15-81

INTERSTATE COMMERCE COMMISSION

41825 18-18-81 / Special procedures governing recovery of expenses by parties to commission adjudicatory proceedings; comments by 9-17-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

36130 7-14-81 / Bioavailability and bioequivalence requirements; updating of drug list; (final rule); comment by 9-14-81

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

42490 8-21-81 / Advance notice of affirmative action requirements for government contractors; comments by 9-14-81

36213 7-14-81 / Affirmative action requirements for Government contractors including federally assisted construction contractors; comments by 9-14-81

Pension and Welfare Benefit Programs—

43663 8-31-81 / Minimum standards for employee benefit plans; suspension of benefit rules; deferral of effective date; comment, 9-14-81

PERSONNEL MANAGEMENT OFFICE

41077 8-14-81 / Pay under the general schedule; comments by 9-14-81

TRANSPORTATION DEPARTMENT

Coast Guard—

37002 7-16-81 / Annex I to Inland Navigation Rules—positioning and technical details of lights and shapes; comments by 9-14-81

37008 7-16-81 / Annex III to Inland Navigation Rules—technical details of sound signal appliances; comments by 9-14-81

37012 7-16—81 / Annex V to Inland Navigation Rules; pilot rules; comments by 9-14-81

Federal Aviation Administration—

39606 8-4-81 / Provisions for operation of the air traffic control system and activation of national traffic control contingency plan (phase II); (final rule); comments by 9-15-81

Federal Railroad Administration—

39461 8-3-81 / General safety inquiry; comments by 9-15-81

Research and Special Program Administration—

31294 6-15-81 / Definition of Oxidizer; comments by 9-14-81

TREASURY DEPARTMENT

Internal Revenue Service—

36198 7-14-81 / Individual retirement plans and simplified employee pensions; comments by 9-14-81

40774 8-12-81 / Installment sales; general rules for reporting, gains; comments by 9-17-81

Deadlines for Comments on Proposed Rules for the Week of September 20 through September 26, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

44680 9-4-81 / Federally licensed warehouses; fees for services; comments by 9-24-81

43980 9-2-81 / Milk marketing order; New England; comments by 9-22-81

42684 8-24-81 / Surface coal mining and reclamation operations permanent regulatory program; availability of summary of meeting on two-acre exemption and haul roads, Virginia; comments by 9-23-81

INTERSTATE COMMERCE COMMISSION

40060 8-6-81 / Railroad Classification Index; comments by 9-21-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

40221 8-7-81 / Contract delivery or performance, cost principles, and contractor liability for loss of or damage to property of the government; comments by 9-23-81

NATIONAL CREDIT UNION ADMINISTRATION

38527 7-28-81 / Minimum security devices and procedures; comments by 9-25-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

38054 7-23-81 / "Major repairs"; maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and applicances; comments by 9-21-81

38062 7-23-81 / Parts manufactured approval; falsification of airworthiness certification documents; reply comments by 9-21-81

37905 7-23-81 / Summary of petitions received and dispositions of petitions denied; comments by 9-20-81

TREASURY DEPARTMENT

Internal Revenue Service—

42285 8-20-81 / Books and records of foreign corporations and operations; outlines of oral comments by 9-22-81

VETERANS ADMINISTRATION

43058 8-26-81 / Interest on debts; comments by 9-25-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

42707 8-24-81 / Cooperative State Research Service, Committee of Nine, Prosser, Wash. (open), 9-16-81

Forest Service—

43073 8-26-81 / Anaconda Stillwater Project; intent to prepare an environmental impact statement, Nye, Mont. (open), 9-15-81

41835 8-18-81 / Lewis and Clark National Forest Grazing Advisory Board, Kings Hill Summit, Mont. (open), 9-14-81

42310 8-20-81 / Modoc National Forest Grazing Advisory Board, Patterson Guard Station, Calif., 9-17-81

Science and Education Administration—

43073 8-26-81 / Joint Council on Food and Agricultural Sciences Executive Committee, Washington, D.C. (open), 9-14-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

43912 9-1-81 / Arts and Humanities, Presidental Task Force, Washington, D.C. (open), 9-16-81

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-14-81

39259 7-31-81 / Humanities Panel, Washington, D.C. (closed), 9-16-81

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-16-81

40358 8-7-81 / Humanities Panel, Washington, D.C. (closed), 9-16 through 9-18-81

42944 8-25-81 / Humanities Panel, Washington D.C. (closed), 9-17-81

40109 8-6-81 / Humanities Panel, Washington D.C. (closed), 9-17 and 9-18-81

42944 8-25-81 / Humanities Panel, Washington D.C. (closed), 9-17 and 9-18-81

42944 8-25-81 / Humanities Panel, Washington D.C. (closed), 9-18-81

42225 8-19-81 / Music Panel (Jazz Organization Section), Washington, D.C. (partially open), 9-14 through 9-19-81

42226 8-19-81 / Music panel (Solo Recitalists Section), Washington, D.C. (partially open), 9-14 and 9-15-81

CIVIL RIGHTS COMMISSION

42498 8-21-81 / New Jersey Advisory Committee, Trenton, N.J. (open), 9-17-81

COMMERCE DEPARTMENT

International Trade Administration—

43074 8-26-81 / Computer Systems Technical Advisory Committee, Washington, D.C. (open), 9-16-81

43075 8-26-81 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (open), 9-15-81

43075 8-26-81 / Computer Systems Technical Advisory Committee, Hardware Subcommitee, Washington, D.C. (open), 9-16-81

43076 8-26-81 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C (open), 9-15-81

40244 8-7-81 / Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 9-17-81 and Management-Labor Textile Advisory Committee, Washington, D.C. (open), 9-17-81

National Oceanic and Atmospheric Administration—

43225 8-27-81 / Coastal Zone Management Advisory Committee, Washington, D.C. (open), 9-17 and 9-18-81

43226 8-27-81 / Gulf of Mexico Fishery Management Council, Shrimp Resources Subpanel (open), 9-17-81

DEFENSE DEPARTMENT

Army Department—

43076 8-26-81 / Ad Hoc Cost Discipline Advisory Committee, Washington, D.C. (open), 9-16 and 9-17-81

41841 8-18-81 / Science Board, Alexandria and Fort Belvoir, Va. (closed), 9-14 and 9-15-81

Navy Department—

40067 8-6-81 / Board of Visitors to the United States Naval Academy, Annapolis, Md. (open), 9-17 and 9-18-81

Office of the Secretary—

41841 8-18-81 / Armed Forces Epidemiological Board, Kent Island, Md. (open), 9-17 and 9-18-81

41841 8-18-81 / Epidemiological Methods in Clinical Health Care Delivery Systems Ad Hoc Subcommittee, Kent Island, Md. (open), 9-16-81

41132 8-14-81 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 9-17 and 9-18-81

37960 7-23-81 / Defense Science Board Task Force on Application of High Technology to Ground Forces, Fort Bragg, N.C. (closed), 9-16-81

37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-15-81

EDUCATION DEPARTMENT

41841 8-18-81 / Adult Education National Advisory Council, Executive Committee, Washington, D.C. (open), 9-18-81

44030 9-2-81 / Financing Elementary and Secondary Education Advisory Panel, Washington, D.C. (open), 9-17 and 9-18-81

44213 9-3-81 / Indian Education National Advisory Council, Billings, Mont. (open), 9-16 and 9-17-81 and preliminary hearing on 9-15-81

43235 8-27-81 / Vocational Education—National Advisory Council, Legislative Committee, Washington, D.C. (open), 9-14-81; Executive Committee, (closed), 9-14-81

ENERGY DEPARTMENT

43866 9-1-81 / International Energy Agency, Industry Working Party, New York, N.Y. (open), 9-16 and 9-17-82

ENVIRONMENTAL PROTECTION AGENCY

43298 8-27-81 / Alkyl phthalates and chloroparaffins, voluntary testing plans, Washington, D.C. (open), 9-15-81.

30300 6-5-81 / Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed test rule; public meeting, Washington, D.C. (open), 9-17-81

FEDERAL COMMUNICATIONS COMMISSION

42514 8-21-81 / Preparations for the ITU 1985 World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It; Advisory Committee (Space WARC Advisory Committee), Washington, D.C. (open), 9-14-81

43308 8-27-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 9-16 and 9-17-81

FINE ARTS COMMISSION

38400 7-27-81 / Meeting, Washington, D.C. (open), 9-16-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

40579 8-10-81 / Mental Health National Advisory Council, Rockville, Md. (partially open), 9-14 through 9-16-81

Centers for Disease Control—

44059 9-2-81 / Recent In-Laboratory Study Work Group, Atlanta, Ga. (open), 9-18-81

Food and Drug Administration—

43502 8-28-81 / Consumer participation meetings:

Milwaukee, Wis., 9-15-81;

Lansing, Mich., 9-16-81;

Tucson, Ariz., 9-17-81

42531 8-21-81 / Respiratory and Nervous System Devices Panel, Neurological Device Section, Washington, D.C. (partially open) 9-18-81

43504 8-28-81 / Skull X-Ray Referral Criteria Panel, Bethesda, Md. (partially open), 9-14 and 9-15-81

Health Care Financing Administration—

43085 8-28-81 / National Professional Standards Review Council, San Francisco, Calif. (open), 9-14 and 9-15-81

Health Resources Administration—

37785 7-22-81 / Nurse Training National Advisory Council, Hyattsville, Md., (partially open) 9-14 through 9-16-81

National Institutes of Health—

41567 8-17-81 / Biomedical Sciences Study Section 2, Bethesda, Md. (partially open), 9-14 and 9-15-81

41563 8-17-81 / Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Boston, Mass. (partially open), 9-14 through 9-16-81

41564 8-17-81 / Cancer Cause and Prevention Division, Board of Scientific Counselors, Bethesda, Md. (open), 9-17 and 9-18-81

41567 8-17-81 / Clinical Sciences Study Section 1, Bethesda, Md. (partially open), 9-14-81

41567 8-17-81 / Clinical Sciences Study Section 2, Bethesda, Md. (partially open), 9-18-81

41565 8-17-81 / Interagency Technical Committee, Bethesda, Md. (open), 9-16-81

INTERIOR DEPARTMENT

Land Management Bureau—

43315 8-27-81 / Baker District Advisory Council, Baker, Oreg. (open), 9-16-81

42197 8-19-81 / Ely District Advisory Council, Ely, Nev. (open), 9-18-81

42358 8-20-81 / Prineville District Grazing Advisory Board, Prineville, Oreg. (open), 9-15-81

34844 7-6-81 / Richfield District Multiple Use Advisory Council, Hanksville, Utah, (open), 9-17 and 9-18-81

42358 8-20-81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 9-14-81

38760 7-29-81 / Worland District Advisory Council, Worland, Wyo. (open), 9-18-81

[Changed at 46 FR 43319, 8-27-81]

National Park Service—

42922 8-25-81 / Chesapeake and Ohio Canal National Historical Park Commission, Harpers Ferry, W. Va. (open), 9-16-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

43907 9-1-81 / International Food and Agricultural Development Board, Joint Committee on Agricultural Development, Washington, D.C. (open), 9-16 and 9-17-81

42939 8-25-81 / International Food and Agricultural Development Board, Joint Research Committee, Rosslyn, Va. (open), 9-14 and 9-15-81

LIBRARY OF CONGRESS

41887 8-18-81 / American Folklife Center Board of Trustees, Washington, D.C. (open), 9-15-81

NATIONAL SCIENCE FOUNDATION

41887 8-18-81 / Equal Opportunities in Science and Technology Committee, Women in Science and Technology Subcommittee, Washington, D.C. (open), 9-16 and 9-17-81

NUCLEAR REGULATORY COMMISSION

44108 9-2-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Argonne, Ill. (partially open), 9-17 and 9-18-81

44108 9-2-81 / Reactor Safeguards Advisory Committee, Grand Gulf Nuclear Station Units 1 and 2 Subcommittee, Vicksburg, Miss. (partially open), 9-17 and 9-18-81

SMALL BUSINESS ADMINISTRATION

40854 8-12-81 / Region VIII (Denver, Colorado), Denver, Colo. (open), 9-15-81

STATE DEPARTMENT

Office of the Secretary—

41895 8-18-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Standards of Training and Watchkeeping Working Group, Washington, D.C. (open), 9-16-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

41670 8-17-81 / Lebanon Municipal Airport, New Hampshire; Intent to prepare environmental impact statement, Lebanon, N.H., 9-15-81

43790 8-31-81 / Radio Technical Commission for Aeronautics (RTCA), Executive Committee, Washington, D.C. (open), 9-18-81

42398 8-20-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 146—Airborne Automatic Direction Finding Equipment, Washington, D.C. (open), 9-15- and 9-16-81

National Highway Traffic Safety Administration—

7123 1-22-81 / Safety Standards, International Harmonization, Group of Rapporteurs on Lighting and Light Signalling, Ninth Session; Leipzig, Germany, 9-15 through 9-18-81

SECURITIES AND EXCHANGE COMMISSION

43788 8-31-81 / Shareholder Communication Advisory Committee, Washington, D.C. (open), 9-18-81

TREASURY DEPARTMENT

Internal Revenue Service—

41895 8-18-81 / Art Advisory Panel, Washington, D.C. (closed), 9-16 and 9-17-81

UPPER MISSISSIPPI RIVER BASIN COMMISSION

43353 8-27-81 / Des Plaines, Ill. (open), 9-14-81

Next Week's Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

42486 8-21-81 / Middle Atlantic Federal milk order, Philadelphia, Pa., 9-15-81

38524 7-28-81 / Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Rescheduling of hearing on proposed amendments to tenative marketing agreements and orders, Seattle, Wash., 9-15-81

Animal and Plant Health Inspection Service—

42438 8-21-81 / Mediterranean fruit fly, Tampa, Fla., 9-15-81

COMMERCE DEPARTMENT

42313 8-20-81 / Foreign-Trade Zones—Proposed foreign-trade zone for Baltimore, Md., Baltimore, Md., 9-15-81

International Trade Commission—

42215 8-19-81 / Certain airless paint spray pumps and components thereof, Washington, D.C., 9-17-81

DEFENSE DEPARTMENT

Navy Department—

35141 7-7-81 / Naval Discharge Review Board, San Francisco, Calif. and Portland, Oreg., 9-13 through 9-25-81

ENVIRONMENTAL PROTECTION AGENCY

41103 8-14-81 / New Hampshire Application for Interim Authorization, Phase I, Hazardous Waste Management Program, Concord, N.H., 9-15-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

43527 8-28-81 / Unemployment compensation agencies (various states), Washington, D.C., 9-16-81

INTERNATIONAL TRADE COMMISSION

35395 7-8-81 / Porcelain-on-steel cooking ware, Washington, D.C., 9-14-81

LABOR DEPARTMENT

Office of the Secretary—

43528 8-28-81 / Indiana Employment Security Board, Washington, D.C., 9-17-81

SMALL BUSINESS ADMINISTRATION

42681 Minority Small Business and Capital Ownership and Development Assistance Program, Los Angeles, Calif., 9-16-81, Atlanta, Ga., 9-18-81

TRADE REPRESENTATIVE, OFFICE OF UNITED STATES

37115 7-17-81 / Trade Policy Staff Committee, Generalized System of Preferences Subcommittee, Washington, D.C., 9-14-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 26, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

44408 9-3-81 / Justice/JJDPO—Formula grants for juvenile justice programs; comments by 10-5-81

MEETINGS

43885 9-1-81 / HHS/NIH—Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially open), 10-1 and 10-2-81

43883 9-1-81 / HHS/NIH—Study sections, various locations and dates for October and November

44107 9-2-81 / NFAH—Dance Panel, General Services to the Field and Grants to Dance Presenters Section, Washington, D.C. (closed), 9-9 through 9-11-81

OTHER ITEMS OF INTEREST

44140 9-2-81 / ED—Bilingual Education Training Projects Program; final regulations; call (202) 447-9273 for effective date

43966 9-2-81 / ED—Continuing Education Outreach—Special Projects Program final regulations; call (202) 245-9868 for effective date

44508 9-4-81 / HHS/HDS—Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1982

43886 9-1-81 / HHS/PHS—Health Care Technology Study Section, renewal of committee

43886 9-1-81 / HHS/PHS—Health Services Research and Developmental Grants Review Committee, renewal of committee