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Wednesday
September 23, 1981

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46908, 46966 **Income and Employment Taxes** Treasury/IRS provides and proposes tax withholding regulations on certain gambling winnings. (2 documents)

46905 **Loan Programs—Housing** HUD/FHC increases maximum allowable finance charge for insured home, project home improvement, mobile home, and historic preservation loan programs.

46964 **Mortgages** Treasury/Comptroller proposes to validate inclusion of due-on-sale clauses in real estate loans.

46925 **Education** ED releases final regulations for the continuing education outreach State-administered program.

46973 **Disaster Assistance** FEMA proposes altering regulations for individual and family grant programs.

47048 **Solid Waste Treatment and Disposal** EPA changes guidelines for State plans and classification criteria for disposal facilities. (Part III of this issue)

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Highlights

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

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of general applicability to domestic lincensing of byproduct material to add a small quantity of americium-241 to the list of radionuclides authorized for exempt use in ionizing radiation measuring instruments. The action relieves persons from the requirement to obtain a specific license or use an existing general license to the extent that they receive, use, or transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the exempt quantity of 0.05 microcurie of americium-241. The amendment should be of interest to manufacturers and users of ionizing radiation measuring instruments.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301-443-5825.

SUPPLEMENTARY INFORMATION: On July 9, 1981, the Nuclear Regulatory Commission published in the Federal Register (46 FR 35523) a notice of proposed amendment to 10 CFR Part 30 to add a small quantity of americium-241 to the list of radionuclides authorized for exempt use as calibration sources in radiation measuring instruments. The sources are used for purposes of calibration or standardization and their use leads to more reliable radiation measurements.

The proposed amendment provided a period of 45 days for public comment. Three comments were received. Two comments were from users of radiation measuring instruments and the other comment was from an instrument manufacturer. All comments support the proposed rule. The instrument manufacturer also suggested that the proposed quantity limit of 0.005 microcurie of americium-241 in a single source be changed to 0.03 microcurie.

In response to the instrument manufacturer's comment about the quantity limit per source, the attached final rule provides for 0.05 microcurie of americium-241 per source. Selection of the 0.05 microcurie limit was based on the manufacturer's comment and on better information on industry practice than was considered in preparing the proposed amendment with its limit of 0.005 microcurie. For comparative purposes, it may be noted that NRC permits the exempt use of smoke detectors which typically contain 1 microcurie of americium-241 and that several million smoke detectors are distributed annually. It is unlikely that the distribution rate for radiation measuring instruments containing americium-241 sources will exceed a few hundred per year.

Except for the change in quantity limit of americium-241 per source from the proposed 0.005 to 0.05 microcurie, the final rule is the same as the proposed amendment. A suggestion by the instrument manufacturer that the provisions of § 30.15(a)(9) be revised to allow the exempt use of any calibration source used with an instrument and not only those sources contained in instruments, and a suggestion by a user that the proposed rule be revised to cover check sources, have not been adopted. Amendment of § 30.15(a)(9) to remove the long-standing restrictions that the source be contained in the radiation measuring instrument and used for internal calibration or standardization, would be outside the scope of the proposed rulemaking. Without considering the value of the suggestions, they have not been accommodated in the final rule because the public was not provided opportunity to comment on removal of these restrictions.

The Commission has found that the amendment set forth below is of a minor or nonpolicy nature, does not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The benefits of reduced administrative burden and reliable radiation measurements justify the very small, if any, potential environmental impact of this exemption. Because this amendment of 10 CFR 30.15(a)(9) is nonsubstantive and insignificant (from the standpoint of environmental impact), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this action.

Regulatory Flexibility Certification

Since this amendment relieves persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with americium-241 calibration sources will be able to obtain those instruments without incurring the costs associated with satisfying the requirements of a specific or general license.

Paperwork Reduction Act Statement

This final rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective immediately upon publication pursuant to 5 U.S.C. 553(d).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 30, is published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for 10 CFR Part 30 reads as follows:

Authority: Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 30.34(c) issued under sec. 161b, 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 161, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.15, new paragraph (a)(9)(iii) is added to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided*, That; * * *

(iii) For purposes of this paragraph (a)(9), 0.05 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

* * * * *

Dated at Bethesda, Maryland this 11th day of September 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-27709 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; EFT-2]

Electronic Fund Transfers; Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation of final rule.

SUMMARY: In accordance with 12 CFR 205.13(b), the Board staff is publishing, in final form, the official staff commentary on Regulation E, Electronic Fund Transfers (EFT). This interpretation takes the form of questions and answers about the regulatory requirements applicable to electronic fund transfers to or from consumer asset accounts. It is designed to facilitate compliance and, because it is an official staff interpretation, provides protection for financial institutions that offer EFT services and that act in conformity with it.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Jesse B. Filkins, Lynn Goldfaden, Gerald Hurst, or Rugenia Silver, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3867).

SUPPLEMENTARY INFORMATION: (1) *General.* Regulation E (12 CFR Part 205) implements the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*). The regulation was published in stages. Rules governing unsolicited issuance and liability were published in March 1979 (44 FR 18468) and became effective on March 30, 1979. Sections dealing with disclosures about account terms and certain other matters were published in October 1979 (44 FR 59464) and became effective on May 10, 1980. The final portions—on documentation of transfers, error resolution, and other subjects—were published in February 1980 (45 FR 8248); they too became effective in May 1980.

The Board staff's commentary addresses the regulation's various requirements, and is designed to make compliance easier by providing specific answers, in nontechnical language, to commonly asked questions. It finalizes a proposal published in October 1980 (45 FR 66349).

The staff has sought to provide interpretations that minimize compliance burdens, to the extent permitted by the act and regulation, without giving up important consumer protections. Where possible, the commentary also sets objective standards so that both financial institutions and their enforcement agencies can more easily determine whether, and how, the regulation applies to certain transfers. It takes the place of individual responses to inquiries. Because it is an official staff interpretation, it provides protection under section 915(d) of the act from civil liability for institutions that act in conformity with it.

The commentary covers all sections of the regulation except § 205.1, which is self-explanatory. The questions are identified by hyphenated numbers: the first part indicates the regulatory section; the second part, the order of sequence for a particular question in that section. For example, 9-10 indicates the tenth question in § 205.9. Catchlines have been added to make it easier for users to locate relevant questions. References to the specific sections of Regulation E (and, in some cases, the Electronic Fund Transfer Act) are included at the end of each answer.

There has been considerable rearranging of the sequence of the questions (particularly in § 205.9 on documentation of transfers). As a consequence, the numbers in the final version do not necessarily conform to the number used in the proposal. The index at the end should enable users of the commentary to locate specific interpretations.

A number of the questions and answers in the commentary have been modified in light of the comments on the proposed version. Some of the questions that were set forth in the proposal have been deleted as self-evident or moot; and some new questions have been added.

(2) *Items for Board consideration.* To the extent that particular questions could be dealt with at the staff level, the staff has disposed of them in the commentary. At least three areas, however, require Board action and will be presented for its consideration in the next six weeks or so. They relate to (1) the application of the regulation to certain small institutions that participate in the federal government's direct deposit program but do not offer other EFT services covered by the regulation, (2) modification of certain requirements for institutions that offer EFT services internationally, and (3) a partial exemption from the periodic statement requirements for savings accounts that are accessible by intra-institutional telephone transfer. These are summarized below.

Federal recurring transfers completed by paper. Payments under the federal government's recurring payment program are generally sent via the automated clearing house system (ACH). In some cases, these transfers are sent via the ACH to an institution's correspondent bank, which then sends a paper listing of recipients and payment amounts to the account-holding institution. It is argued that institutions which receive these transfers in paper form should not be subject to the regulation. This result cannot be accomplished by interpretation, however, because of the definition of electronic fund transfer, which focuses on how the transfer is initiated.

The Board does have the authority, however, to create exceptions that alleviate burdens for small institutions. It could, for example, create a narrow exemption for institutions that receive recurring transfers in paper form through correspondent banks. The proposal that is being developed for the Board's

consideration would be available only to an institution that does not offer other electronic transfer services—automated tellers or telephone bill payment, for example—since institutions that offer such services are subject to the regulation in any case. There also is likely to be an asset size limitation for any exemption proposed, similar to the limitation in Regulation D with respect to reserve requirements.

Specific data that would support an exemption for small institutions can be submitted if and when the Board issues a proposal for public comment.

International transfers. Providers of electronic fund transfer services who function in an international environment encounter certain difficulties in complying with the regulation. In particular, the requirements regarding terminal receipts and the time limits for error resolution present serious problems. Modification of these and other requirements may be possible which would facilitate compliance, while retaining basic protections for consumers.

Telephone transfers between savings and transaction accounts. A large number of mutual savings banks offer telephone bill payment services through a transaction account. They also permit the consumer to initiate transfers by telephone, between that transaction account and a savings account at the same institution. Under the regulation, both accounts are currently subject to the periodic statement requirements. An association for mutual savings banks has petitioned the Board for an exception from the periodic statement requirements, so that the financial institution might satisfy the requirements by providing a statement that complies with the regulation for the transaction, but not the savings account in such an arrangement. Savings accounts would continue to receive the traditional periodic statements or passbook updates. This issue will also be presented to the Board.

(3) *Positions taken in the commentary.* A number of issues in the commentary warrant mention. They are discussed below, in sequence.

Home-banking terminals. (Q. 2-23) A number of financial institutions are offering home-banking services—under experimental pilot programs, in many cases—by means of television sets and home computers that are linked to the institution's own computer system. The systems currently in operation do not provide printers that can generate terminal receipts, and the cost of doing so apparently would be prohibitive.

The commentary takes the position that the home banking equipment, like telephones (which are expressly excluded by the regulation), is not an electronic terminal for purposes of the regulation, and thus is not subject to the receipt requirement. The transfers initiated by means of home banking equipment, however, are subject to all the other regulatory provisions.

Telephone transfer plans. (Q. 3-17) The commentary limits the application of the regulation to telephone transfer plans or agreements that are in writing. This rule is analogous to the rule which limits Regulation Z coverage to written credit agreements.

Telephone transfers under informal arrangements have represented a major source of uncertainty for institutions that do not offer telephone transfer plans but that do, from time to time, allow customers to initiate transfers by telephone. The staff interpretation sets a clear rule that should eliminate confusion about what transfers are covered by excluding such situations from the regulation.

Advance disclosures. (Q. 7-1) The regulation requires that disclosures be given at the time the consumer contracts for an electronic fund transfer service or before the first electronic transfer is made to or from the consumer's account. Some institutions give blanket disclosures to all their customers whether or not they have contracted for an EFT service—when accounts are established, for example. There has been uncertainty about whether these disclosures satisfy the disclosure requirements with respect to non-EFT customers who, months later, sign up for an EFT service either directly with the financial institution that gave the disclosures or with a third party (for example, an employer for the direct deposit of payroll, or an insurance company for the automatic debiting of premiums).

The staff commentary seeks to minimize the paperwork burden by providing that advance disclosures satisfy the disclosure requirements with regard to preauthorized third-party transfers. Thus, the institution need not give disclosures anew when a consumer, who has not previously been receiving EFT service, contracts for these transfers. Without this interpretation, the institution would have to monitor ACH transfers closely to make sure that disclosures are given if and when consumers enter into contracts with third parties.

Under the staff interpretation, the financial institution generally remains subject to giving disclosures close to the time of contract for EFT services that it provides directly—such as telephone bill payment or automated teller services.

Disclosure of telephone numbers. (Q. 7-20) Certain required disclosures involve telephone numbers. The commentary facilitates compliance by providing that instead of listing a specific telephone number, a financial institution may refer the consumer to a telephone number that is readily available to the consumer—such as a number that is given on the institution's periodic statements. This provision will benefit institutions that have multiple branch offices and that prefer to maintain decentralized operations for error resolution, verification of deposit, etc. This interpretation does not apply to the telephone number for reporting lost or stolen access devices; in this case, the institution must continue to give a specific telephone number on or with the disclosures.

Preexisting authorization. (Q. 10-17) Regulation E requires a written authorization for electronic fund transfers from a consumer's account, with a copy given to the consumer. Many existing authorizations for the debiting of consumers' accounts do not specify that debiting is to occur by electronic means. Still others may specify that debiting will occur by means of paper drafts to be initiated by the payee. The commentary takes the position that Regulation E does not require new authorizations to be obtained in these cases.

This interpretation will benefit insurance companies, and more importantly their policy-holders, in avoiding unnecessary paperwork and unintended lapses in insurance coverage. The transfers that occur electronically will, of course, be subject to the regulation.

(4) *Authority:* 15 U.S.C. 1693m(d).

12 CFR Part 205, EFT-2—Official Staff Commentary on Regulation E

The following is an official staff interpretation of Regulation E (12 CFR Part 205) issued pursuant to § 205.13(b). Sectional references are to the regulation or the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*).

Section 205.2—Definitions and Rules of Construction

2-1 Q: *Access devices.* What are some examples of access devices?

A: Access devices include debit cards, personal identification numbers (PINs), telephone transfer and telephone bill payment codes, and other means that may be used by a consumer to initiate an electronic fund transfer. The term does not include magnetic tapes or other devices used internally by a financial

institution to initiate electronic fund transfers. [§ 205.2(a)(1)]

2-2 Q: *Profit-sharing and pension accounts.* Are profit-sharing and pension accounts covered by the definition of account?

A: When such accounts are established under a trust agreement, as is generally the case, they are exempt from coverage by § 205.3(f). [§ 205.2(b)]

2-3 Q: *Escrow accounts.* Escrow accounts are frequently established to assure payment of items such as real estate taxes, insurance premiums, and completion of repairs or improvements; are they considered asset accounts?

A: No. These funds are not consumer asset accounts for purposes of the regulation. In an arrangement of this type, the funds are not solely in the consumer's control; control is shared with a financial institution, escrow agent, or other party. [§ 205.2(b)]

2-4 Q: *U.S. Savings Bond accounts.* Is an account that is established to accumulate funds for the purchase of U.S. Savings Bonds subject to the regulation?

A: No. Such accounts generally are not established by or in the control of the consumer, who has merely authorized the purchase of bonds in a given denomination and has set the periodic amount to be withheld or transferred for this purpose. [§ 205.2(b)]

2-5 Q: *Christmas or vacation club accounts.* Are Christmas club or vacation club accounts subject to the regulation?

A: Christmas club and vacation club accounts are consumer asset accounts. In a great many cases, however, they are not subject to the regulation because all *electronic* transfers to and from the account have been authorized in advance by the consumer and are to or from another account of the consumer at the same institution. [§§ 205.2 (b) and (g), 205.3(d)]

2-6 Q: *Business day—substantially all business functions.* In the definition of business day, what does "substantially all business functions" include?

A: The phrase includes both the public and the back-office operations of the institution. For example, if the offices of an institution are open on Saturdays for handling some consumer transactions (such as deposits, withdrawals, and other teller transactions), but not for performing internal functions (such as investigating account errors), then Saturday is not a business day for that institution. In this case, Saturday does not count toward the various business-day standards set by the regulation for reporting lost or stolen access devices, resolving errors, etc. [§ 205.2(d)]

2-7 Q: *Business day—telephone line.* If an institution makes a telephone line available on Sundays for reporting the loss or theft of an access device, but performs no other business functions, is Sunday a business day?

A: No. Mere availability of a telephone line does not satisfy the "substantially all business functions" standard. [§ 205.2(d)]

2-8 Q: *Business day—duration.* Does business day refer only to the hours during which the financial institution carries on substantially all business functions?

A: For purposes of the various business-day standards set by the regulation, a business day includes the entire 24-hour period ending at midnight. This means that a notice satisfies the time limits even if given outside business hours. The regulation does not, however, require that telephone lines be available on a 24-hour basis. [§ 205.2(d)]

2-9 Q: *Business day—short hours.* If a financial institution engages in substantially all business functions until 12 noon on Saturdays instead of its normal 3 p.m. closing, are Saturdays business days?

A: The financial institution may determine, at its election, whether an abbreviated day is a business day. The regulation does not specify the number of hours that an institution must be open in order to have a business day. [§ 205.2(d)]

2-10 Q: *Fund transfer—payments in currency.* The term electronic fund transfer excludes payments made by check, draft, or similar paper instrument at an electronic terminal. What about payments made in currency at an electronic terminal?

A: Payments in currency are not electronic fund transfers because they do not debit or credit a consumer's account. [§ 205.2(g)]

2-11 Q: *Fund transfer—deposits of currency, checks.* Does the term electronic fund transfer include deposits of currency and checks at an automated teller machine (ATM)?

A: A deposit made at an ATM or other electronic terminal is an electronic fund transfer for purposes of the regulation if there is a specific agreement between the financial institution and the consumer for the provision of EFT services to or from the particular account to which the deposit is made. [§ 205.2(g); see § 205.9(b)(1)(iv), footnote 4a]

2-12 Q: *Fund transfer—payroll allotments to repay credit.* Does the term electronic fund transfer include preauthorized payroll allotments that are made directly to a creditor to repay a credit extension?

A: No, because these payments to a creditor do not debit or credit a consumer asset account. [§ 205.2(g)]

2-13 Q: *Fund transfer—withdrawal at another institution.* A financial institution issues an identification card to its customer for use at other financial institutions. To obtain funds, the consumer presents the card and signs a withdrawal authorization at the remote financial institution, which obtains approval by telephone from the account-holding institution before disbursing the funds to the consumer. The consumer's account is memo posted for the designated amount, but debiting of the consumer's account does not occur until the account-holding institution receives the signed withdrawal authorization. Is this an electronic fund transfer?

A: No, because the fund transfer is initiated by the consumer by paper means. [§ 205.2(g)]

2-14 Q: *Fund transfer—check truncation.* Are check truncation systems covered?

A: No, because the fund transfer is initiated by check, draft, or similar paper instrument. [§ 205.2(g)]

2-15 Q: *Fund transfer—payee information, non-electronic form.* If the payor provides the payee information (names, account numbers, and amount of individual credits) to the financial institution holding the payees' accounts by means of a paper listing and the institution then prepares MICR-encoded deposit slips, are these transfers subject to the regulation?

A: These transfers are not electronic fund transfers for purposes of the regulation. [§ 205.2(g)]

2-16 Q: *Fund transfer—composite checks.* An employer or other payor delivers a composite check made payable to a financial institution for crediting to consumers' accounts at the institution. The payee information is contained on magnetic tape. Are these transfers subject to the regulation?

A: No, these transfers are not electronic fund transfers. [§ 205.2(g)].

2-17 Q: *Fund transfer—ACH.* If the financial institution in question 2-16 holds only some of the consumers' accounts, and forwards the remaining credits to other institutions via an automated clearing house (ACH), are the subsequent transfers subject to the regulation?

A: Yes. The transfers made via the ACH are electronic fund transfers and are covered. [§ 205.2(g)]

2-18 Q: *Fund transfer—Social Security deposits, correspondent bank.* Under the U.S. Treasury's direct deposit program, Social Security benefits are sent via the ACH to the consumer's

financial institution. Some institutions receive fund transfers through a correspondent bank, which sends a computer print-out listing the payees and the payment amounts, together with a composite check payable to the financial institution. Are these transfers subject to the regulation?

A: Yes. Transfers made via the ACH are electronic fund transfers. [§ 205.2(g)]

Note.—The Board is considering a regulatory amendment under its § 904(c) authority that, if adopted, would change this answer in the case of some institutions. See the Supplementary Information portion of this Federal Register notice.

2-19 Q: *Fund transfer—preauthorized debits by magnetic tape/composite check.* A company obtains authorization from consumers to debit their accounts periodically. The financial institution debits the consumers' accounts in accordance with billing information contained on magnetic tape provided by the payee, and sends the payee a composite check. Are these transfers subject to the regulation?

A: Yes, they are electronic fund transfers. [§ 205.2(g)]

2-20 Q: *Fund transfer—preauthorized debits by paper drafts, ACH.* A consumer authorizes a company to debit an account automatically for a payment. The company presents a paper draft that ultimately is debited against the consumer's account at the financial institution. Is the transfer subject to the regulation? What if the transfer is instead initiated through an ACH?

A: A transfer initiated by a draft drawn against the consumer's account is not an electronic fund transfer. Transfers via the ACH, on the other hand, are subject to the regulation. [§ 205.2(g)]

2-21 Q: *Fund transfer—preauthorized debits by individual checks.* A consumer signs an agreement authorizing the financial institution to make recurring payments to another party from the consumer's account, or to make recurring interest payments to the consumer. The institution periodically generates an individual check to the payee by computer. Are these transfers subject to the regulation?

A: No. The transfers are initiated by check (even though the check is computer-generated) and are exempt. [§ 205.2(g)]

2-22 Q: *Electronic terminal—telephone bill payment.* If a consumer uses a pay-by-phone plan to initiate a payment, must the financial institution provide a terminal receipt?

A: No. A telephone is not an electronic terminal for purposes of the receipt requirement, although the transfer itself is subject to the regulation. [§ 205.2(h)]

2-23 Q: *Home terminals.* Some financial institutions offer home banking services to their customers. The service will typically involve the use, for example, of a home computer terminal or a television set that is linked to the financial institution's computer by means of telephone or cable-television lines. Does the in-home equipment used by the consumer to initiate fund transfers qualify as an electronic terminal, and are the transfers subject to the terminal receipt requirement?

A: Any transfer, to or from the consumer's asset account, that is initiated by means of the home banking equipment is an electronic fund transfer and is subject to the regulation. However, although not expressly excluded from the definition of electronic terminal, the home banking equipment used by the consumer for initiating fund transfers is analogous to a telephone in function. The home banking terminal is therefore similarly excepted from the electronic terminal definition and is not subject to the terminal receipt requirement. [§ 205.2(h)]

2-24 Q: *Point-of-sale terminals.* Does the regulation cover POS transfers in which the consumer presents an access device, and does the terminal receipt requirement apply?

A: The regulation applies to transfers initiated at point-of-sale terminals if they capture data electronically, for debiting or crediting to the consumer's asset account, using the consumer's access device—for example, when the consumer's personal identification number is required, in part, to activate the terminal. Terminal receipts would be required in such cases. [§ 205.2(h)]

2-25 Q: *Teller-operated terminals.* Does electronic terminal include a computer terminal operated by a teller or other employee of a financial institution, for purposes of the terminal receipt requirement?

A: Electronic terminal does not generally include computer equipment operated by a financial institution's employees or used internally by the financial institution to process transfers.

However, transfers initiated at such terminals by means of the consumer's access device (using the consumer's personal identification number, for example) are electronic fund transfers, and are subject to other requirements of the regulation. If the access device is used only for identification purposes or for determining the account balance, on the other hand, the transfers are not electronic fund transfers for purposes of the regulation. [§ 205.2(h)]

2-26 Q: *Unauthorized transfer by institution's employee.* A financial institution's employee fraudulently takes money from a consumer's account by electronic means. Is the consumer liable for these transfers?

A: No. Unauthorized electronic fund transfers exclude any transfer initiated by the financial institution or its employees. The regulation's liability provisions do not apply and the consumer has no liability for such transfers. [§§ 205.2(1), 205.6]

Section 205.3—Exemptions

3-1 Q: *Check guarantee/authorization—memo posting.* A consumer's account is memo posted electronically at the time a payment to a third party is guaranteed or authorized under a check guarantee or authorization service, but the financial institution does not pay out the funds until the check is received. Is the service exempt?

A: Yes. Although a temporary hold is placed on the funds in the consumer's account, the guarantee does not result in a direct debit to the account. Debiting occurs when the check or draft is presented for collection. [§ 205.3(a)]

3-2 Q: *Wire transfer—instructions on magnetic tape.* If a transfer of funds to a financial institution is sent by Fedwire or a similar network, and the instructions for crediting individual consumers' accounts are transmitted on magnetic tape, are the transfers exempt?

A: Yes. A Fedwire or similar transfer of funds is exempt. [§ 205.3(b)]

3-3 Q: *Wire transfer—followed by ACH transfers.* A company sends funds by Fedwire or a similar network from one financial institution to another, and transfers via ACH are then made from the second institution to the accounts of company employees at still other institutions. Are the subsequent transfers exempt?

A: No. Although the Fedwire transfer is exempt, the ACH transfers to employees' accounts are subject to the regulation. [§§ 205.3(b), 205.2(g)]

3-4 Q: *Telephone transfer plans—applicability of intra-institutional exemption.* A consumer calls a financial institution, under a telephone transfer plan, to request a transfer of funds from a savings to a checking account. Does the exemption for automatic intra-institutional transfers apply?

A: No, because even though the transfer is between the consumer's accounts at the same institution, it occurs under a telephone transfer plan. (See question 3-17.) [§ 205.3(d)]

3-5 Q: *Compulsory use—preauthorized loan payments.*

Preauthorized loan payments to the institution in which the consumer holds an account are exempt from the act and regulation generally, but are subject to the statutory prohibition against requiring repayment by means of preauthorized electronic fund transfers. If an institution required automatic payment by electronic means on credit agreements made before May 10, 1980, must the institution now offer those consumers an alternative means of repayment?

A: No, it is not necessary to do so. However, if a consumer who entered into such an agreement now asks to repay by other than electronic means, the financial institution should honor the request. [§ 205.3(d)(3), § 913]

3-6. Q: *Compulsory use—salary payments.* Preauthorized transfers from a financial institution to a consumer's account at the same institution are exempt from the act and regulation generally, but are subject to the statutory prohibition against requiring an employee (as a condition of employment) to receive payroll deposits by electronic means at a particular institution. Does this prohibition apply to a financial institution as an employer?

A: Yes. The prohibition applies to all employers, including financial institutions. To comply with the law an employer could, for example, give its employees a choice as to the method of receiving payment—such as having their pay deposited at a particular institution, or receiving payment by check or cash.

As in the case of preauthorized loan payments, the compulsory use prohibition does not require an employer to offer alternative means of payment to employees who agreed to electronic deposits at a particular financial institution before May 10, 1980. However, if an employee asks to terminate this arrangement, the employer should honor the request. [§ 205.3(d)(2), § 913]

3-7 Q: *Compulsory use—payments from pledged savings.* Under certain types of graduated payment mortgages, a pledged savings account is used to supplement the monthly payments made by the borrower during an initial term—for example, in the first five years of the loan. The lender debits the pledged account automatically for the prescribed sum each month. That automatic transfer of funds is an integral feature of this type of alternative mortgage. Does the prohibition against compulsory use of electronic fund transfers bar this type of program?

A: No. The legislative history of the prohibition against compulsory use makes clear that it is permissible to offer a reduced annual percentage rate or some other cost-related incentive for an automatic repayment feature. The special terms of the pledged-account mortgage appear to be such an incentive. [§ 205.3(d)(3), § 913]

3.8 Q: *Automatic transfers—to joint account holder; to family member.* A consumer authorizes a financial institution to make periodic transfers from the consumer's account to an account held jointly with another consumer at the same institution. Are these transfers exempt? What about transfers to a family member's account?

A: Automatic transfers between a consumer's accounts within a financial institution are exempt; there need not be complete identity of account holders on the two accounts. Intra-family transfers that occur automatically within a financial institution are also exempt. [§ 205.3(d) (1) and (4)]

3-9 Q: *Automatic transfers—stop-payment charges/other items.* A financial institution electronically debits or credits consumer accounts for stop-payment charges, NSF charges, overdraft charges, provisional recredits, error adjustments, and similar items. Are these transfers exempt?

A: Yes. These are intra-institutional transfers that are initiated by the financial institution automatically, on the occurrence of certain events. [§ 205.3(d)]

3-10 Q: *Automatic transfers—group life insurance.* A financial institution offers group life insurance coverage to its account holders. The insurance can be obtained only through the financial institution, and the premiums can be paid only by means of an aggregate payment from the financial institution. Consumers' accounts are debited for their share of the premiums, and the financial institution makes payment on behalf of participating account holders for the total premium due under the group policy. Are these transfers exempt?

A: Yes. The debit to an individual consumer's account is an automatic transfer to an account of the financial institution. Because the group insurance can be obtained only through the institution, the transfer can be regarded as a bona fide intra-institutional transfer, even though the funds are ultimately transferred to a third party. [§ 205.3(d)(3)]

3-11 Q: *Automatic transfers—check order charges.* Check order charges are electronically debited to an account at the consumer's request. Checks can only be obtained and paid for through the financial institution. Are these transfers exempt?

A: Yes. [§ 205.3(d)(3)]

3-12 Q: *Automatic transfers—paired institutions in Rhode Island.* Rhode Island has a banking system that sanctions the pairing of a thrift institution with a commercial bank. The paired institutions frequently share quarters and have common tellers and teller stations. Customers receive a unified statement that distinguishes the two accounts by number and type, but not by institution. Are transfers that occur within the thrift-commercial pair intra-institutional transfers for purposes of the exemption for automatic transfers?

A: Yes. Under the unique circumstances that exist in Rhode Island, transfers within the paired institutions qualify for intra-institutional status. [§ 205.3(d)]

3.13 Q: *Automatic transfers—affiliated insititutions.* Does a transfer to or from an account of the consumer at a subsidiary insitution (or within the same holding company) qualify as an intra-institutional transfer?

A: No. [§ 205.3(d)]

3.14 Q: *Telephone transfer plan—existence of plan.* A financial institution transfers funds in response to a consumer's telephone request. Is the transfer subject to the regulation?

A: The transfer is an electronic fund transfer for purposes of the regulation if it occurs under a written plan or agreement between the consumer and the financial institution. In the absence of a written plan or agreement, telephone transfers that are made as an accommodation to the consumer are not covered. [§ 205.3(e)]

3-15 Q: *Telephone transfers—existence of plan; signature card.* A signature card signed by the consumer when the account was established contains a clause authorizing the financial institution to honor the consumer's telephone request for fund transfers. It is basically a hold-harmless agreement for the institution's behalf in the event the consumer requests and the institution agrees, at the time of the request, to make the transfer. Does the signature card constitute a written agreement?

A: A hold-harmless authorization on a signature card does not, by itself, constitute a written plan or agreement for purposes of the regulation. [§ 205.3(e)]

3-16 Q: *Telephone transfers—existence of plan; limits for Regulation D purposes.* In order to comply with Regulation D (Reseve Requirements of Depository Institutions), an institution prints a legend on a signature card or periodic statement or in a passbook, limiting the number of telephone

transfers that the consumer can make from a savings account. Is this deemed to constitute a written plan?

A: No. The legend serves as a limitation on the account and does not, by itself, constitute a written plan or agreement. [§ 205.3(e)]

3-17 Q: *Telephone transfer plan—manual completion.* A consumer signs a telephone transfer agreement authorizing the financial institution to transfer funds between accounts within the institution. To mititate a transfer, the consumer telephones an employee of the institution, who then completes the transfer manually by means of debit memos, deposit slips, etc. Is the transfer exempt?

A: No. The transfer is mititated by telephone under a telephone transfer plan, and is therefore covered. The fact that the transfer is completed manually does not change this result. (See question 3-4.) [§§ 205.3(e), 205.2(g)]

3-18 Q: *Telephone transfer plan—individual transfers.* A financial institution's telephone transfer plan requires the consumer to make a separate request for each transfer from the consumer's account. That is, the consumer cannot authorize successive periodic payments to the designated payee by means of a single telephone call. Is this plan exempt?

A: No. The plan is covered. Even though the consumer cannot authorize recurring payments by means of one telephone request, there is an agreement that permits the consumer to mititate transfers from time to time. [§ 205.3(e)]

3-19 Q: *Telephone transfer plans—frequency of use.* Many consumers who sign up for a telephone transfer plan use it only occasionally, others not at all. Are transfers under the plan exempt, since the institution does not know when (or whether) a telephone transfer will be made?

A: No. Transfers under the plan are not exempt, because any transfer that does occur will be occurring under the prearranged plan. [§ 205.3(e)]

3-20 Q: *Trust accounts—IRAs under custodial agreements.* A financial institution holds certain Individual Retirement Accounts (IRAs) under custodial agreements. The custodial agreement is identical to a trust agreement, except that the parties are identified as depositor and custodian, rather than as grantor and trustee. Under the Internal Revenue Code, these accounts qualify as trusts so long as they otherwise meet the requirements for an IRA. Do these custodial accounts qualify for the regulation's exemption for trust accounts?

A: Yes. So long as the custodial agreements are the functional equivalent of trust agreements, they are exempt. [§ 205.3(f)]

3-21 Q: *Trust accounts—bona fide trust agreement.* What is a bona fide trust agreement?

A: The term is not defined by the act or regulation. Financial institutions must therefore look to State or other law. The Board and the staff will not make determinations in individual cases. [§ 205.3(f)]

Section 205.4—Special Requirements

4-1 Q: *Shared system—scope of disclosures.* In a shared system, must an institution's initial disclosures include EFT charges and frequency or dollar limitations imposed by other institutions in the system, to the extent that the institution knows what these are?

A: No, because this information is not within the purview of the institution's relationship with its customer. [§§ 205.4(a), 205.7(a)]

4-2 Q: *Shared system—disclosures on behalf of another institution.* If institution B is making disclosures on behalf of institution A, which holds a consumer's account, may B limit the disclosures to those within its own knowledge?

A: No. The responsibility for making disclosures rests with the account-holding institution. The disclosures B makes for A (if A's responsibility is to be met) must include information within A's knowledge and the purview of A's relationship with A's customers. For example, B would disclose any electronic fund transfer charges imposed by A. [§ 205.4(a)]

4-3 Q: *Multiple accounts and account holders.* If X and Y open a joint checking account and a joint savings account at institution A, how many disclosure statements must A provide?

A: One, provided it covers terms and conditions on both accounts. The disclosure can be given to either X or Y. [§ 205.4(b)]

Section 205.5—Issuance of Access Devices

5-1 Q: *Renewal or substitution—one-for-one rule.* When an institution issues a renewal or substitute device, may it send more than one in place of the existing device?

A: No. For example, only one new card and personal identification number (PIN) may be issued to replace a card and PIN previously issued. [§ 205.5(a)(2)]

5-2 Q: *Renewal or substitution—change in services.* Must a renewal or substitute access device permit exactly the same types of electronic fund transfers as the original?

A: No. The renewal or substitute device may permit the same, additional, or fewer types. If a new type is added, new disclosures may be required. (See question 7-9.) If fewer types of transfers are possible, a change-in-terms notice is required. [§§ 205.5(a)(2), 205.7(a), 205.8(a)]

5-3 Q: *Renewal or substitution—successor institution.* Must a successor financial institution be an entity that replaced the original financial institution (for example, through a corporate merger or acquisition)?

A: No. A successor could also include, for example, a party that acquires accounts or takes over the operation of an EFT system. [§ 205.5(a)(2)]

5-4 Q: *Renewal or substitution—pre-2/8/79 device.* If an institution issued an access device on an unsolicited basis before February 8, 1979 (the effective date of the act's restrictions on unsolicited issuance), may the institution now issue a validated renewal or substitute device? Or may it do so only after receiving a request from the consumer?

A: If an institution does not know whether the unsolicited device became "accepted," it may issue a validated renewal or substitute device for a pre-2/8/79 device, provided certain disclosures accompany the renewal or substitute device. The renewal or substitute device does not become accepted"—and the consumer can incur no liability for unauthorized use—until the consumer uses or signs it, or authorizes someone else to use it. [§ 205.5(a)(3)]

5-5 Q: *Unsolicited issuance—functions of PIN.* If an institution issues a personal identification number at the consumer's request, could this issuance constitute both (1) a way of validating the debit card and (2) the means to identify the consumer (required as a condition of imposing liability for unauthorized transfers)?

A: Yes. [§§ 205.5(b), 205.6(a)(2)]

5-6 Q: *Unsolicited issuance—example of non-complying method.* An institution issues an unsolicited debit card and PIN to a consumer, thus enabling the consumer to initiate electronic fund transfers. The institution instructs the consumer *not* to use the card and PIN until the consumer has come to an office of the institution for verification of the consumer's identity. Does this procedure comply with the regulation?

A: No. In this case, the consumer could in fact use the card and PIN to initiate transfers (even though instructed not to do so); thus, the institution has not met the requirement that an unsolicited access device be unvalidated when issued. [§ 205.5(b)(1)]

5-7 Q: *Unsolicited issuance—example of complying method.* Same facts as in question 5-6, except that the institution's ATM system is initially programmed not to accept the consumer's card and PIN. After the consumer has requested validation of the card, the institution reprograms its computer so that the card and PIN now work in the system. Does this validation procedure comply with the regulation?

A: Yes, provided the institution verifies the consumer's identity by some reasonable means before reprogramming. [§ 205.5(b)(4)]

5-8 Q: *Unsolicited issuance—verification of identity.* Must an institution verify identity by one of the methods listed in the regulation?

A: No, they are merely examples. Any reasonable means of verifying identity will comply. Even if an institution uses reasonable means, however, if it fails to verify identity correctly—so that an imposter succeeds in having a device validated—the consumer is not liable for any unauthorized transfers from the consumer's account. [§§ 205.5(b)(4), 205.2(a)(2), 205.6(a)(1)]

5-9 Q: *Unsolicited issuance—access device with overdraft feature.* The regulation permits the unsolicited issuance of an access device. Under this provision, may an institution issue a combined credit card/access device to a consumer, without a request or application for the card?

A: Yes, provided that (1) the only credit feature is a preexisting overdraft credit line attached to the consumer asset account (or a similar line of credit that maintains a specified minimum balance in the account), and (2) the institution complies with the regulation's procedures for an unsolicited issuance. [§ 205.5(c)(1)(iii)]

5-10 Q: *Unsolicited issuance—other combined credit card/access devices.* Does the answer to question 5-9 mean that an institution is prohibited from issuing, on an unsolicited basis, any other type of combined credit card/access device?

A: No. Section 226.12(a)(1) of Regulation Z (Truth in Lending) permits creditors to issue, on an unsolicited basis, a card that may become a credit card provided that (1) the card at the time of issuance has a substantive purpose other than obtaining credit and cannot be used as a credit card and (2) any credit privilege that subsequently attaches is attached only upon the consumer's request. (The substantive purpose could be to initiate electronic fund transfers.) The rules of Regulation E on unsolicited issuance of access devices will, of course, continue to apply. [§§ 205.5(c)(2)(iii) and (b)]

Section 205.6—Liability of Consumer for Unauthorized Transfers

6-1 Q: *Unauthorized transfers—access device not involved.* If unauthorized transfers do not involve the use of an access device such as a debit card, may any liability be imposed on the consumer?

A: If the consumer fails to report an unauthorized electronic fund transfer within 60 days of transmittal of the periodic statement reflecting the transfer, the consumer could be subject to liability. (See questions 2-26 and 7-7.) [§ 205.6(a) and (b)]

6-2 Q: *Failure to disclose business days.* If a financial institution meets other conditions (including disclosure of liability) but fails to disclose its business days, can it hold the consumer liable for uanuthorized transfers involving a lost or stolen access device?

A: No, unless applicable state law or an agreement between the consumer and the financial institution sets a liability limit of $50 or less. [§ 205.6(a)(3)(iii)]

6-3 Q: *Means of identification—multiple users.* If more than one access device is issued to access a particular consumer account, must the financial institution provide a means to identify each separate user in order to impose liability for unauthorized transfers?

A: No. The financial institution may provide means to identify the separate users, but is not required to do so. [§ 205.6(a)(2)]

6-4 Q: *Means of identification—use of PIN.* Does the use of a personal identification number (PIN) or other alphabetical or numerical code satisfy the requirement of electronic or mechanical confirmation for identifying the consumer to whom an access device was issued?

A: Yes. [§ 205.6(a)(2)]

6-5 Q: *Application of liability provisions—examples.* What are some examples of when and how the following would apply: (1) The $500 liability limit provision, (2) both the $500 limit and the unlimited liability provisions, and (3) only the $50/unlimited liability provisions? [§ 205.6(b)(1), (2) and (3)]

A: *Situation 1—$500 Limit Applies*

Date and Event

June 1—C's card is stolen
June 2—$100 unauthorized transfer
June 3—C learns of theft
June 4—$25 unauthorized transfer
June 5—Close of 2 business days
June 7-8—$600 in unauthorized transfers that could have been prevented had notice been given by June 5
June 9—C notifies bank

Computation of C's liability: Paragraph (b)(1) will apply to determine C's liability for any unauthorized transfers that occur before notice is given.

	C's liability
Amount of transfers before close of 2 business days: $125	[1] $50
Amount of transfers, after close of 2 business days and before notice to institution, that would not have occurred but for C's failure to notify within 2 business days: $600	[2] 450
C's total liability	500

[1] Maximum liability for this period.
[2] Because maximum liability is $500.

Situation 2—Both $500 and unlimited liability provisions apply

Date and Event

June 1—C's card is stolen
June 3—C learns of theft
June 5—Close of 2 business days
June 7—$200 unauthorized transfer that could have been prevented had notice been given by June 5
June 10—Periodic statement is transmitted to C (for period from 5/10 to 6/9)
June 15—$200 unauthorized transfer that could have been prevented had notice been given by June 5
July 10—Periodic statement of C's account is transmitted to C (for period from 6/10 to 7/9)
August 4—$300 unauthorized transfer that could have been prevented had notice been given by June 5
August 9—Close of 60 days after transmittal of statement showing unauthorized transfer
August 10—Periodic statement of C's account is transmitted to C (for period 7/10 to 8/9)
August 15—$100 unauthorized transfer that could have been prevented had notice been given by August 9
August 20—C notifies bank

Computation of C's liability: Paragraph (b)(1) will apply to determine C's liability for unauthorized transfers that appear on the periodic statement and unauthorized transfers that occur before the close of the 60-day period. (The transfers need not both appear on the periodic statement *and* occur before the close of the 60-day period.) The maximum liability under (b)(1) is $500.

	C's liability
Amount of transfers before close of 2 business days: $0	$0
Amount of transfers, after close of 2 business days and before close of 60-day period, that would not have occurred but for C's failure to notify within 2 business days: $700	[1] 500

[1] Maximum liability.

Paragraph (b)(2)(ii) will apply to determine C's liability for transfers occurring after the close of the 60-day period. There is no dollar ceiling on liability under paragraph (b)(2)(ii).

Amount of transfers, after close of 60 days and before notice, that would not have occurred but for C's failure to notify within 60 days: $100	$100
C's total liability	600

Situation 3—$50/unlimited liability provisions apply

Facts same as in Situation 2, except that C does not learn of the card theft, but questions the account balance and notifies bank on August 20 of possible unauthorized transfers.

Computation of C's liability

In this situation only paragraph (b)(2) applies.

	C's liability
Amount of transfers appearing on the periodic statement or occurring during the 60-day period: $700	[1] $50
Amount of transfers, after close of 60-day period and before notice, that would not have occurred but for C's failure to notify within 60 days: $100	100
C's total liability	150

[1] Maximum liability for this period.

6-6 Q: *Knowledge of loss or theft of access device.* May a financial institution treat the consumer's receipt of a periodic statement that reflects unauthorized transfers as establishing that the consumer had knowledge of loss or theft of the access device?

A: Receipt of the periodic statement reflecting unauthorized transfers may be considered a factor in determining whether the consumer had knowledge of the loss or theft, but cannot be deemed to represent conclusive evidence that the consumer had such knowledge. [§ 205.6(b)]

6-7 Q: *Notice of loss or theft.* The consumer gives notice at an address or telephone number other than that specified by the financial institution. Is the notice valid for purposes of limiting the consumer's liability?

A: Yes. The institution has received notice for purposes of limiting the consumer's liability if notice is given in a reasonable manner at some other address or telephone number of the institution. [§ 205.6(c)]

6-8 Q: *Notice of loss or theft—content of notice.* The regulation refers to the consumer's taking such steps as are reasonably necessary to provide the financial institution with the pertinent information about the loss or theft of an access device. If a consumer is unable to furnish the institution with an account number or card number when reporting a lost or stolen access device, has the consumer given adequate notice?

A: Yes. In instances where the consumer is unable to provide the number, the notice is still valid for purposes of limiting the consumer's liability if the notification otherwise sufficiently identifies the account in question. Such a situation could arise, for example, if the consumer's wallet is stolen and the consumer is away from home. [§ 205.6(c)]

6-9 Q: *Applicable liability provisions—cash advances from credit line.* A credit card that is also an access device is used to obtain unauthorized cash advances from a line of credit at an automated teller machine. Do the consumer liability provisions of Regulation E, or those of Regulation Z, apply?

A: Regulation Z applies. Since the unauthorized cash advances do not involve a consumer asset account, an electronic fund transfer has not occurred that would make the transaction subject to Regulation E. [§ 205.6(d)(2)]

6-10 Q: *Applicable liability provisions—checking account with overdraft feature.* If the unauthorized transfers in question 6-9 were instead withdrawals from a checking account, and they resulted in cash advances from an overdraft line of credit, which liability provisions apply?

A: Regulation E applies, because the transfer was an electronic fund transfer; there was an extension of credit only as a consequence of the overdraft protection feature on the checking account. [§ 205.6(d)(1)]

6-11 Q: *Applicable liability provisions—withdrawals from checking account/credit line.* If a consumer's access device is also a credit card and the device is used to make unauthorized withdrawals from the checking account and, separately, to obtain cash advances directly from the line of credit, which liability provisions apply?

A: Both Regulation E and Regulation Z apply. Regulation E would apply to the unauthorized transfers involving the checking account, while Regulation Z would apply to the transfers involving the credit line. As a result, a consumer might be liable for up to $50 under Regulation Z and, in addition, for $50, $500 or an unlimited amount under Regulation E. [§ 205.6(d)]

Section 205.7—Initial Disclosure of Terms and Conditions

7-1 Q: *Timing of disclosure—early disclosure.* An institution is required to give initial disclosures either (1) when the consumer contracts for an EFT service or (2) before the first electronic fund transfer to or from the consumer's account. If an institution provides initial disclosures when a consumer opens a checking account, and the consumer does not sign up for an EFT service until 11 months later, has the institution satisfied the disclosure requirements?

A: Yes, if the EFT contract is between the consumer and a third party for preauthorized electronic transfers to be initiated by the third party to or from the consumer's account. In this case, the financial institution need not repeat disclosures previously given unless the terms and conditions required to be disclosed are different from those that were given.

If, on the other hand, the EFT contract is directly between the consumer and the financial institution—for the issuance of an access device, or for a telephone bill-payment plan, for example—the institution should provide the disclosures at the time of contracting. Disclosures given before the time of contracting will satisfy the regulation only if they occurred in close proximity thereto. [§ 205.7(a)]

7-2 Q: *Timing of disclosures—Social Security direct deposits.* In the case of Social Security direct deposits, the financial institution receives no prenotification. How can the institution comply with the disclosure requirements?

A: Before direct deposit of Social Security payments can occur, both the consumer and the institution must complete a Form 1199. The institution can make disclosures at that time. [§ 205.7(a)]

7-3 Q: *Form of disclosures.* Are there special rules for disclosure statements concerning such matters as type size, number of pages, or the relative conspicuousness of various terms?

A: No. The regulation imposes no requirements concerning matters of form, although it does specify that the disclosures must be given in a readily understandable written statement that the consumer may retain. [§ 205.7(a)]

7-4 Q: *Spanish language disclosures.* In Puerto Rico, where communications normally are in Spanish, may a financial institution provide the required disclosures in Spanish?

A: Yes, disclosures in Spanish will satisfy the readily understandable requirement, provided that disclosures in English are given to consumers who request them. [§ 205.7(a)]

7-5 Q: *Disclosures covering all EFT services offered.* Must the disclosure statement given to a consumer relate only to the particular EFT services that the consumer will receive?

A: An institution may provide a disclosure statement covering all the EFT services that the institution offers, even if some consumers receiving the disclosures have not arranged to use all the services. [§ 205.7(a)]

7-6 Q: *Addition of new EFT services.* A consumer signs up for an EFT service and receives disclosures. If the consumer later arranges for other EFT services from the same institution, must additional disclosures be given?

A: Yes, if the new service is subject to terms and conditions different from those given in the initial disclosures. Only the disclosures for the additional service need be given. This is also the case if the institution begins to furnish a new service upon renewal of an access device. (See question 5-2.) [§ 205.7(a)]

7-7 Q: *Disclosures about unauthorized transfers—preauthorized transfers.* If the only electronic fund transfers from an account are preauthorized transfers, must the institution make a liability disclosure regarding unauthorized transfers, and provide a telephone number and address for reporting possible unauthorized transfers?

A: Yes, unless the institution chooses not to impose any liability. The disclosure of liability should reflect that liability could exist if the consumer fails to report unauthorized transfers that are reflected on a periodic statement. (See question 6-1.) [§ 205.7(a) (1) and (2)]

7-8 Q: *Disclosures about unauthorized transfers—no liability imposed.* If an institution chooses not to impose any liability for unauthorized electronic fund transfers, must it make any liability disclosure?

A: No; the disclosure is inapplicable. If the institution later decides to impose liability, however, it must make the liability disclosure before it can do so. [§ 205.7(a) (1) and (2)]

7-9 Q: *Summary disclosure of rights.* Several required disclosures relate to a consumer's rights under the act and regulation. Must the disclosures spell out these rights in full, as they are set forth in the act and regulation?

A: No. These matters can be disclosed by means of summary descriptions. (For examples showing the amount of detail that needs to be provided, see the model disclosure clauses in Appendix A.) [§ 205.7(a) (1), (6), (7) and (8)]

7-10 Q: *Type of transfer—preauthorized transfers.* Must preauthorized transfers be disclosed as a type of electronic fund transfer that the consumer may make?

A: No. An institution need not list preauthorized transfers as one of the types of transfers that a consumer can make, although it is permissible to do so. [§ 205.7(a)(4)]

7-11 Q: *Limitations on transfers.* How much must the consumer be told about limitations on frequency and dollar amount of transfers?

A: The general rule is that information on these limitations must be disclosed in detail to consumers. This is so even if the limitations are related to the security aspects of the electronic fund transfer system. The regulation provides, however, that to the extent confidentiality of certain details is determined by the institution to be *essential* to the security of the account or the system, the details may be withheld—but the fact that there are limitations must be disclosed. [§ 205.7(a)(4)]

7-12 Q: *Disclosure of charges—same per-item charge for EFT/non-EFT.* The regulation requires disclosure of charges for electronic fund transfers or for the right to make transfers. If a per-transfer charge for electronic fund transfers is the same as the per-item charge for non-electronic transfers, must the EFT charge be disclosed?

A: Yes, such charges must be disclosed. If an institution does not wish to itemize the various charges on the disclosure statement, it may disclose them in an accompanying document given along with the principal disclosure statement. If an insert is used, the disclosure statement must refer to the accompanying document. [§ 205.7(a)(5)]

7-13 Q: *Disclosure of charges—charge imposed under certain conditions.* If an institution imposes per-item charges only under certain conditions (when the transactions for the cycle exceed a certain number, for example), must the institution disclose what those conditions are?

A: Yes. Again, this information may be provided in a separate document enclosed with and referenced by the EFT disclosures. [§ 205.7(a)(5)]

7-14 Q: *Disclosure of charges—fixed service charge.* If a fixed service charge is assessed only when the balance in the account falls below a certain minimum, must it be disclosed?

A: No, since there is no charge attributable to an EFT service. [§ 205.7(a)(5)]

7-15 Q: *Disclosure of charges—stop-payment/dishonor/overdraft.* Does the regulation require disclosure of charges for stop-payment orders, dishonor, or overdrafts?

A: No. These are not charges for electronic fund transfers or for the right to make such transfers. Disclosure is permissible, however. (See model disclosure clause A(9) in Appendix A.) [§ 205.7(a)(5)]

7-16 Q: *Disclosure about privacy of account information.* The regulation requires an institution to list the circumstances under which, in the ordinary course of business, it will disclose information to third parties about an account. If a consumer holds two accounts in an institution—account #1 has EFT service, but account #2 does not—does the requirement apply to both accounts?

A: The required disclosure relates only to account #1, which has an EFT service. However, the institution must describe the circumstances under which *any* information relating to that account (not just information concerning electronic fund transfers) will be made available to third parties. [§ 205.7(a)(9)]

7-17 Q: *Disclosure about privacy—meaning of third parties.* For purposes of this disclosure requirement, does the term third parties include other subsidiaries of the same holding company?

A: Yes. [§ 205.7(a)(9)]

7-18 Q: *Error resolution disclosure.* The regulation contains an error resolution notice. Is this notice a model disclosure clause that the institution may use at its option?

A: The error resolution notice is a required disclosure and must be given in a form substantially similar to that appearing in the regulation. An institution may, however, delete inapplicable provisions (e.g., the requirement of written confirmation of an oral notification); substitute trade names; substitute substantive state law requirements that afford greater consumer protection than the regulation; or even use different wording—so long as the substance of the notice remains substantially the same. [§ 205.7(a)(10)]

7-19 Q: *Disclosures involving telephone numbers.* Several disclosures involve telephone numbers: numbers for reporting loss or theft of an access device or possible unauthorized transfers, for inquiring about receipt of a preauthorized credit, for stopping payment of a preauthorized debit, and for giving notice of error. May an institution use a single telephone number for all these purposes?

A: Yes. Conversely, an institution could use different telephone numbers for one or more of these purposes. [§ 205.7(a) (2), (6), (7), and (10)]

7-20 Q: *Disclosures involving telephone numbers.* Must the telephone number (or list of numbers) referred to in question 7-19 be incorporated into the text of the disclosure to which it relates?

A: No. The institution may instead insert a reference to a telephone number that is readily available to the consumer

(for example: "call your branch office—the number is shown on your periodic statement"), except for the telephone number to be used for reporting a lost or stolen access device. In the latter case, the institution must disclose a specific telephone number on or with the disclosure statement. [§ 205.7(a) (2), (6), (7) and (10)]

Section 205.8—Change in Terms; Error Resolution Notice

8-1 Q: *Terms requiring change-in-terms notice.* What categories of initial disclosures are subject to the change-in-terms notice requirement?

A: Examples of changes that must be disclosed are: an increase in the consumer's liability for unauthorized electronic fund transfers; a decrease in available types of electronic fund transfers; an increased strictness in limitations on frequency or dollar amount of transfers (with certain exceptions; see question 8-4); an increase in charges for electronic fund transfers or the right to make transfers, or the imposition of such charges for the first time. [§ 205.8(a)]

8-2 Q: *Change in telephone number or address.* Is an institution required to disclose a change in the telephone number or address for reporting possible unauthorized transfers?

A: No, but it must do so if it wishes to impose any liability on the consumer for such transfers. [§§ 205.8(a), 205.6(a)(3)]

8-3 Q: *Closing down of ATMs.* If an institution closes down some of its automated teller machines, must it disclose this change?

A: No; such a change does not relate to an item required to be given in the initial disclosures. [§§ 205.8(a), 205.7(a)]

8-4 Q: *Changes in limitations on transfers.* An institution limits the amount of money that consumers can withdraw daily from its ATMs. Because secrecy of the limits is essential to maintaining the security of the accounts or the system against theft, the details of the limits were not stated in the initial disclosures. The institution disclosed only that certain limits exist. If the limits are now made stricter, what must the institution disclose to its customers?

A: No disclosure is required, provided secrecy is still essential. In contrast, if the institution had no dollar limits when it made the initial disclosures, and is now imposing limits for the first time, it must disclose at least the fact that limits have been adopted. [§§ 205.8(a), 205.7(a)(4)]

8-5 Q: *Termination of EFT service.* If an institution terminates a consumer's ATM or POS service by cancelling the access device, must it provide a disclosure?

A: No. But if the service involves credit (because the device is a combined credit card/access device, for example), notification under § 202.9(a) of Regulation B (Equal Credit Opportunity) may be required. If a credit report was involved in the decision to cancel the combined card, notification under section 615(a) of the Fair Credit Reporting Act also may be required. [§ 205.8(a)]

8-6 Q: *Form of change-in-terms notice.* May an institution give notice of a change in terms by sending copies of its revised disclosure statement?

A: Yes, provided attention is directed to the change (for example, in a cover letter referencing the changed term). No specific form or wording is required. The notice may appear on a periodic statement. [§ 205.8(a)]

8-7 Q: *Error resolution notice—no periodic statements sent.* An institution must either provide its customers with the full error resolution notice annually, or include a short-form notice on or with each periodic statement. If an institution does not send periodic statements to certain EFT customers, how should it comply with this requirement?

A: It must send the full error resolution notice annually. [§ 205.8(b)]

8-8 Q: *Error resolution notice—changeover from one form to other.* An institution sends annual long-form error resolution notices. If it wishes to adopt the short-form alternative, when must the first short-form notice be sent?

A: No later than 12 months after the last long-form notice was sent. Conversely, if an institution wants to switch to the long form, the first long-form notice should be sent no later than 12 months after the last short-form notice. [§ 205.8(b)]

Section 205.9—Documentation of Transfers

Note.—Some questions in this section relate to both the receipt and the periodic statement requirements of § 205.9 (a) and (b). These are identified by a *Receipts/periodic statements* catchline and appear together following the questions that deal solely with § 205.9(a) or § 205.9(b).

9-1 Q: *Receipts—furnished only on request.* An institution's electronic terminals are programmed to provide a receipt only if the consumer elects to receive one by pressing a key at the time of the transfer. Does this comply with the regulation?

A: Yes; the regulation merely requires that a receipt be made available to the consumer at the time of the transfer. (There is a limited exception to the receipt requirement under § 205.9(f) for certain cash-dispensing machines, but only if the machines were purchased or ordered before February 6, 1980.) [§ 205.9(a)]

9-2 Q: *Receipts—available through third parties.* What is the purpose of the footnote in the regulation that permits financial institutions to make terminal receipts available through third parties?

A: It permits institutions to arrange for operators of terminals in an EFT system (merchants or other financial institutions, for example) to make the receipt available. However, the financial institution holding the consumer's account or providing the EFT service to the consumer remains responsible for the availability of the receipt. [§ 205.9(a), footnote 2]

9-3 Q: *Receipts—information displayed on screen.* Does a financial institution comply with the receipt requirement if it simply prints the receipt information on a display screen?

A: No. The receipt must be in a written form that the consumer can retain. [§ 205.9(a)]

9-4 Q: *Receipts—form.* Are there special rules regarding type size, length of receipt, and so forth?

A: No. The regulation does require, however, that the information on the receipt be set forth clearly. A series of unlabelled numbers or codes for various types of information, if not readily understandable on their face, would not be clearly set forth within the meaning of the regulation. The institution may document individual transfers on separate receipts, even though the consumer makes multiple transfers at the same time, or it may document them on a single receipt. [§ 205.9(a)]

9-5 Q: *Receipts—transfer not completed.* Does the terminal receipt requirement apply if a transfer is initiated but not completed (because the ATM is out of currency, for example)?

A: No; however, most terminals generate a receipt even if a transfer is not completed because of a terminal malfunction or because the consumer decided not to complete the transfer. [§ 205.9(a)]

9-6 Q: *Receipts—not furnished; inadvertent error.* Does a violation result if a terminal runs out of paper and a receipt is not made available to the consumer?

A: No, so long as it is a bona fide unintentional error and the financial institution maintains procedures reasonably adapted to avoid such an error. [§ 205.9(a), § 915(c)]

9-7 Q: *Receipts—date.* May a financial institution disclose an accounting or business date on the terminal receipt?

A: The calendar date on which the consumer uses the electronic terminal

must be disclosed; an accounting or business date may be disclosed in addition, so long as the dates are clearly distinguished. If a transfer is initiated late one day and completed on the next day, the financial institution may disclose either calendar date on the receipt. [§ 205.9(a)(2)]

9-8 Q: *Receipts—access to multiple accounts of same type.* How should the type of account be disclosed on the terminal receipt when more than one account of the same type can be accessed by the consumer's access device?

A: Some examples: If an access device can be used by the consumer to make transfers to or from two checking accounts, the terminal receipt must specify which of the two has been accessed; a financial institution could disclose a cash withdrawal as "withdrawal from checking I" or "withdrawal from checking II." If only one account besides the primary checking account can be debited by the access device, it could be identified as "withdrawal from other account." The number of the account being accessed could be used both to identify the type of account and to serve as the unique identifier of the account. [§ 205.9(a) (3) and (4)]

9-9 Q: *Receipts—type of account in POS transfer.* A footnote states that the type of account need not be identified if the access device used to initiate the transfer can access only one account of any type in a point-of-sale transfer. Does this exception apply when that device is used at an ATM?

A: The exception is generally not available for ATM transfers, even if the access device is capable of accessing only one account at an ATM. (There is a limited exception for certain cash-dispensing machines under § 205.9(f), but only if the machines were purchased or ordered before February 6, 1980.)

The exception for POS transfers is available even if the access device can access more than one account when used at a different type of facility, such as an ATM. Moreover, account refers only to asset accounts. If a consumer can use an access device at a POS terminal to debit an asset account and also to access a credit line, for example, the exemption is still available. [§ 205.9(a)(3), footnote 3]

9-10 Q: *Receipts—type of account, off-line ATMs.* A financial institution's ATMs permit access to multiple accounts of the same type when the ATM is on-line, and receipts uniquely identify the accounts by use of account numbers. When the ATM is off-line, however, access is permitted only to a primary account designated by the consumer in advance. The consumer is informed at the ATM that only the primary account can be accessed at that time. May the receipt describe the transfer as a "withdrawal from checking," for example, without a unique identification of the account?

A: Yes. Because the consumer can access only the primary account at the time of the off-line transfer, unique identification of the account is not required. [§ 205.9(a)(3), footnote 3]

9-11 Q: *Receipts—unique identifier.* Does the financial institution have flexibility in providing a number or code that uniquely identifies the consumer, the consumer's account, or the access device used to initiate a transfer?

A: Yes. Any unique identification that will link the consumer to the particular transfer is sufficient to comply with this requirement. [§ 205.9(a)(4)]

9-12 Q: *Receipts—terminal location.* A financial institution wants to disclose the location of the terminal on the terminal receipt by giving a description in one of the three forms prescribed in the regulation. How may it satisfy the requirement?

A: The institution may, for example, preprint the terminal locations on its receipts. An institution that owns or operates terminals at only one location may use its name (such as "First Nat'l"). An institution with terminals in several locations must use a street address or a generally accepted name for a specific location. [§ 205.9 (a)(5), and (b)(1)(iv)]

9-13 Q: *Receipts—omission of third-party name.* Under what circumstances may the name of a third party (to or from whom funds are transferred) be omitted from the terminal receipt?

A: The name may be omitted if the consumer provides the name in a form that the electronic terminal cannot duplicate on the receipt. For example, if a consumer initiates a utility payment at an ATM and provides the name of the payee by inserting a payment stub into the ATM, the terminal receipt need not name the utility company. (The name would have to appear on the periodic statement, of course.)

On the other hand, if the consumer keys in the identity of the payee (by means of a code number, for example) the receipt must name the payee, or use a code that is explained elsewhere on the receipt. The institution may, for example, preprint a series of codes and the specific payees to which they relate on the form—and print the correct code at the time of the transfer. [§ 205.9(a)(6)]

(The regulation does not apply to bill payments made at an ATM by check or currency. See question 2-10.)

9-14 Q: *Receipts—deposit receipt as proof of payment.* Section 906(f) of the act provides that required documentation constitutes prima facie proof of payment to another person; does this provision apply to a terminal receipt documenting a deposit?

A: No, because there is no payment to another person. [§ 205.9(a)(6)]

9-15 Q: *Periodic statements—when required.* The regulation requires periodic statements to be sent for any account to or from which electronic fund transfers can be made. What does this mean?

A: The requirement applies only to those accounts for which an agreement has been entered into: (1) Between the consumer and the financial institution for EFT services to or from the account (including accounts for which an access device has been issued to the consumer); or (2) between the consumer and a third party (for preauthorized debits or credits, for example), when the institution has received notice of the agreement and the fund transfers have begun. (Passbook and statement accounts should be judged by these same criteria in determining whether the account is subject to documentation requirements under the regulation.)

If there is no specific agreement for EFT services, the periodic statement and other requirements of the regulations do not apply to the account. The fact that membership in an ACH requires a participating financial institution to accept electronic fund transfers to accounts at the institution does not make every account of that institution subject to the regulation. [§ 205.9 (b), (c), and (d)]

9-16 Q: *Periodic statements—frequency.* How often must periodic statements be sent for accounts that are subject to the regulation?

A: A monthly statement is required for any account to or from which an EFT has occurred during the month, if the account is one that can be *debited* electronically (by use of an access device, telephone bill-payment service, or preauthorized transfers from the consumer's account, for example) or if the account can be *credited* electronically by other than preauthorized deposits. If no transfers occur during some months, the statement must be provided at least quarterly.

There are special exceptions for accounts on which the only EFT service relates to preauthorized credits. The institution may send quarterly statements or, if the account is a passbook account, the institution may simply update the passbook when it is presented for updating (with the amount

and date of each EFT since the last update). [§ 205.9 (b), (c) and (d)]

9-17 Q: *Periodic statements—inactive accounts.* Must quarterly statements be sent to all accounts that have had an EFT service associated with them, even though the accounts are considered inactive by the financial institution?

A: An institution need not send statements to accounts it considers inactive. The determination that certain accounts are inactive must be made by the institution. [§ 205.9 (b) and (d)]

9-18 Q: *Periodic statements—customer pick-up.* May a financial institution permit consumers to call for their periodic statements?

A: Yes, but the institution may not require it. [§ 205.9 (b) and (d)]

9-19 Q: *Periodic statements—periodic cycles.* May financial institutions send out a periodic statement each time an electronic fund transfer occurs?

A: No. Although statements may be sent on a cycle that is shorter than monthly, the statements must correspond to an actual periodic cycle. [§ 205.9(b)]

9-20 Q: *Periodic statements—variance in cycle.* Must a cycle for a periodic statement be exactly a month, quarter, or other regular period?

A: No. Cycles will be considered equal if the number of days in the cycle does not vary by more than 4 days from the regular day or date of the periodic statement. It is also permissible to stagger the statement cycle for different accounts for operational or other reasons. [§ 205.9 (b) and (d)]

9-21 Q: *Periodic statements—summary limited to EFT activity.* Certain consumer passbook accounts can be debited electronically and thus do not qualify for the exception from the periodic statement requirement. The financial institution continues to use the passbook as the primary means for displaying all transfers (electronic and nonelectronic) on the account. May the institution comply with the regulation by providing a summary periodic statement covering only the electronic activity?

A: Yes. Other required disclosures (such as charges, account balances, and address and telephone number for inquiries) must, of course, also be included. [§ 205.9(b)]

9-22 Q: *Periodic statements—transfers between consumer's accounts.* A consumer transfers funds between two accounts at the same financial institution. Must the institution repeat information describing the transfer on each statement?

A: If the institution sends the two statements to the consumer within a few days of each other (or if a combined statement is used), descriptive information need not be duplicated. In this case, descriptive information on one of the statements meets the regulation's requirements as to both accounts so long as the information on the second statement is sufficient to allow the consumer to identify the transfer. [§ 205.9(b)]

Note.—The Board is considering a change in the periodic statement requirements with respect to accounts that are subject to telephone transfers to or from another account of the consumer at the same institution. See the Supplementary Information portion of this Federal Register notice.

9-23 Q: *Periodic statements—accompanying documents.* A footnote in the regulation permits details about each transfer to be given on documents accompanying the periodic statement; it also permits codes to be used, so long as they are explained on the statement or accompanying documents. How can a financial institution take advantage of this provision?

A: This provision gives financial institutions that do not use descriptive statements an alternative means for meeting the documentation requirements. Some examples: An institution could include copies of terminal receipts to reflect transfers initiated by the consumer at electronic terminals. It could enclose posting memos, deposit slips, and other documents that, together with the statement, disclose all the required information. It could use codes (for names of third parties, terminal locations, etc.) and explain the information to which they relate on an accompanying document. [§ 205.9(b)(1), footnote 4]

9-24 Q: *Periodic statements—accompanying documents.* May required information other than information about each electronic transfer appear on accompanying documents?

A: Yes. The regulation imposes no page requirements for periodic statements; thus; the required information need not all appear on a single page. (See question 9-34.) [§ 205.9(b)]

9-25 Q: *Periodic statements—information obtained from others.* For purposes of periodic statement disclosures, may a financial institution unconditionally rely on data transmitted to it by another financial institution or other party (such as a merchant)?

A: Independent verification of the data for each transfer is not required. Financial institutions must, however, generally maintain reasonable procedures to avoid violations of the regulation, whether as a result of faulty data transmission or errors of third parties. (See the exception to liability under § 915 of the act for bona fide unintentional errors.) [§ 205.9(b)(1)]

9-26 Q: *Periodic statements—terminal location omitted; error.* When a consumer makes a deposit at an ATM, the institution need not identify the ATM location on the periodic statement. Does the consumer's request for the terminal location (or any other information about the deposit) constitute notification of an error under the regulation?

A: Yes, if the request for the location is made in accordance with the requirements of the error resolution section. On the other hand, if the consumer merely calls to ascertain whether or not a deposit (ATM, preauthorized, or any other type of electronic transfer) was credited to the account, the error resolution procedures do not apply. [§§ 205.9(b)(1)(iv), footnote 4a, and 205.11(a)(7)]

9-27 Q: *Periodic statements—type of POS transfer.* How should the periodic statement identify a transfer that takes place at a merchant's POS terminal—as a purchase or sale of goods or services, or as a payment to a third party?

A: There is no prescribed terminology. [§ 205.9(b)(1)(iii)]

9-28 Q: *Periodic statements—transferor/federal recurring payments.* How should the name of the third party be disclosed on the periodic statement for federal recurring payments?

A: For any federal recurring payment (such as Social Security, military or civil service pensions/payrolls) the third-party name may be disclosed as "U.S. gov't," "fed sal," or any other designation indicating that the payor is the United States government. [§ 205.9(b)(1)(v) and (e)]

9-29 Q: *Periodic statements—multiple transferees.* A financial institution permits consumers to make multiple payments at an ATM by keying in a composite dollar amount and inserting payment stubs into the ATM to indicate who the individual payees are. If a consumer keys in an amount and directs the institution to pay three utility bills from that sum, must the three companies be named on the periodic statement?

A: Yes. The names of all three utilities must be provided on the periodic statement so that the documentation can serve as proof of payment for the consumer. [§ 205.9(b)(1)(v)]

9-30 Q: *Periodic statements—consumer as third-party payee.* If a consumer makes an electronic fund transfer to another consumer, may the

financial institution identify the recipient on the periodic statement by giving the person's account number?

A: No. The institution must disclose the recipient by name. [§ 205.9(b)(1)(v)]

9-31 Q: *Periodic statements—charges.* What charges must be disclosed on the periodic statement?

A: Financial institutions should disclose either (1) the total charges assessed against the account during the statement period for electronic fund transfers or the right to make transfers, or (2) the total charges assessed during the period for account maintenance. [§ 205.9(b)(3)]

9-32 Q: *Periodic statements—opening and closing balances.* The financial institution is required to disclose an opening and a closing balance in the consumer's account. May these balances be based solely on the electronic activity?

A: No. The balances must take into account both electronic and non-electronic activity. [§ 205.9(b)(4)]

9-33 Q: *Periodic statements—telephone numbers.* A financial institution is required to disclose a telephone number for error resolution and (if it is using the telephone alternative for preauthorized credits) a number for the consumer to call to ascertain whether a preauthorized credit has occurred. Would disclosure of a single telephone number for both purposes, preceded by the "direct inquiries to" language, satisfy both requirements?

A: Yes. [§ 205.9(b)(5) and (6)]

9-34 Q: *Periodic statements—telephone numbers.* May the institution disclose the telephone number for inquiring about preauthorized transfers to the consumer's account on a credit advice or other document enclosed with the periodic statement?

A: Yes. (See question 9-24.) [§ 205.9(b)(6)]

9-35 Q: *Receipts/periodic statements—incorrect deposit amount.* What does the regulation require if the amount of a deposit, as verified by the institution, turns out to be different from the amount entered by the consumer into the terminal?

A: An institution need not notify the consumer about the discrepancy per se. The next periodic statement should reflect the proper amount of the deposit or, depending on the institution's bookkeeping system, a correction of the erroneous amount. The institution must of course comply with the error resolution procedures if the consumer alleges an error in the deposit. [§ 205.9(a)(1) and (b)(1)(i)]

9-36 Q: *Receipts/periodic statements—type of transfer.* What degree of specificity is required on terminal receipts and periodic statements for the type of transfer?

A: Common descriptions are sufficient. There is no prescribed terminology, although some examples are contained in the regulation. On periodic statements, for example, it is enough simply to show the amount of the transfer in the debit or the credit column if other information on the statement (for example, a terminal location or third-party name) enables the consumer to identify the type of transfer. [§ 205.9 (a)(3) and (b)(1)(iii)]

9-37 Q: *Receipts/periodic statements—type of account; generic descriptions.* The regulation permits a withdrawal from a consumer's share draft account at a credit union to be identified as a "withdrawal from checking." What is this provision intended to accomplish?

A: The regulation permits generic descriptions of the type of account to facilitate operations in a shared EFT network. For example, in a shared system, a credit union member may be able to initiate transfers to or from a share draft account at a terminal owned or operated by a bank, which may describe accounts only as "checking" or "savings" accounts (and be unable to generate a receipt describing the transfers as to or from a "share draft" account). [§ 205.9 (a)(3) and (b)(1)(iii)]

9-38 Q: *Receipts/periodic statements—location code.* May a transaction code be used to comply with the terminal location requirement?

A: Yes, if the transaction code (or the portion that relates to the terminal location) is clearly set forth on the receipt. It must, of course, be reproduced on the periodic statement. [§ 205.9 (a)(5) and (b)(1)(iv)]

9-39 Q: *Receipts/periodic statements—shared system; unique codes.* In a shared or interchange environment, must the various codes used on terminal receipts and periodic statements be unique?

A: In shared or interchange systems, identical numbers may well appear on the consumer's periodic statement for terminals operated by different institutions or merchants; this is permissible. [§ 205.9 (a) and (b)]

9-40 Q: *Receipts/periodic statements—omission of city name.* In disclosing the terminal location on a terminal receipt and on the periodic statement, a financial institution uses a generally accepted name (such as a branch name) for a specific location. May the city be omitted when the branch name and the city are the same?

A: Yes. [§ 205.9 (a)(5) and (b)(1)(iv)]

9-41 Q: *Receipts/periodic statements—terminal location/third party.* May a single listing be used to identify both the terminal location and the name of the third party to or from whom funds are transferred?

A: Yes. For example, if a consumer purchases goods from a merchant, the name of the party to whom funds are transferred (the merchant) and the location of the terminal where the transfer is initiated will be satisfied by a disclosure such as "XYZ Store, Anytown, Ohio." [§ 205.9 (a) (5) and (6), and (b)(1) (iv) and (v)]

9-42 Q: *Receipts/periodic statements—intermediate party.* If a party (a merchant or another financial institution, for example) processes an electronic fund transfer but is not the ultimate transferee or transferor, must it be identified on terminal receipts or periodic statements?

A: No. Such parties need not be named either on the receipt or on the periodic statement. [§ 205.9 (a)(6) and (b)(1)(v)]

9-43 Q: *Receipts/periodic statements—account-holding institution as third party.* The regulation requires identification of the third party to or from whom a transfer is made, on the terminal receipt and periodic statement. Is an account-holding financial institution considered a third party for purposes of this requirement?

A: Yes. A third party is generally someone other than the consumer and the financial institution. However, section 906(f) of the act requires that any documentation provided to the consumer shall constitute prima facie proof of a transfer to another person, and applies to documentation of payments made to the account-holding institution.

The institution need not be named on the receipt and periodic statement as the payee if the fact that payment was made to the institution is sufficiently indicated by other information (for example, "loan payment from checking," if this can be taken to mean that the payment was to the account-holding institution). [§ 205.9 (a)(6) and (b)(1)(v)]

9-44 Q: *Receipts/periodic statements—consistency in third-party identity.* May a financial institution disclose, on the periodic statement, a third-party name other than the one that appeared on the receipt?

A: No. If the d.b.a. (doing business as) name of the third party appeared on a terminal receipt, that name must also appear on the periodic statement. Similarly, if a parent corporation's name appeared on the terminal receipt, it must

also be used on the periodic statement. [§ 205.9 (a)(6) and (b)(1)(v)]

9-45 Q: *Passbook updates—when required.* Is a financial institution required to update a passbook every time the consumer presents it (for example, when the consumer uses the passbook to make a deposit or withdrawal)?

A: No. The institution need only update the passbook (by entering the amount and date of preauthorized credits since the preceding update) when the consumer presents it for updating. [§ 205.9(c)]

9-46 Q: *Passbook accounts—telephone notice alternative.* May an institution utilize the telephone notice alternative for passbook accounts that do not receive periodic statements?

A: Yes. (See question 10-12.) [§§ 205.9(c), 205.10(a)(1)(iii)]

9-47 Q: *Passbook updates—discarding of data.* May a financial institution set a cut-off period for retention of information awaiting entry in the consumer's passbook?

A: No. However, the financial institution need not update a passbook immediately upon presentation if the information is not readily available. It may retain the passbook, add the information, and return the updated passbook promptly to the consumer. Or, it can mail separate documentation to the consumer. [§ 205.9(c)]

9-48 Q: *Passbook updates—periodic transmittals.* May a financial institution, in lieu of retaining the information between presentations of the passbook, send a consumer updates of preauthorized credits on a periodic basis?

A: Yes. [§ 205.9(c)]

9-49 Q: *Quarterly statements—compliance with regular requirements.* The regulation requires quarterly periodic statements for non-passbook accounts that cannot be accessed electronically except by preauthorized credits. Must these statements meet the periodic statement requirements of the regulation?

A: Yes. The statements must comply with all requirements for periodic statements. The only difference is that they may be sent quarterly. [§ 205.9(d)]

Section 205.10—Preauthorized Transfers

10-1 Q: *Notice of credit—choice of type.* Must consumers be given a choice of the type of notice to be provided regarding receipt of preauthorized credits?

A: No. It is up to the financial institution to decide which method of notice the institution wants to use. The institution may use different methods for different types or series of preauthorized transfers. [§ 205.10(a)(1)]

10-2 Q: *Notice of credit—when receipt guaranteed.* A financial institution guarantees its customers that scheduled Social Security transfers will be credited to their accounts whether or not the institution actually receives the funds on time. Does the notice requirement apply?

A: Yes—unless the institution has adopted the negative notice option, in which case sending the notice might confuse the consumer. [§ 205.10(a)(1)]

10-3 Q: *Notice provided by payor.* Are there instances in which the financial institution does not have to provide notice?

A: Yes. If the payor provides notice to the consumer that a transfer has been initiated, the financial institution is not required to provide notice of receipt. [§ 205.10(a)(1)]

10-4 Q: *Notice provided by payor—form.* If the payor-employer provides notice to a consumer that a transfer has been initiated, what type of notice must it give?

A: There is no required form or terminology. A pay stub that shows the net deposit is sufficient. [§ 205.10(a)(1)]

10-5 Q: *Content of notice.* Is there suggested language for the notice regarding receipt of a preauthorized transfer?

A: No. Identification of the deposit is sufficient. [§ 205.10(a)(1)]

10-6 Q: *Current account balance.* May an institution give notice by informing the consumer of the current balance in the account?

A: Such a notice will not satisfy the notice requirement. [§ 205.10(a)(1)]

10-7 Q: *Periodic statement as notice.* If a periodic statement sent within two business days reflects the transfer, can it serve as positive notice of receipt?

A: Yes. Similarly, the absence of the deposit entry (on a periodic statement sent within 2 business days of the scheduled transfer date) will serve as negative notice. [§ 205.10(a)(1)]

10-8 Q: *Negative notice—timing.* If an institution uses a negative notice system and a preauthorized credit fails to arrive on the scheduled date, but does arrive within two business days, must a notice be sent?

A: No. If the deposit did not arrive by the close of the second business day, however, a notice would have to be sent at that time. [§ 205.10(a)(1)(ii)]

10-9 Q: *Negative notice—cessation of transfers.* An institution uses a negative notice system. If preauthorized transfers to a consumer's account cease to occur, must the institution send notices of nonreceipt indefinitely?

A: No. In the absence of information from the consumer or the payor that the transfers have been terminated, the institution should send the notices at least 3 times. Or, it may notify the consumer that the institution believes the transfers have stopped, and that therefore no further negative notices will be sent [§ 205.10(a)(1)(ii)]

10-10 Q: *Telephone notice—timing.* How quickly must a financial institution respond to a consumer's telephone inquiry about whether a preauthorized transfer has been received?

A: In most instances, an institution should be able to provide verification during the same telephone call. However, if the information is not immediately available—because of a time lapse between the scheduled transfer date and the consumer's call, for example—the institution should respond within 2 business days. [§ 205.10(a)(1)(iii)]

10-11 Q: *Telephone notice—availability.* The regulation requires that the telephone line for inquiries about preauthorized credits be readily available. What does this mean? Also, must the institution provide a toll-free number, or accept collect calls?

A: To satisfy the readily available standard, the financial institution should provide enough lines so that consumers get a reasonably prompt answer, using any answering system it wants.

As to toll-free calls, an institution should provide—within its primary service area—a telephone number to which calls can be made without charge to the customer. In some cases, a financial institution will have customers who reside away from the city or state where the financial institution normally conducts business; the financial institution need not provide a toll-free number or accept collect long-distance calls from these customers.

The financial institution need not provide 24-hour telephone lines to respond to consumers' inquiries. Telephone service during normal business hours will suffice. [§ 205.10(a)(1)(iii)]

10-12 Q: *Telephone notice—passbook accounts.* An institution that uses the telephone alternative for preauthorized credits is required to give the telephone number in the initial disclosures and on each periodic statement. Customers whose passbook accounts can only be accessed by preauthorized credits do not receive periodic statements. How might the financial institution comply with the second condition?

A: The institution may take any reasonable measure to provide the

number to consumers. It may stamp the telephone number in the passbook, for example, or include the telephone number with the annual error resolution notice. [§ 205.10(a)(1)(iii)]

10-13 Q: *Preauthorized credits—availability of funds.* When must funds deposited to an account via preauthorized transfers be available to the consumer?

A: The regulation requires that preauthorized transfers be credited as of the day the funds for the transfer are received. The determination of when these funds are available to the consumer for withdrawal will depend on applicable state law, if any, and on other federal regulations, if any. [§ 205.10(a)(2)]

10-14 Q: *Preauthorized credits—posting schedule.* If a financial institution normally posts credits to customers' accounts in the morning, and it receives an ACH tape in the afternoon, may the institution delay the posting until the next morning?

A: Yes. An institution need not alter its established posting schedule. However, the funds must be credited to the consumers' accounts as of the date the funds are received. [§ 205.10(a)(2)]

10-15 Q: *Preauthorized credits—funds received prior to agreed crediting date.* Is a financial institution ever permitted to credit a consumer's account later than the date the funds are received from the payor?

A: Yes. If the financial institution and the payor have agreed that the payor will transmit funds to the institution in advance of the date on which the institution is to credit consumers' accounts (for example, two days in advance of pay day), the institution may credit the accounts as of the date agreed upon with the payor (that is, pay day) [§ 205.10(a)(2)]

10-16 Q: *Preauthorized debits—pre-existing authorizations.* If an agreement for preauthorized electronic fund transfers from an account was entered into before May 10, 1980, must a new authorization be obtained by the designated payee or by the financial institution?

A: No. [§ 205.10(b)]

10-17 Q: *Preauthorized debits—pre-existing authorizations.* If a consumer's existing authorization, which authorizes the institution or the designated payee to debit the consumer's account, does not specify that the debiting is to occur electronically (or specifies that debiting is to occur by paper means), must a new authorization be obtained in order to debit the account electronically?

A: The regulation does not require that new authorizations be obtained. [§ 205.10(b)]

10-18 Q: *Preauthorized debits—authorization obtained by third party.* If a consumer authorizes a third party (for example, an insurance company) to initiate preauthorized electronic fund transfers from the consumer's account, and the third party fails to obtain the authorization in writing or to give a copy to the consumer, is the account-holding financial institution in violation of the regulation?

A: No. The party that obtains the authorization—in this instance, the third party—is the person that is subject to these requirements. [§ 205.10(b)]

10-19 Q: *Preauthorized debits—stop-payment order.* On October 10, a consumer orally orders the financial institution to stop payment on a $30 utility bill that is scheduled to be paid on October 15. The payment is stopped. The consumer properly confirms the order in writing on October 17 On October 30 the utility company resubmits the $30 debit. Must the financial institution stop payment on the resubmitted item?

A: Yes. The institution may accomplish this, for example, by suspending all subsequent payments to the designated payee until the consumer notifies the institution that payments should resume. [§ 205.10(c)]

10-20 Q: *Ten-day notice of varying debits—pre-existing authorizations.* If the consumer agreed to varying preauthorized transfers from the consumer's account prior to May 10, 1980, must the financial institution (or the designated payee) give the consumer the 10-day advance notice of transfers that vary in amount?

A: Yes, unless the consumer has been informed of the right to receive notice of such varying payments and the consumer has authorized payment within a specified range of amounts. [§ 205.10(d)]

10-21 Q: *Ten-day notice—payee's failure to provide.* Does the financial institution holding the consumer's account have any liability for the designated payee's failure to provide notice of varying amounts?

A: No. [§ 205.10(d)]

Section 205.11—Procedures for Resolving Errors

11-1 Q: *Transfers—initiated by institution.* If a transfer is initiated by a financial institution or its employee without the consumer's authorization, does it constitute an error?

A: Yes. It constitutes an incorrect electronic fund transfer unless the transfer was authorized, for example, by a court order. [§ 205.11(a)]

11-2 Q: *Loss or theft of access device.* If a consumer reports the loss or theft of an access device, is the institution required to comply with the error resolution procedures?

A: No, unless the consumer also alleges possible unauthorized use as a consequence of the loss or theft. [§ 205.11(a)]

11-3 Q: *Error asserted after account closed.* Must an institution comply with the error resolution procedures if a consumer asserts an error after closing the account relationship with the institution?

A: Yes, assuming that the error allegation is properly made. [§ 205.11]

11-4 Q: *Request for documentation or information.* May a financial institution assume, absent a statement to the contrary by the consumer, that a request for duplicate copies of documentation or other information is for tax or other record-keeping purposes and therefore not an alleged error?

A: No. Requests for duplicate copies of documentation or other information should be treated as errors unless it is clear that the request by the consumer is *only* for tax or other record-keeping purposes. [§ 205.11(a)(7)]

11-5 Q: *Statement held for consumer—timing of error rights.* A consumer has arranged for periodic statements to be made available at the financial institution and held until called for. For purposes of the 60-day time limits for alleging an error, when is the statement for a particular cycle deemed to have been transmitted?

A: When it is first made available to the consumer. (See question 9-18.) [§ 205.11(b)(1)(i)(A)]

11-6 Q: *Failure to provide statement—timing of error rights.* How quickly must a consumer give notice that the financial institution failed to provide a periodic statement?

A: The notice of error must be received by the institution within 60 days from the date on which the statement should have been transmitted. [§ 205.11(a)(7) and (b)(1)(i)]

11-7 Q: *Discovery of error by institution.* Does discovery of an error by the financial institution require that the institution comply with the error resolution procedures?

A: No. The procedures need be followed only when a notice of error is received from the consumer or an agent of the consumer. [§ 205.11(b)(1)]

11-8 Q: *Content of error notice.* Must the notice of error given to the financial institution contain the consumer account number?

A: No, so long as the notice enables the institution to identify the account in question. [§ 205.11(b)(1)(ii)]

11-9 Q: *Written confirmation of error notice.* Must a financial institution have referral procedures for forwarding a written confirmation of error that is sent to the wrong address?

A: No. The referral requirement does not apply to a written confirmation that is sent to an address other than the one specified to the consumer at the time oral notice was given. [§ 205.11(b)(1)(i), footnote 10 and (b)(2)]

11-10 Q: *Written confirmation—timing of investigation.* May a financial institution delay its investigation until it has received a written confirmation?

A: No. The investigation must begin promptly upon receipt of the oral notice. This requirement is not affected by the institution's request for written confirmation. [§ 205.11(c) (1), (2), and (3)]

11-11 Q: *Deadlines for investigation of error.* May a financial institution take the full 10 business days or 45 days to investigate?

A: The requirement is to investigate promptly; the stated time periods are maximums. [§ 205.11(c) (1) and (2)]

11-12 Q: *Request for documentation—facsimile or photocopy.* When a consumer requests documentation, may the institution provide a facsimile or a photocopy?

A: Yes, so long as the photocopy or facsimile is legible. [§ 205.11 (d)(1) and (f)(3)]

11-13 Q: *Request for documentation—third parties.* A consumer requests information or documentation that is not in the institution's possession, but in the possession of a third party with whom the financial institution has no agreement. How does an institution comply with the error resolution requirements?

A: By a timely response to the effect that the institution does not have the requested material. [§ 205.11(d)(2)]

11-14 Q: *Scope of investigation—bill payment to third party.* A consumer alleges an error involving a payment to a third party via a financial institution's telephone bill-payment plan. Is a review of the institution's own records a sufficient investigation?

A: Yes, assuming there is no agreement between the financial institution and the third party concerning the telephone bill-payment service. [§ 205.11(d)(2)]

11-15 Q: *Scope of investigation—preauthorized credits.* A consumer alleges an error regarding an EFT direct deposit of payroll. The financial institution and the payor have an agreement with respect to honoring an access device at point-of-sale terminals, but there is no agreement with the payor regarding the direct deposit of payroll. May the financial institution limit its investigation of the direct deposit error to a review of its own records?

A: Yes. The institution would be required to investigate beyond its own records only if the alleged error involved a POS transfer or if the financial institution and the payor did have an agreement regarding the direct deposit of payroll. [§ 205.11(d)(2)]

11-16 Q: *Scope of investigation—POS transfers.* A merchant agrees to honor a financial institution's access devices at the merchant's POS terminals. What is the institution's duty to investigate when a consumer alleges an error involving a transfer to the merchant via the POS terminal?

A: The financial institution must contact the merchant directly or, in systems like the national credit card networks, indirectly by contacting the merchant's bank. It may not rely on information previously transmitted by the merchant without verifying it. For example, the financial institution may have to request a copy of the sales slip signed by the consumer in order to verify that the amount of the transfer corresponds to the amount of the consumer's purchase. A financial institution is not required, however, to take such steps as sending an employee to the merchant's place of business to ascertain the correct cost of the merchandise purchased in the transaction. [§ 205.11(d)(2)]

11-17 Q: *Error found—different from that alleged.* When a financial institution determines that an error occurred in a manner or amount different from that described by the consumer, must the institution comply with both (1) the procedures applicable when the institution determines that no error occurred and (2) the procedures applicable when it determines that an error did occur?

A: Yes, to the extent that the procedures are relevant. In such a case, the institution may give notice of correction and the explanation either separately or in a combined form. [§ 205.11 (e) and (f)]

11-18 Q: *Crediting of interest.* Does the requirement to credit interest apply to all error corrections?

A: No, it applies only to those involving interest-bearing accounts. [§ 205.11(e)(1)]

11-19 Q: *Refunding of fees and charges.* Is the financial institution required, when it corrects an error, to refund all fees or charges imposed on the account?

A: The financial institution is required to refund those fees or charges that were imposed as a consequence of the error. In a combined credit/EFT transaction, for example, the financial institution must refund any finance charges incurred as a result of the error. Fees or charges that would have been imposed even if the error had not occurred need not be refunded. [§ 205.11(e)(1)]

11-20 Q: *Notice of correction—timing.* The regulation requires notice of a correction to be given promptly. Is this requirement satisfied if the institution includes the notice on a periodic statement mailed within the 10 business days or 45 calendar days?

A: Whether such a mailing will be prompt enough to satisfy the requirement must be determined by the financial institution, taking into account the specific facts involved. [§ 205.11(e), footnote 12]

11-21 Q: *Written explanation—timing.* If an institution completes its investigation on day 45 and determines that no error occurred, must it send the written explanation that same day?

A: Under the 45-day limit, the financial institution has an additional 3 business days to send the explanation. If, however, the financial institution is proceeding under the 10-business-day provision and determines on day 10 that no error occurred, the institution does not have an additional 3 business days; it must send the explanation on day 10. [§ 205.11(f)(1)]

11-22 Q: *Debiting of recredited funds—items to be honored.* If a financial institution debits a consumer's account for provisionally recredited funds, must it honor all items presented during the succeeding 5 business days?

A: No. The financial institution need honor only those items that would have been paid, under the bank's normal operating procedures, if the account had not been debited. For example: if an account with a balance of $155 is debited in an amount of $100 for provisionally recredited funds (leaving a balance of $55) and checks for $150 and $200 are presented by third parties, the financial institution need honor only the $150 item. Moreover, the institution need honor only items (including preauthorized transfers) payable to third parties. It need not permit ATM or other cash withdrawals by the consumer. [§ 205.11(f)(2)(ii)]

11-23 Q: *Debiting of recredited funds—an alternative procedure.* If the institution instead establishes a procedure under which it notifies the consumer that the consumer's account will be debited 5 business days from the transmittal of the notification—and specifies the calendar date on which this debiting will occur—does this procedure satisfy the requirement?

A: Yes. [§ 205.11(f)(2)(ii)]

11-24 Q: *Debiting of recredited funds—charges for overdrafts.* May a financial institution charge the consumer for overdrafts which occur as a consequence of the facts described in question 11-22?

A: The financial institution may not charge the consumer for overdraft items that are honored as a consequence of the 5-business-day requirement. It may, however, impose any normal transaction or item charges that are unrelated to an overdraft resulting from the debiting. The institution may, for example, impose a return-item charge relative to the $200 returned item referred to in question 11-22.

After the 5 business days, if the account is still overdrawn the institution may impose finance charges to which it is entitled (if any) under an overdraft credit plan. [§ 205.11(f)(2)(ii)]

11-25 Q: *Documents relied on—request from consumer.* When a consumer requests copies of documents that the financial institution relied on in determining that no error occurred, what is required?

A: The institution should provide copies of the documentation in a readily understandable form. An institution that relies on magnetic tape in making its determination should translate the data into readable form—by printing out the applicable data and explaining the codes, for example. [§ 205.11(f)(3)]

11-26 Q: *Documents relied on—privacy issue.* If a document contains information on several consumers, should a copy of the entire document be given to the consumer?

A: No. To protect the privacy of the other consumers, the institution should provide only the information relating to the consumer alleging the error. [§ 205.11(f)(3)]

11-27 Q: *Documents relied on—no information on relevant tapes.* If a financial institution's investigation shows that there is no information relating to the consumer on the magnetic tape or other documentation in question, what does the institution have to provide?

A: The financial institution may comply with the requirement to provide copies of documentation by informing the consumer that the relevant documents were searched and were found to contain no information about transfers relating to the consumer. [§ 205.11(f) (1) and (3)]

11-28 Q: *Withdrawal of error notice.* A consumer withdraws an allegation of error after the institution has investigated and has determined that no error occurred, but before the institution provided the written explanation. May the institution treat the error as voluntarily withdrawn?

A: Yes. [§ 205.11(g)]

11-29 Q: *Withdrawal of error notice.* A consumer calls the financial institution to question the amount of a Social Security deposit, and the institution suggests the difference may be due to a general decrease in benefits. Is the consumer's acceptance of the explanation a voluntary withdrawal of an error allegation?

A: Yes. [§ 205.11(g)]

11-30 Q: *Reassertion of error.* Does a consumer who has withdrawn an allegation of error have the right to reassert the allegation?

A: Yes, unless the financial institution had complied with all of the error resolution requirements before the allegation was withdrawn. The consumer must, however, reassert the error by giving proper notice within the original 60-day period. [§ 205.11 (b) and (h)]

11-31 *Charges for error resolution.* May a financial institution charge consumers for the institution's compliance with the error resolution procedures?

A: Although the regulation is silent on this point, the Board has expressed concern about any chilling effect on the good faith assertion of errors that might result from the imposition of charges. Financial institutions should be aware of the prohibition against agreements that constitute a waiver of rights conferred by the act. [§ 205.11, § 914]

11-32 Q: *Applicable error resolution provisions—overdraft credit line.* A consumer withdraws funds from a checking account by use of an ATM and the withdrawal overdraws the account, thereby resulting in a transfer of funds from the credit line to the checking account. If an error is alleged, which error resolution procedures apply to the overdraft portion, Regulation E or Regulation Z?

A: Regulation E applies because there has been an electronic fund transfer. The financial institution must follow the requirements of the error resolution provisions of Regulation E that deal with the definition of error, requirements for notice, and procedures for correction of errors.

Sections 226.13 (d) and (g) of Regulation Z continue to apply to the credit extension portion. These include the temporary prohibition on collection actions; the consumer's right to withhold disputed amounts; the limitation on adverse credit reports; and the right to prevent an automatic debit of disputed amounts. [§ 205.11(i)]

11-33 Q: *Applicable error resolution procedures—credit card/access device.* If a consumer uses a combined credit card/access device to withdraw funds at an ATM directly from a non-overdraft credit line and later alleges an error, which error resolution procedures apply—Regulation E or Regulation Z?

A: Regulation Z applies because the credit line is not a consumer asset account. The transaction thus does not involve an electronic fund transfer. [§ 205.11(i)]

Section 205.12—Relation to State Law

12-1 Q: *Preemption of state EFT laws—specific determinations.* The regulation prescribes standards for determining whether state laws that govern electronic fund transfers are preempted by the act and the regulation. If, under these standards, state law is inconsistent with the federal law, is the state law automatically preempted?

A: No. A specific determination of preemption will be made by the Board. Interested parties seeking a determination should follow the procedures set forth in the regulation. [§ 205.12 (a) and (b)]

Section 205.13—Administrative Enforcement

13-1 Q: *Disclosure forms—compliance.* Will the Board or its staff review or approve disclosure forms or statements for financial institutions?

A: No. However, the Board has issued model clauses that financial institutions may use, if they wish, when designing their forms or statements. If a financial institution uses these clauses accurately to reflect its services, the financial institution is protected from liability for failure to make disclosures in proper form. [Appendix A, § 915(d)]

13-2 Q: *Record retention—evidence of compliance.* Must a financial institution retain records that it has given disclosures and documentation to *each* consumer?

A: No, it need only retain evidence demonstrating that its procedures reasonably insure the consumer's receipt of the required disclosures and documentation. [§ 205.13(c)(1)]

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account

14-1 Q: *Applicability to preauthorized credits.* Does this section apply to an institution which initiates preauthorized electronic payroll deposits on behalf of the consumer's employer to the consumer's account at another financial institution?

A: No. This section applies only when the service-providing institution, issues an access device to a consumer (a debit

card or a code, for example) with which the consumer can initiate transfers to or from the consumer's account at another institution, *and* the two institutions have no agreement with regard to this service. Because a code used to initiate telephone transfers is an access device, the section applies, for example, when a financial institution which holds a consumer's account periodically transfers funds to or from the consumer's account at another financial institution upon receiving instructions from the consumer on the telephone. [§ 205.14 (a) and (c)]

14-2 Q: *Applicability of account at both institutions.* Does the fact that the consumer holds an account at both financial institutions involved in the transfer negate the application of this section?

A: No, assuming the institutions have no agreements with each other as to the EFT service. [§ 205.14(a)]

14-3 Q: *Agreement.* If an ACH establishes arrangements in which its members agree to honor each other's EFT cards, is there an "agreement" for purposes of this section?

A: Yes [§ 205.14(c)]

14-4 Q: *Periodic statement—service-providing institution.* Does the service-providing institution have to provide to the consumer a periodic statement showing transfers other than electronic fund transfers made with the service provider's access device?

A: No. [§ 205.14(a)(2)]

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Board of Governors of the Federal Reserve System, September 16, 1981.

William W. Wiles,

Secretary of the Board.

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 509b

[No. 81-560]

Equal Access to Justice Regulations

September 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Loan Bank Board is publishing interim regulations to implement the Equal Access to Justice Act, which allows small entities to recover their fees and expenses when they successfully resist an unjustified agency action. The Board will publish final rules after it has evaluated comments on these rules.

DATES: Effective date: October 1, 1981. Comments must be received by: December 1, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel ((202) 377-6457), at the above address.

SUPPLEMENTARY INFORMATION: The Board is adopting an interim Part 509b to implement the Equal Access to Justice Act (EAJA), Pub. L. No. 96-481, tit. II, 94 Stat. 2325 (1980) (to be codified at 5 U.S.C. 504). The Board will publish final rules after the public has had the opportunity to comment.

The EAJA was enacted in order to encourage challenges to unreasonable government actions. Congress has determined that the cost of litigation against the government deters many small businesses and individuals from seeking review of unwarranted agency action. EAJA at section 202(a). Since a prevailing party cannot generally recover fees and costs against the United States, it will often be less expensive for parties to acquiesce in government overreaching.

The EAJA authorizes the award of attorney fees and other expenses to certain parties that prevail against federal agencies in adversary adjudications (defined as adjudications conducted under Section 554 of the Administrative Procedure Act). Only small entities with fewer than 500 employees and net worths of less than $5,000,000, individuals with net worths of less than $1,000,000, agricultural cooperatives, and tax-exempt, non-profit institutions may recover fees under the Act. Costs and fees will only be awarded when it is determined that the agency's position was not substantially justified. Costs and fees may be awarded by courts in civil actions brought by agencies. EAJA will become effective on October 1, 1981 and will expire by its own terms on October 1, 1984.

The act directs agencies to establish uniform procedures for the submission and consideration of applications for fees after consultation with the Administrative Conference of the United States. To this end, the Administrative Conference has developed model regulations after notice and comment. 46 FR 32900 (June 25, 1981). Although the Board's interim rules generally follow the example drafted by the Conference, the proposal does not duplicate the model word-for-word. Significant deviations will be noted in the following summary.

I. Summary

A. General Provisions

1. *Award of fees in adversary adjudications.* Section 509b.101 provides that, upon application, the Board may award allowable fees and expenses to a prevailing eligible party unless the Board determines that the Board's position in the proceeding was substantially justified. This section corresponds to Section 105 of the Administrative Conference model rules and, like those rules, allows an eligible party to recover its costs in defending a discrete and substantive portion of the proceeding. Section 509b.101(b) also authorizes the Board to deny an award when it determines that special circumstances make the award unjust (*e.g.*, excessive dilatory action by claimant).

2. *Eligible parties.* As noted previously, Congress intended that only small entities and individuals benefit from the EAJA. For this reason, eligible parties are limited to individuals with net worths of less than $1,000,000 and partnerships, corporations, associations, or other organizations with fewer than

500 employees and net worths of less than $5,000,000.

Sole proprietorships must also have fewer than 500 employees and less than $5,000,000 net worth. A difficulty is presented, however, when the proprietor is the subject of a proceeding in his individual capacity. The model rules provide that the appropriate test for determining the eligibility of such an individual is whether the issues on which he or she prevails are related primarily to business or personal interests. Although Board proceedings will generally not involve sole proprietorships, the interim rules adopt the conference's distinction.

The model rules also provide that for purposes of determining eligibility, the term "employees" will include all persons who regularly perform compensated services under the applicants' control and direction at the time the action commences. This description would encompass some persons who might be considered common law independent contractors, such as appraisers. The Board, however, believes that the definition is consistent with the purposes of the statute and proposes to incorporate it in the regulations. Part-time employees would be counted proportionately.

3. *Allowable fees and expenses.* Under the EAJA, recoverable fees and expenses include attorney fees, expert witness expenses, and the costs of any studies or reports determined by the agency to be necessary for the preparation of the case. The Act further provides, however, that expert witnesses cannot be compensated at a rate higher than the highest rate at which the agency compensates expert witnesses and that attorney fees cannot exceed $75 per hour unless the agency determines by regulation that a higher rate is justified.

Adopting the wording of the statute, the model rules provide that awards will be based on rates customarily charged by attorneys and experts. The model rules also allow the reimbursement of reasonable expenses of attorneys, agents, and expert witnesses, if these expenses are ordinarily stated separately. In addition, the model rules list factors that adjudicative officials shall consider in determining the reasonableness of fees. The model rules also provide that awards shall be based on customary rates even when the prevailing party obtained legal and other services at reduced rates. This reading is based on the apparent intent of Congress. *See* H.R. Rep. No. 1418, 96th Cong., 2d Sess. 15 (1980). The Board intends essentially to adopt the model rules on allowable fees.

The Board also proposes to adopt the provision in the model rules which allows the award of fees and costs against other agencies that have taken unreasonable positions in proceedings before the Board. Although Board proceedings generally involve only the Board, participation by other agencies is possible.

B. Application Procedures

Although a prevailing party meeting the eligibility requirements is automatically entitled to fees unless the agency justifies its position, the statute requires prevailing parties to make application for the award. Under the model rules, applications must indicate that the applicant has prevailed against the agency, substantiate that the applicant is eligible for a recovery, and document the fees and expenses sought. Although the Board has attempted to consolidate the model rules, it proposes basically to adopt the Administrative Conference's version. The Board deleted the model rules' special procedures for guaranteeing confidentiality of applications materials. Since the Board's proceedings are confidential, such a section would be superfluous.

Applications for fees and costs under the EAJA must be filed within 30 days after a final decision by the Board. Final decisions would include settlements between a party and the Board. If a party seeks review of an issue for which the prevailing party seeks an award, award proceedings will be stayed pending final disposition. The model rules provide that an agency decision does not become final until after the last date on which a petition for reconsideration could be filed. Since the Board has no procedures for agency-level reconsideration of its orders, applications must be filed within 30 days after the Board issues its final order.

The Board's Office of General Counsel (OGC) must file an answer to the application for awards against the Board within 30 days unless OGC seeks an extension of time or the parties indicate an intent to settle. Failure to answer may be treated as a consent to the award sought. Applicants will have 15 days to reply to the OGC answer. Other parties to the original administrative action will have 30 days to comment on an application and 15 days to comment on an OGC reply. Time will be computed in accordance with the Board's rules of procedure at 12 CFR 509.20.

After all applications, answers, and replies have been filed, the Board may order further proceedings including, but not limited to, informal conferences, oral argument, additional written submissions, or a hearing. The Board will issue a final decision within 60 days after the close of proceedings.

The Board determines that the public interest would be served by expeditious implementation of the EAJA. In order that the Board may have final regulations on this matter by the October 1, 1981, effective date of the Act, the Board will publish interim rules effective on October 1, 1981, with an invitation for public comment by December 1, 1981. The Board is of the view that this procedure provides sufficient opportunity for meaningful public participation in the rulemaking process.

Regulatory Flexibility

As noted above, the regulation is being proposed to implement the Equal Access to Justice Act. Although the regulation will have an impact on associations with net worths of less than $5,000,000, the proposed rule generally will not impose new recordkeeping, reporting, or other requirements on these entities. Much of the information required for an award under this part is already mandated by 12 CFR 563.17-1. Other information should be readily available as a consequence of the action brought against the institution.

The Board also determines that these rules will not have a significant economic impact on small entities. The rules do not have general effect; they only apply to associations involved in administrative hearings before the Board. Moreover, the primary effect of the rules is to provide a benefit to smaller entities. Accordingly, the rules would not appear to be the type which raise regulatory flexibility considerations.

For the reasons stated above, the Federal Home Loan Bank Board hereby amends Subchapter A, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

1. Add a new Part 509b, to read as follows:

PART 509b—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN BOARD ADJUDICATIONS

Subpart A—General Provisions

Sec.

509b.101 Awards of fees to prevailing eligible parties.
509b.102 Eligible parties.
509b.103 Allowable fees and expenses.

Sec.
509b.104 Awards against other agencies.
509b.105 Applicability of this part.

Subpart B—Procedures

509b.201 Content of application.
509b.202 Filing and service of applications.
509b.203 Answer to application.
509b.204 Reply.
509b.205 Comments from other parties.
509b.206 Settlement.
509b.207 Further proceedings.
509b.208 Decision.
509b.209 Judicial review.
509b.210 Payment of award.
509b.211 Rulemaking on maximum rates on attorney fees.

Authority: Sec. 203 Equal Access to Justice Act. Pub. L. No. 96-481, 94 Stat. 2325 (5 U.S.C. 504)

Subpart A—General Provisions

§ 509b.101 Awards of fees to prevailing eligible parties.

(a) In any proceeding described in § 509b.105, a prevailing eligible party may apply for an award of allowable fees and expenses incurred in connection with the proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Board or other agency involved was substantially justified. The burden of proving that an award should not be made is on the Board's Office of General Counsel or counsel representing the agency against whom the award is sought. An award may be avoided by a showing that the position of the Board or other agency was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 509b.102 Eligible parties.

(a) Eligible parties are persons or entities named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in a § 509b.105 proceeding and persons or entities admitted by the Board as a party for limited purposes and are either:

(1) An individual with a net worth of not more than $1 million at the time the proceeding was commenced;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees at the time the proceeding was commenced (An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests);

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with fewer than 500 employees at the time the proceeding was commenced;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with fewer than 500 employees at the time the proceeding was commenced; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and fewer than 500 employees at the time the proceeding was commenced.

(b) *Employees.* The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(c) *Affiliates.* The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this Part, unless the Board determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(d) *Parties participating on behalf of others.* An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 509b. 103 Allowable fees and expenses.

(a) Eligible prevailing parties may recover:

(1) Reasonable fees of attorneys and other agents representing the party: *Provided,* That such fees do not exceed $75 per hour;

(2) Reasonable fees of expert witnesses, provided that such fees do not exceed the rate normally paid by the Board for expert witnesses;

(3) Reasonable expenses of attorneys, agents, and expert witnesses as a separate item, if the attorney, agent, or expert witness ordinarily charges clients separately for such expenses; and

(4) Reasonable costs of any study, audit, test, project, or similar matter prepared on behalf of the party, to the extent that the charge does not exceed the prevailing rate for similar services, and the study or other matter was necessary for the preparation of the eligible party's case.

(b) Awards will be based on the rates customarily charged by persons engaged in the business of providing the services used by the eligible party, even if the services were made available without charge or at a reduced rate. In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Board shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

§ 509b.104 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Board and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

§ 509b.105 Applicability of this part.

(a) This part applies to any proceeding described in § 509.1 of this subchapter and pending before the Board at any time between October 1, 1981 and September 30, 1984. Pending proceedings would include those begun prior to October 1, 1981, if no final action has been taken before that date and those pending on September 30, 1984 regardless of when they were initiated or when final action occurs.

(b) The Board may also designate a proceeding not described in § 509.1 as an adversary adjudication for purposes of the Equal Access to Justice Act by so stating in an order initiating the

proceeding or designating the matter for hearing. The Board's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

Subpart B—Procedures

§ 509b.201 Content of application.

(a) A prevailing eligible party seeking an award under this part must file an application with the Secretary to the Board that shall:

(1) Identify the applicant and the proceeding for which an award is sought;

(2) Show that the applicant has prevailed and identify issues in the proceeding on which the agency took a position that was not substantially justified;

(3) State the number of employees of the applicant and describe the type and purpose of its organization or business (unless the applicant is an individual);

(4) Include a statement (conforming with paragraph (b) of this section) that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants including affiliates) unless:

(i) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(ii) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141(a));

(5) State the amount of fees and expenses for which an award is sought;

(6) Provide any additional information that the applicant wishes the Board to consider in making its determination; and

(7) Be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

(b) *Net worth exhibit.* Each applicant other than a qualified tax-exempt organization or cooperative association must provide a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 509b.102(c)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant is an eligible party. The Board may require additional information from the applicant to determine eligibility.

(c) *Documentation of fees and expenses.* The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, audit, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Board may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 509b.202 Filing and service of applications.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) Any application for an award, or any other pleading or document related to an application, shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 509b.203 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Board upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 509b.207.

§ 509b.204 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 509b.207.

§ 509b.205 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 509b.206 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 509b.207 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on its own initiative, the Board may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings, shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Board order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 509b.208 Decision.

The Board shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decisions shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 509b.209 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 509b.210 Payment of award.

An applicant seeking payment of an award granted against the Board shall submit to the Controller a certified copy of a final decision under this part or similar part implementing the Equal Access to Justice Act at the agency granting the award. The submission must be accompanied by a statement that the applicant will not seek judicial review of the decision.

§ 509b.311 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. Rulemaking proceedings for this purpose will be conducted in accordance with Part 508 of this subchapter.

(b) Any person may file with this agency a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

(Sec. 203, Equal Access to Justice Act, Pub. L. No. 96-481, 94 Stat. 2325 (5 U.S.C. 504))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-27712 Filed 9-22-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0356; Regulation Q]

Depositors Eligible To Maintain NOW Accounts; Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has determined to place into effect immediately its interpretation of Regulation Q—Interest on Deposits (12 CFR Part 217), announced on August 14, 1981, clarifying the rules concerning the class of depositors eligible to maintain NOW accounts at member banks.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221) ("Act") authorized depository institutions nationwide except credit unions which are authorized to offer share draft accounts) effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Under the statute, NOW accounts are available only to individuals and to certain qualifying organizations (12 U.S.C. 1832(a)(2)).

On August 14, 1981, the Board announced an interpretation to clarify the rules concerning the class of depositors eligible to maintain NOW accounts (46 FR 42060). The Federal Home Loan Bank Board issued an interpretation on August 13, 1981, that provides for a broader class of eligibility for NOW accounts (46 FR 42250). On August 18, 1981, the American Bankers Association brought suit in the United States District Court for the District of Columbia challenging the interpretations of both agencies (*American Bankers Association* v. *Federal Home Loan Bank Board, et al.* (Civil Action No. 81-1933, U.S. District Court for the District of Columbia)). On August 31, 1981, the Board suspended the effective date of the interpretation in view of the pending litigation as a matter of convenience to member banks. The U.S. District Court issued an order on September 15 upholding the Board's interpretation and invalidating the interpretation on NOW account eligibility issued by the Federal Home Loan Bank Board. In view of the court's decision, the Board has determined to implement its interpretation effective immediately.

Under the Board's interpretation, all organizations, partnerships, corporations, and associations that are not operated for profit and are described in section 501(c) (3) through (13) and (19) and section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c) (3) through (13), (19) and § 528) will be eligible to maintain NOW accounts at a member bank. In this regard, the Act extends NOW account eligibility to organizations not operated for profit if they are operated primarily for religious, philanthropic, charitable, educational or for *other similar purposes.* The Board believes that virtually all nonprofit organizations described in the cited Internal Revenue Code provisions can be regarded as being operated primarily for purposes that are similar in nature to religious, philanthropic, charitable, or educational purposes and that such provisions are comprehensive with respect to describing such organizations. The Board believes that this interpretation will facilitate compliance by depository institutions and will reduce greatly the

need for individual rulings on NOW account eligibility.

All sole proprietorships and other businesses operated by individuals will continue to be eligible to maintain NOW accounts at member banks. However, the class of depositors eligible to hold NOW accounts will continue to exclude other entities organized or operated to make a profit regardless of whether they are corporations, partnerships, associations, or any other organization.

Because States and political subdivisions are regarded as primarily serving governmental purposes, the Board believes that governmental units generally should not be permitted to maintain NOW accounts. However, under the Board's interpretation, governmental units will be eligible to maintain NOW accounts if the funds are in the name of or are to be used exclusively by schools, libraries, colleges, universities, and hospitals or other educational or medical facilities. The Board believes that funds used for such purposes should be permitted to be placed in NOW accounts in order to accord equal treatment to public entities that perform functions similar to nonprofit entities in the private sector. Thus, if a governmental unit is organized for any one of the listed purposes or maintains an account exclusively for one of those purposes, such funds may be placed in a NOW account. (These purposes are regarded as illustrative and not exhaustive.) This approach will also eliminate the need for a determination of whether a particular governmental entity is independent or separately constituted as is required under current interpretations.

In order not to disadvantage any current NOW account customers that qualify under existing eligibility criteria but that would no longer be eligible under the Board's interpretation, the Board determined to grandfather existing NOW accounts that would not qualify under the revised eligibility criteria. All NOW accounts that meet the current NOW account eligibility criteria may continue in effect if they were established on or before August 31, 1981. NOW accounts opened after that date will be limited solely to the new class of eligible depositors. It should be noted that the Board has not changed the existing policy concerning eligibility for traditional passbook and statement savings accounts.

Effective September 16, 1981, pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)), the Board amends Regulation Q (12 CFR Part 217) by revising § 217.157 to read as follows:

§ 217.157 Eligibility for NOW accounts.

(a) *Background.* (1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980; Pub. L. 96-221; 94 Stat. 146) authorizes depository institutions nationwide to offer interest-bearing checking (NOW) accounts to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act is to extend the availability of NOW accounts throughout the nation. Previously, as an experiment, NOW accounts were authorized to be offered by depository institutions only in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. As a result, the rules of the Federal Reserve and Federal Deposit Insurance Corporation specified the types of depositors eligible to maintain NOW accounts at member and insured nonmember banks. In enacting the NOW account provision in 1980, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Federal Deposit Insurance Corporation with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 217.1(e)(3) and 12 CFR 329.1(e)(2)). This definition was based upon longstanding regulatory provisions concerning eligibility criteria for savings deposits.

(3) In response to many requests for rulings since the new law was enacted, the Board has determined to clarify the types of entities that may maintain NOW accounts at member banks.

(b) *Individuals.* (1) Any individual may maintain a NOW account regardless of the purposes that the funds will serve. Deposits of an individual used in his or her business may be held in a NOW account, since it is impracticable to distinguish between funds used by an individual in his or her business and funds used for personal purposes. However, other entities organized or operated to make a profit may not maintain NOW accounts regardless of whether they are corporations, partnerships, associations, business trusts, or other organizations.

(2) Under current provisions, funds held in a fiduciary capacity (either by an individual fiduciary or by a corporate fiduciary such as a bank trust department), including those awaiting distribution or investment, may be held in the form of NOW accounts if the beneficiaries are individuals. The Board believes that such a classification should continue since fiduciaries are required to invest even temporarily idle balances to the greatest extent feasible in order to responsibly carry out their fiduciary duties. The availability of NOW accounts provides a convenient vehicle for providing a short-term return on temporarily idle trust funds of individuals.

(3) Pension funds, escrow accounts, security deposits, and other funds held under various agency agreements may also be classified as NOW accounts if the entire beneficial interest is held by individuals. The Board believes that these accounts are similar in nature to trust accounts and should be accorded identical treatment. Therefore, such funds may be regarded as eligible for classification as NOW accounts.

(c) *Nonprofit Organizations.* (1) Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board regards the following kinds of organizations as eligible for NOW accounts under this standard if they are not operated for profit:

(i) Organizations described in section 501(c) (3) through (13), and (19) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c) (3) through (13) and (19)); and

(ii) Homeowners and condominium owners associations described in section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 528), including housing cooperative associations that perform similar functions.

(2) All organizations that are operated for profit are not eligible to maintain NOW accounts at member banks.

(3) The following types of organizations described in the cited provisions of the Internal Revenue Code are among those not eligible to maintain NOW accounts:

(i) Credit unions and other mutual depository institutions described in section 501(c)(14);

(ii) Mutual insurance companies described in section 501(c)(15);

(iii) Crop financing organizations described in section 501(c)(16);

(iv) An organization created to function as part of a qualified group legal services plan described in section 501(c)(20);

(v) Farmers' cooperatives described in section 521; or

(vi) Political organizations described in section 527.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. The Board believes that some governmental units are operated primarily for philanthropic, educational, or charitable purposes, and that such entities should be regarded as eligible to maintain NOW accounts. For example, a governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of or are used solely for schools, universities or colleges, libraries, hospitals, or other educational or medical facilities.

(e) *Grandfather Provision.* In order to avoid unduly disrupting account relationships, a NOW account established at a member bank on or before August 31, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained.

By order of the Board of Governors, September 16, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-27842 Filed 9-22-81; 11:14 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3074]

The British Petroleum Co., Ltd., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a London, England petroleum corporation and its American subsidiary to timely divest, in accordance with the terms of the order, all stock issued by Amax, Inc., the leading domestic producer of molybdenum. The order also bars respondent's officers and employees, for a period of ten years, from simultaneously serving in a similar role in any other molybdenum company. Further, for specified time periods, the companies are prohibited from acquiring any part of the stock, or more than 50% of the assets of any molybdenum company without prior Commission approval; and restricted from entering into any joint venture for the production and sale of molybdenum in the United States.

DATES: Complaint and order issued September 3, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, Elizabeth R. Rindskopf, Washington, D.C. 20580. (202) 254-6024.

SUPPLEMENTARY INFORMATION: On Tuesday, June 23, 1981, there was published in the Federal Register, 46 FR 32450, a proposed consent agreement with analysis In the Matter of The British Petroleum Company Limited, a corporation, and The Standard Oil Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stocks or assets, 13.5-20 Federal Trade Commission Act; § 13.7 Joint ventures. Subpart—Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-27617 Filed 9-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Mississippi—2; Order No. 175)]

High-Cost Gas Produced From Tight Formations; Mississippi; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Mississippi that the Rea Sand of the Mississippian Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Rea Sand of the Mississippian Formation in Mississippi as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued May 18, 1981 (46 FR 27963, May 22, 1981)[1] based on a recommendation by the State Oil and Gas Board of Mississippi (Mississippi) in accordance with § 271.703(c), that the Rea Sand in the Mississippian Formation be designated as a tight formation.

Evidence submitted by Mississippi supports its assertion that the Rea Sand meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Mississippi recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553).)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (50) as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(50) *The Rea Sand of the Mississippian Formation in Mississippi. (Mississippi—2)*—(i) *Delineation of formation.* The Rea Sand of the Mississippian Formation is found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, in Clay County, Mississippi.

(ii) *Depth.* The Rea Sand of the Mississippian Formation occurs at depths ranging from 8,865 feet to 9,975 feet and varies in thickness from 30 feet to 160 feet.

[FR Doc. 81-27702 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Mississippi—1); Order No. 174]

High-Cost Gas Produced From Tight Formations; Mississippi; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Mississippi that the Upper Hosston Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Upper Hosston Formation in Mississippi as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 1, 1981 (46 FR 20683, April 7, 1981)[1] based on a recommendation by the State Oil and Gas Board of Mississippi (Mississippi) in accordance with § 271.703(c), that the Upper Hosston Formation be designated as a tight formation.

Evidence submitted by Mississippi supports its assertion that the Upper Hosston Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Mississippi recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et. seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (49) to read as follows:

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(49) *Upper Hosston Formation in Mississippi. RM79-76 (Mississippi—1)*—(i) *Delineation of formation.* The Upper Hosston Formation is found in the south half of Township 9 North, Range 19 West, Jefferson Davis County, Mississippi.

(ii) *Depth.* The top of the Upper Hosston Formation varies from 14,000 feet to 14,700 feet and the base of the formation is at approximately 15,900 feet.

[FR Doc. 81-27703 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas—10); (Order No. 173)]

High-Cost Gas Produced From Tight Formations; Texas; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission in Texas that the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Edwards Limestone in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued May 18, 1981 (46 FR 27964, May 22, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Edwards Limestone Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Edwards Limestone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3342); Administrative Procedure Act (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (48) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) *Edwards Limestone Formation in Texas. RM79-76 (Texas-10)*—(i) *Delineation of formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the Gulf coast in the southeastern part of Texas in DeWitt, Karnes, and Lavaca Counties, Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kennedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(ii) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is at 14,500 feet resulting in a thickness of approximately 1,350 feet.

[FR Doc. 81-27704 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

[1] Comments were invited and two favorable comments were received. No party requested a public hearing and no hearing was held.

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—7); Order No. 172]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Frontier Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 18, 1981 (46 FR 32597, June 24, 1981) [1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Frontier Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Frontier Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reason stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (53) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

the jurisdictional agency that submitted the recommendation.

* * * * *

(53) *Frontier Formation in Wyoming. RM79-76 (Wyoming—7)*—(i) *Delineation of formation.* The Frontier Formation is located in Lincoln, Sweetwater and Sublette Counties, Wyoming, in Townships 25 throught 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

(ii) *Depth.* The Frontier Formation's vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the Frontier Formation varies from 9,000 to 10,500 feet.

[FR Doc. 81-27705 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming-5); Order No. 170]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Frontier Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 16, 1981 (46 FR 32270, June 22, 1981) [1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Frontier Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Frontier Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553.))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (52) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(52) *Frontier Formation in Wyoming. RM79-76 (Wyoming-5)*—(i) *Delineation of formation.* The Frontier Formation is located in Carbon County, Wyoming, in Township 14 North, Range 89 West, Sections 5 through 8, 17 through 20, 29 and 30; Township 14 North, Range 90 West, Sections 1 through 5, 8 through 17, and 21 through 28; Township 15 North, Range 89 West, Sections 18 through 20, and 29 through 32; all of Township 15 North, Range 90 West, excluding Sections 1 and 31; Township 15 North, Range 91 West, Sections 1 and 12; Township 16 North, Range 90 West, Sections 19, 20, and 28 through 34; and Township 16 North, Range 91 West, Sections 24, 25 and 36.

(ii) *Depth.* The top of the Frontier Formation is found at depths ranging from 5500 feet in the east to 7500 feet in the west, and averaging 6000 feet. The Frontier Formation is defined as that formation found immediately beneath the Carlisle Shale and immediately above the Mowry Shale.

[FR Doc. 81-27706 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—6); Order No. 171]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Bear River Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Bear River Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The

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[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 18, 1981 (46 FR 32596, June 24, 1981)[1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Bear River Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Bear River Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new paragraph (54) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(54) *The Bear River Formation in Wyoming. RM 79–76 (Wyoming—6)*—(i) *Delineation of formation.* The Bear River Formation is found in Lincoln, Sweetwater and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West; Sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

(ii) *Depth.* The Bear River Formation's vertical limits are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the Bear River Formation varies from 9,400 feet to 11,200 feet.

[FR Doc. 81–27707 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–85–M

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

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18 CFR Part 271

[Docket No. RM79–76 (Utah-2); Order No. 169]

High-Cost Gas Produced From Tight Formations; Utah; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Utah Board of Oil, Gas and Mining that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Utah as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 5, 1981 (46 FR 30833, June 11, 1981)[1] based on a Oil, Gas and Mining (Utah) in accordance with § 271.703(c) that the Mancos 'B" Formation be designated as a tight formation.

Evidence submitted by Utah supports its assertion that the Mancos "B" Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Utah recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (51) as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(51) *The Mancos "B" Formation in Utah. RM79–76 (Utah-2)*—(i) *Delineation of formation.* The Mancos "B" Formation is found in the southeast Uinta Basin, underlying portions of Uintah and Grand Counties, Utah, in Township 13 South, Ranges 20 through 22 East, Sections 31 through 36; Township 13 South, Ranges 23 through 26 East, all Sections; Township 14 and 15 South, Ranges 20 through 26 East, all Sections; Township 15½ South, Ranges 23 through 25 East, Sections 31 through 36; Township 15½ South, Range 26 East,

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

Sections 31 through 33; Township 16 South, Ranges 23 and 24 East, all Sections; Township 16 South, Range 25 East, Sections 1 through 12; and Township 16 South, Range 26 East, Sections 4 through 9.

(ii) *Depth.* The average depth to the top of the Mancos "B" Formation is 5,049 feet.

[FR Doc. 81-27708 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner [Federal Housing Administration]

24 CFR Parts 201, 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, 244

[Docket No. R-81-938]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home, project, home improvement, mobile home, and historic preservation loan programs. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 16.50 percent to 17.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 17.00 percent to 18.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 16.50 percent to 17.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans has been increased from 20.00 percent to 21.00 percent.

The maximum finance charge on mobile home loans has been raised from 19 percent to 20 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed/undeveloped lot has been raised from 18.50 percent to 19.50 percent. The maximum charge on property improvement and historic preservation loans has been raised to 20 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 20.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of caculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 20.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* * * *

(1) 19.50 percent per annum.

* * * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

4. Section 201.1625(a) is revised to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 20.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

5. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

6. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

7 Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

Subpart A—Eligibility Requirements

8. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 21.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

9. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

10. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

11. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

12. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

13. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

14. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to

and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

15. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 17.50 percent per annum with respect to loans insured on or after September 14, 1981.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

16. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

17 Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

18. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

19. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

20. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

21. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

22. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

Subpart A—Eligibility Requirements

23. Section 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Sec. 3(a), 82 Stat. 113 (12 U.S.C. 1709-1); sec. 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., September 11, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc 81-27714 Filed 9-22-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 34

[T.D. 7767]

Employment Taxes; Applicable on and After January 1, 1955; Withholding of Tax on Gambling Winnings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to withholding of tax on certain payments of gambling winnings. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Reduction and Simplification Act of 1977. The regulations affect both payers and recipients of certain gambling winnings.

DATES: The regulations generally apply to payments of gambling winnings made after January 2, 1977, other than payments of winnings from parimutuel pools with respect to horse races, dog races, or jai alai, in which case only payments made after April 30, 1977, are affected.

FOR FURTHER INFORMATION CONTACT: John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1979, the Federal Register published a proposed amendment to the Employment Tax Regulations (26 CFR Part 31) under section 3402 (q) of the Internal Revenue Code of 1954 (44 FR 65777). This amendment was proposed to conform the Employment Tax Regulations to section 1207(d) of the Tax Reform Act of 1976 (90 Stat. 1705) and section 405 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 156). A public hearing was held on February 26, 1980. After consideration of all comments regarding the proposed amendment, this Treasury decision adopts that amendment with several revisions. Also, this Treasury decision supersedes § 34.3402-1 of the Temporary Employment Tax Regulations under the Tax Reform Act of 1976 (T.D. 7483).

Explanation of Provision

In general, Code section 3402 (q) requires payers to deduct and withhold 20 percent from certain payments of gambling winnings. The determination whether payments are subject to withholding is dependent on the type of wagering transaction with respect to which the payment is made, whether the amount of payments made with respect to the wagering transaction exceeds a specified threshold amount, and, in certain circumstances, the odds of the wager.

The regulations as adopted are identical to the proposed rules in providing for three categories of gambling winnings subject to withholding: winnings from State-conducted lotteries, winnings from other lotteries, sweepstakes, or wagering pools, and winnings from other kinds of wagering transactions. In general, under this provision payments categorized as State-conducted lottery winnings are subject to withholding if the proceeds from the wager exceed $5,000; payments categorized as winnings from other lotteries, sweepstakes, or wagering pools are subject to withholding if the proceeds from the wager exceed $1,000; and payments categorized as winnings from other wagering transactions (including parimutuel pools with respect to horse races, dog races, and jai alai) are subject to withholding if the proceeds from the wager exceed $1,000, provided that such proceeds are at least 300 times as much as the amount wagered. Winnings from a slot machine play or a bingo or keno game are not subject to withholding under these rules.

This Treasury decision modifies the proposed rules relating to reporting requirements. Under the final rules, as well as the proposed amendment, persons receiving winnings subject to withholding must furnish the payer a statement made under the penalties of perjury indicating their identity and the identity of any others entitled to any portion of the winnings. The payer must file a return on Form W-2G for each person entitled to a portion of the winnings. Because both the recipient's statement and the payer's return usually are to be made on the same form, Form W-2G, there was uncertainty whether the payer's return had to include the recipient's statement. Several commentators noted that such a requirement would be burdensome, particularly in the event winnings are in the form of multiple annuity payments to be made by mail.

Accordingly, the final rules provide that the recipient's statement to the payer need not be made on the same piece of paper as the payer's return. The payer's return need not be made on the recipient's verified statement, provided that the payer retains the recipient's statement. Nonetheless, payers may choose to continue to incorporate their return with the recipient's statement and thereby eliminate the need to retain such additional statements.

Also, the final rules expressly provide that the recipient is not required to furnish the payer more than one statement in the event of multiple payments with respect to a single wager.

That part of the proposed rules which relates to aggregation of winnings from identical wagers is reserved by this Treasury decision, pending consideration of a proposed amendment to the regulations appearing in the Federal Register for this same date (FR Doc. 81-27390). The preamble to the proposed amendment contains a discussion of the aggregation requirement.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and Internal Revenue Service, other governmental agencies, and the public. These regulations impose no burdensome reporting or record keeping requirements.

Drafting Information

The principal author of this regulation is John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation substantively and stylistically.

Adoption of Amendments to the Regulations

PART 34—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976.

1. Accordingly, 26 CFR Part 34 is hereby removed.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

2. A new § 31.3402(q)-1 is added to read as set forth below.

§ 31.3402(q)-1 Extension of withholding to certain gambling winnings.

(a)(1) *General rule.* Every person, including the Government of the United States, a State, or a political subdivision thereof, or any instrumentality of any of the foregoing making any payment of "winnings subject to withholding" (defined in paragraph (b) of the section) shall deduct and withhold a tax in an amount equal to 20 percent of the

payment. The tax shall be deducted and withheld upon payment of the winnings by the person making such payment ("payer"). See paragraph (c)(5)(ii) of this section for a special rule relating to the time for making deposits of withheld amounts and filing the return with respect to those amounts. Any person receiving a payment of winnings subject to withholding must furnish the payer a statement as required in paragraph (e) of this section. Payers of winnings subject to withholding must file a return as required in paragraph (f) of this section. With respect to reporting requirements for certain payments of gambling winnings not subject to withholding, see section 6041 and the regulations thereunder.

(2) *Exceptions.* The tax imposed under section 3402(q)(1) and this section shall not apply (i) with respect to a payment of winnings which is made to a nonresident alien individual or foreign corporation under the circumstances described in paragraph (c)(4) of this section or (ii) with respect to a payment of winnings from a slot machine play, or a keno or bingo game.

(b) *Winnings subject to withholding.* Winnings subject to withholding means any payment from—

(1) A wager placed in a State-conducted lottery (defined in paragraph (c)(2) of this section) but only if the proceeds from the wager exceed $5,000;

(2) A wager placed in a sweepstakes, wagering pool, or lottery other than a State-conducted lottery but only if the proceeds from the wager exceed $1,000; or

(3) Any other wagering transaction (as defined in paragraph (c)(3) of this section) but only if the proceeds from the wager (i) exceed $1,000 and (ii) are at least 300 times as large as the amount of the wager.

If proceeds from the wager qualify as winnings subject to withholding, then the total proceeds from the wager, and not merely amounts in excess of $1,000 (or $5,000 in the case of winnings from a State-conducted lottery), are subject to withholding.

(c) *Definitions; special rules*—(1) *Rules for determining amount of proceeds from a wager.* (i) The amount of "proceeds from a wager" is the amount paid after January 2, 1977, with respect to the wager, less the amount of the wager. However, for any wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai, only amounts paid after April 30, 1977, are taken into account.

(ii) [Reserved.]

(iii) In determining the amount paid with respect to a wager, proceeds which are not money shall be taken into account at the fair market value.

(iv) Periodic payments, including installment payments or payments which are to be made periodically for the life of a person, are aggregated for purposes of determining the proceeds from a wager. The aggregate amount of periodic payments to be made for a person's life shall be based on that person's life expectancy. See §§ 1.72-5 and 1.72-9 for rules used in computing the expected return on annuities. For purposes of determining the amount subject to withholding, the first periodic payment shall be reduced by the amount of the wager.

(2) *Wager placed in a State-conducted lottery.* The term "wager placed in a State-conducted lottery" means a wager placed in a lottery conducted by an agency of a State acting under authority of State law provided that the wager is placed with the State agency conducting such lottery or with its authorized employees or agents. This term includes wagers placed in State-conducted lotteries in which the amount of winnings is determined by a parimutuel system.

(3) *Other wagering transaction.* The term "other wagering transaction" means any wagering transaction other than one in a lottery, sweepstakes, or wagering pool. This term includes a wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai.

(4) *Certain payments to nonresident aliens or foreign corporations.* A payment of winnings subject to withholding made to a nonresident alien individual or a foreign corporation is not subject to the tax imposed by section 3402(q) and this section if such payment is subject to withholding of tax under section 1441(a) (relating to withholding on nonresident aliens) or 1442(a) (relating to withholding on foreign corporations) and the payer complies with the requirements of those sections. For purposes of this section, a payment is treated as being subject to tax under section 1441(a) or 1442(a) notwithstanding that the rate of such tax is reduced (even to zero) as may be provided by an applicable treaty with another country. However, a reduced or zero rate of withholding of tax shall not be applied by the payer in lieu of the rate imposed by sections 1441 and 1442 unless the person receiving the winnings has completed, signed, and furnished the payer Form 1001 as required by § 1.1441-6. See sections 1441 and 1442 and the regulations thereunder for rules regarding the withholding of tax on nonresident aliens and foreign corporations.

(5) *Gambling winnings treated as payments by employer to employee.* (i) Except as provided in subdivision (ii), for purposes of sections 3403 and 3404 and the regulations thereunder and for purposes of so much of subtitle F (except section 7205) and the regulations thereunder as relate to chapter 24, payments to any person of winnings subject to withholding under this section shall be treated as if they are wages paid by an employer to an employee.

(ii) Solely for purposes of applying the deposit rules under 6302(c) and the return requirement of section 6011, the withholding from winnings shall be deemed to have been made no earlier than at the time the winner's identity is known to the payer. Thus, for example, winnings from a State-conducted lottery are subject to withholding when actually or constructively paid, whichever is earlier; however, the time for depositing the withheld taxes and filing a return with respect thereto shall be determined by reference to the date on which the winner's identity is known to the State, if such date is later than the date on which the winnings are actively or constructively paid. If a payer's obligation to pay winnings terminates other than by payment, all liabilities and requirements resulting from the requirement that the payer deduct and withhold with respect to such winnings shall also terminate.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A purchases a lottery ticket for $1 in the State W lottery from an authorized agent of State W. On February 1, 1977, the drawing is held and A wins $5,001. Since the proceeds of the wager ($5,001—$1) are not greater than $5,000, State W is not required to withhold or deduct any amount from A's winnings.

Example (2). Assume the same facts as in example (1) except that A purchases two $1 tickets and that A wins $5,002 when one of the tickets is drawn. State W must deduct and withhold tax at a rate of 20% from $5,001 ($5,002 less the $1 wager), or $1,000.20.

Example (3). [Reserved.]

Example (4). C purchases a lottery ticket for $1. On June 1, 1979, the lottery drawing is held and C wins the grand prize of $50,000, payable $500 monthly. The payer must deduct and withhold tax at a rate of 20% from each payment of winnings. Therefore, $99.80 must be withheld from the first monthly payment to B (($500—$1)×20%=$99.80) and $100 ($500×20%) must be withheld from each monthly payment thereafter.

Example (5). Assume the same facts as in example (4), except that C wins an automobile rather than the grand prize. The fair market value of the automobile on the date on which it is made available to C is $10,001. The payer must deduct and withhold a tax of $2,000 (($10,001—$1)×20%). This may

be accomplished, for example, if C pays $2,000 to the payer. Alternatively, if the payer, as part of the prize, pays all taxes required to be duducted and withheld, the payer must deduct and withhold tax not only on the fair market value of the automobile less the wager, but also on the taxes it pays that are required to be deducted and withheld. This results in a pyramiding of taxes requiring the use of an algebraic formula. Under this formula, the payer must deduct and withhold a tax of 25 percent of the fair market value of the automobile less the wager ($2,500) and, in addition, the payer must indicate on Form W-2G the amount of such winnings as $12,501 ($10,001+25%($10,001−$1)).

Example (6). D purchases a ticket for $1 in the State Y lottery from an authorized agent of State Y On January 1, 1976, a drawing is held and D wins $100 a month for the rest of D's life. It is actuarially determined that, on January 3, 1977, D's life expectancy is 5 years. Based on that determination, the proceeds from the wager paid to D on or after January 3, 1977, will exceed $5,000. Therefore, State Y must deduct and withhold $20 from each monthly payment made on or after January 3, 1977. (None of such payments is reduced by the amount of the wager because the amount of the wager was offset by the first payment of winnings which was made before January 3, 1977)).

Example (7). Assume the same facts as in example (6) except that State Y purchases in its own name, as owner, an annuity of $100 a month for D's life from E Corporation, in order to fund its own obligation to make the payments. Although State Y remains liable for the withholding of tax, E Corporation as paying agent for State Y, making payments directly to D, should deduct and withhold from each monthly payment in the manner described in example (6).

Example (8). E purchases a sweepstakes ticket for $1 in a sweepstakes conducted by W. E purchases the ticket on behalf of himself and on behalf of F and G, who have contributed equal amounts toward the purchase of the ticket and who have agreed to share equally in any prizes won. The ticket which E purchases wins $1,002. Since the proceeds of the wager ($1,002—$1) are greater than $1,000 W is required to withhold and deduct 20 percent of such proceeds.

Example (9). On February 1, 1977, a drawing is held in the State X lottery in which a winning ticket is selected. The person holding the winning ticket is entitled to proceeds of $100,000 payable either as a lump sum upon demand or $10,000 a year for 10 years. Under State law, the winning ticket must be presented to an authorized agent of State X before February 1, 1978. Until the ticket is presented, State X does not know the identity of the winner. On December 1, 1977, H, the winner, presents the winning ticket to an authorized agent of the State X lottery. The winnings are constructively paid to H on February 1, 1977. Since H, has the option of receiving the entire proceeds upon demand, State X is required to deduct and withhold $20,000 ($100,000×20%) from the proceeds of H's winnings on February 1, 1977; but for purposes of determining the time at which the deposit and inclusion on Form 941 of these taxes is to be made, the withholding shall be deemed to have beem made on December 1, 1977.

Example (10). J purchases a subscription to N magazine, at the regular subscription price. All new subscribers are automatically eligible for a special drawing. The drawing is held and J wins $50,000. Since J has not paid any more than the regular subscription price, J has not placed a wager or entered a wagering transaction. Therefore, N is not required to deduct and withhold J's winnings.

(e) *Statement by recipient.* Each person who is to receive a payment of winnings subject to withholding shall furnish the payer a statement on Form W-2G or 5754 (whichever is applicable) made under the penalties of perjury containing—

(1) The name, address, and taxpayer identification number of the winner accompanied by a declaration that no other person is entitled to any portion of such payment, or

(2) The name, address, and taxpayer identification number of the recipient and of every person entitled to any portion of such payment.

If more than one payment of winnings subject to withholding is to be made with respect to a single wager, for example in the case of an annuity, the recipient is required by paragraph (e) of this section to furnish the payer a statement with respect to the first such payment only, provided that such other payments are taken into account in a return required by paragraph (f) of this section.

(f) *Return of payer*—(1) *In general.* Every person making payment of winnings for which a statement is required under paragraph (e) of this section shall file a return on Form W-2G with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. The return required by this paragraph (f) need not include the statement by the recipient required by paragraph (e) of this section and, therefore, need not be signed by the recipient, provided such statement is retained as long as the contents thereof may become material. in the administration of any internal revenue law. For payments to more than one winner, a separate Form W-2G, which in no event need be signed by the winner, shall be filed with respect to each such winner. Each Form W-2G shall contain the following:

(i) The name, address, and employer identification number of the payer;

(ii) The name, address, and social security account number of the winner;

(iii) The date, amount of the payment, and amount withheld;

(iv) The type of wagering transaction;

(v) Except with respect to winnings from a wager placed in a State-conducted lottery, a specific description of two types of identification, *e.g.*, driver's license number and issuing State, social security account number of voter registration number and jurisdiction, furnished the payer for verification of the recipient's name, address, and social security account number; and

(vi) [Reserved.]

The return of the payer need not contain the information required by subdivision (v) of this paragraph (f)(1) provided such information is obtained with respect to the recipient of such winnings and retained as long as the contents thereof may become material in the administration of any internal revenue law.

(2) *Transmittal form.* Persons making payments of winnings subject to withholding shall use Form W-3G to transmit Forms W-2G to the Internal Revenue Service Centers.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

William E. Williams,
Acting Commissioner of Internal Revenue.

Approved: June 4, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81-27391 Filed 9-22-81; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 1, 4, 5, 7, 9, 13, 18, 19, 47, 55, 71, 72, 170, 178, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, and 296

[T.D. ATF-92]

Incorporations by Reference and Referenced Materials; Approval and Editorial Changes

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This document announces editorial and format changes to 27 CFR Chapter I made necessary by publication procedures required by the Office of the Federal Register, relating to incorporations by reference. Additionally, this document amends 27 CFR Chapter I by providing information

about the availability of ATF forms and other materials which need not be incorporated by reference. This document also makes other minor editorial changes.

The intended effect of this document is to identify clearly materials incorporated by reference and other referenced materials throughout 27 CFR Chapter I.

EFFECTIVE DATE: These changes are effective on September 23, 1981.

FOR FURTHER INFORMATION CONTACT: A. N. Stickney, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

Incorporation by Reference

On March 28, 1979, the Office of the Federal Register (OFR) established new procedures (44 FR 18630, 1 CFR 51.13) that agencies must follow to maintain approval from the Director of the Federal Register for the incorporation of material which is referenced in the Code of Federal Regulations (CFR) rather than reprinted in full text. Each agency is required to submit annually to the Director of the Federal Register a list identifying all material which the agency determines to have incorporated by reference in the CFR and the date of the last revision of the materials. In effect, these procedures will ensure that material considered published in the Federal Register when incorporated by reference is reasonably available to the class of persons affected.

Use of the term "incorporation by reference" was authorized by Congress in 5 U.S.C. 552(a) to reduce the volume of material published in both the Federal Register and the Code of Federal Regulations. The legal effect of an incorporation by reference is that the material is treated as if it actually were published in full text in the Federal Register and in the Code of Federal Regulations.

Part of the Office of the Federal Register's review of the list of material incorporated by reference is a check of the incorporating language in the regulatory text to confirm that it meets (OFR's) drafting requirements (1 CFR 51.6, 51.7 and 51.8). ATF is making editorial and format changes throughout Chapter I of Title 27 in order to meet those drafting requirements.

As a result of this final rule, materials eligible for incorporation by reference are described in 27 CFR 13.1, 13.24, 170.614, 197.3, 212.1a, and 245.135.

Miscellaneous Editorial Amendments

In addition to the revisions required by the OFR procedures on incorporation by reference, this final rule makes miscellaneous editorial amendments to 27 CFR Chapter I. For example, cross references to other titles of the CFR are clarified by a brief description of the referenced part or section of the CFR.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act of 1980

The provisions of the Regulatory Flexibility Act of 1980, relating to a regulatory flexibility analysis are not applicable, because neither 5 U.S.C. 553 nor any other law requires the publication of a general notice of proposed rulemaking for this final rule.

Drafting Information

The principal author of this final rule is A. N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Other personnel of the Bureau of Alcohol, Tobacco and Firearms and offices of the Department of the Treasury participated in developing this final rule both as to matters of substance and style.

Authority and Issuance

Because this final rule merely makes procedural and editorial changes to improve the clarity of the regulations, it is unnecessary and impractical to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly, it is unnecessary and impractical to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Accordingly, this final rule is issued under the authority contained in 5 U.S.C. 552(a) (80 Stat. 383, as amended). As amended, 27 CFR Chapter I reads as follows:

PART 1—BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Table of sections [Amended]

1. The table of sections to 27 CFR Part 1 is amended by changing the title of § 1.28 to read:

Sec.
1.28 [Reserved]

2. Section 1.3 is revised by providing information as to the availability of forms prescribed by 27 CFR Part 1. As revised, § 1.3 reads as follows:

§ 1.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206. Request for the appropriate forms upon which to apply for basic permits also may be directed to the regional regulatory administrator.

§ 1.28 [Removed and Reserved]

3. Section 1.28 is removed and reserved.

PART 4—LABELING AND ADVERTISING OF WINE

Table of sections [Amended]

1. The table of sections to 27 CFR Part 4, Subpart A, is amended by adding § 4.3 to the table as follows:

Sec.
4.3 Forms prescribed.

2. Section 4.3 is added to 27 CFR Part 4, Subpart A, and provides information about forms prescribed by this part. As added, § 4.3 reads as follows:

§ 4.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the

instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 4.25a(e)(2)(v) is revised by providing information as to the availability of U.S. Geological Survey (U.S.G.S.) maps. As revised, § 4.25a(e)(2)(v) reads as follows:

§ 4.25a Appellations of origin. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * *

(2) * * *

(v) a copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps west of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225; for U.S.G.S. maps east of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, 1200 South Eads Street, Arlington, Virginia 22202; if the map name is not known, request a map index by State from the U.S. Geological Survey at the Arlington, Virginia, address.)

* * * * *

4. The last sentence of § 4.37a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 4.37a(e) reads as follows:

§ 4.37a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives and incidental additives which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in wine.

* * * * *

§ 4.40 [Amended]

5. Section 4.40 is amended by removing the footnote appearing at the end of the section.

§ 4.50 [Amended]

6. Section 4.50 is amended by removing the footnote appearing at the end of the section.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Table of sections [Amended]

1. The table of sections to 27 CFR Part 5, Subpart A, is amended by adding § 5.3 to the table as follows: "5.3 Forms prescribed".

2. Section 5.3 is added to 27 CFR Part 5, Subpart A, and provides information about forms prescribed in this part. As added, § 5.3 reads as follows:

§ 5.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. The last sentence of § 5.39a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 5.39a(e) reads as follows:

§ 5.39a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives and incidental additives which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in distilled spirits products.

* * * * *

§ 5.51 [Amended]

4. Section 5.51 is amended by removing the footnote appearing at the end of the section.

§ 5.55 [Amended]

5. Section 5.55 is amended by removing the footnote appearing at the end of the section.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Table of sections [Amended]

1. The table of sections to 27 CFR Part 7, Subpart A, is amended by adding § 7.3 to the table as follows:

Sec.
7.3 Forms prescribed.

2. Section 7.3 is added to 27 CFR Part 7, Subpart A, and provides information about forms prescribed by this part. As added, § 7.3 reads as follows:

§ 7.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. The last sentence of § 7.27a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 7.27a(e) reads as follows:

§ 7.27a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives/adjuncts and incidental additives/incidental adjuncts which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in malt beverages.

* * * * *

§ 7.31 [Amended]

4. Section 7.31 is amended by removing the footnote appearing at the end of the section.

§ 7.41 [Amended]

5. Section 7.41 is amended by removing the referenced footnote appearing at the end of the section.

PART 9—AMERICAN VITICULTURAL AREAS

Section 9.3(b)(5) is revised to provide information about the availability of U.S. Geological Survey (U.S.G.S.) maps. As revised, § 9.3(b)(5) reads as follows:

§ 9.3 Relation to Parts 4 and 71 of this chapter.

* * * * *

(b) * * *

(5) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps west of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225; for U.S.G.S. maps east of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, 1200 South Eads Street, Arlington, Virginia 22202; if the map name is not known, request a map index by State from the U.S. Geological Survey at the Arlington, Virginia, address.)

PART 13—GAUGING MANUAL

1. Section 13.1 is revised by separating the existing text of the section into paragraphs (a) and (b) and by incorporating by reference the "Gauging Manual" which contains in their entirety the Tables 1 through 7 referred to in Subpart E of 27 CFR Part 13. As revised, § 13.1 reads as follows:

§ 13.1 Gauging of distilled spirits.

(a) *General.* This part relates to the gauging of distilled spirits. The term "gauging" means the determination of the proof and the quantity of distilled spirits. The procedures prescribed in or authorized under the provisions of this part, except as may be otherwise authorized in this chapter, shall be followed in making any determination of quantity or proof of distilled spirits required by or under the authority of regulations in this chapter. The tables referred to in Subpart E of this part appear in the "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" as incorporated by reference in this part (see paragraph (c) of this section). These tables, together with their instructions, should be used, wherever applicable, in making the necessary computations from gauge data.

(b) *Tables referred to in Subpart E of this part.* Table 1 provides a method of correcting hydrometer indications at temperatures between 0 and 100 degrees Fahrenheit to true proof. If distilled spirits contain dissolved solids, temperature correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof. Tables 2 and 3 show the gallonage of spirituous liquor according to weight and proof. Table 4 shows the gallons per pound at each one-tenth proof from 1 to 200 proof. Table 5 shows the weight by wine gallon and proof gallon at each proof. Table 6 shows the volumes of alcohol and water and the specific gravity (air and vacuum) of spirituous liquor at each proof. Table 7 provides a means of ascertaining the volume (at 60 degrees Fahrenheit) of spirits at various temperatures ranging from 18 degrees through 100 degrees Fahrenheit.

(c) *Incorporation by reference.* The "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" (ATF Publication 5110.6; November 1978) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended (26 U.S.C. 5204); Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

2. Section 13.24 is revised (1) to incorporate by reference the specifications of the American Society for Testing and Materials for specific gravity hydrometers and (2) to remove the reference to the specifications of the National Bureau of Standards (NBS) for such hydrometers since NBS no longer specifies standards for hydrometers. As revised, § 13.24 reads as follows:

§ 13.24 Specific gravity hydrometers.

(a) The specific gravity hydrometers furnished by proprietors to ATF officers shall conform to the Standard Specification for American Society for Testing and Materials (ASTM) Hydrometers. Such specific gravity hydrometers shall be of a precision grade, standardization temperature 60°/60° F., and provided in the following ranges and subdivisions:

Range:	Subdivision
1.0000 to 1.0500	0.0005
1.0500 to 1.1000	.0005
1.1000 to 1.1500	.0005
1.1500 to 1.2000	.0005
1.2000 to 1.2500	.0005

No instrument shall be in error by more than 0.0005° specific gravity.

(b) A certificate of accuracy prepared by the instrument manufacturer for the instrument shall be furnished to the ATF officer.

(c) *Incorporation by reference.* The "Standard Specification for ASTM Hydrometers," (E 100-72 (1978)), published in the "1980 Annual Book of ASTM Standards", is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended (26 U.S.C. 5204); Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

Subpart E—Prescribed Tables [Amended]

3. Immediately following the heading "Subpart E—Prescribed Tables" is inserted a cross-reference to read

CROSS-REFERENCE: The tables referred to in this subpart appear in their entirety in the "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" which is incorporated by reference in this part (see § 13.1).

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Section 18.21 is revised to provide information about the forms prescribed in 27 CFR Part 18. As revised, § 18.21 reads as follows:

§ 18.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing

of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 19—DISTILLED SPIRITS PLANTS

1. Section 19.61 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR part 19. As revised, § 19.61 reads as follows:

§ 19.61 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia. 22206.

(Sec. 807, Pub. L. 96-39, 93 Stat. 284 (26 U.S.C. 5207))

2. Section 19.233 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 19.233 reads as follows:

§ 19.233 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register yearly as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, Pub. L. 80-280, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

Section 47.35 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 47. As revised, § 47.35 reads as follows:

§ 47.35 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 71—STATEMENT OF PROCEDURAL RULES

Sections 71.42 (c) (1) and (2) are revised to read as follows:

§ 71.42 Forms and instructions.

* * * * *

(c) *Procurement of forms and instructions.*

(1) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

1. Section 72.2 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 72. As revised, § 72.2 reads as follows:

§ 72.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, or necessary for its administration. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 72.24 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 72.24 reads as follows:

§ 72.24 Corporate surety bonds.

(a) Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies), and subject to such amendments as may be issued from time to time.

(b) Treasury Department Circular No. 570 is published in the Federal Register yearly as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); Aug. 16, 1954, ch. 736, 68A Stat. 847, as amended (26 U.S.C. 7101))

3. Section 72.25 is revised to include information about the availability of Treasury Department Circular No. 154. As revised, § 72.25 reads as follows:

§ 72.25 Deposit of collateral.

(a) Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate sureties in accordance with the provisions of Treasury

Department Circular No. 154 (31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds). Alternatively, cash, postal money orders, and certified or cashiers' or treasurers' checks may be furnished by claimants as collateral security in lieu of corporate sureties.

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 650 (6 U.S.C. 15); Aug. 16, 1954, ch. 736, 68A Stat. 847, as amended (26 U.S.C. 7101))

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

§ 170.91 [Amended]

1. Section 170.91 is amended by changing the parenthetical phrase "(For provisions relating to hand-carried documents see § 301.6091-1(b) of this chapter.)" to read "(For provisions relating to handcarried documents, see 26 CFR 301.6091-1(b).)" and by changing the parenthetical phrase "(19 CFR Part 24)" to read "(19 CFR Part 24—Customs Financial and Accounting Procedure)"

2. Section 170.95 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 170.95 reads as follows:

§ 170.95 Corporate surety.

(a) Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

§ 170.99 [Amended]

3. Section 170.99 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

4. Section 170.302 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 170. As revised, § 170.302 reads as follows:

§ 170.302 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

5. Section 170.614 is revised by adding paragraph (b) to incorporate by reference the U.S. Pharmacopeia (USP) and National Formulary (NF) standards for certain substances and ingredients. As revised, § 170.614 reads as follows:

§ 170.614 USP and NF preparations.

(a) *Preparations.* The following United States Pharmacopeia (USP) and National Formulary (NF) preparations which are used by physicians and pharmacists principally as vehicles may be made with distilled spirits without qualification by the manufacturer as a processor under 26 U.S.C. 5171 and without incurring liability for special taxes for their sale:

Elixir aromaticum;
Elixir aromaticum rubrum;
Elixir aurantii amari;
Elixir cardamom compositum;
Elixir glycyrrhizae;
Elixir taraxaci compositum;
Elixir terpini hydratis;
Spiritus aetheris;
Spiritus myrciae compositus;
Tinctura aurantii dulcis;
Tinctura limonis.

(b) *Incorporation by reference.* "The United States Pharmacopeia (Twentieth Revision, Official from July 1, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

(Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552(a)); sec. 805, Pub. L. 96-39, 93 Stat. 275, 278 (26 U.S.C. 5002, 5171))

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections to 27 CFR Part 178 is amended by changing the title of § 178.24 to read as follows:

Sec. 178.24 List of State laws and published ordinances.

2. Section 178.21 is revised to inform the user about the forms prescribed by 27 CFR Part 178. As revised, § 178.21 reads as follows:

§ 178.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 178.24 is revised to include information on the availability of an ATF firearms publication. As revised, § 178.24 reads as follows:

§ 178.24 List of State laws and published ordinances.

The Director is authorized to compile, publish in the Federal Register, annually revised, and furnish to each licensee a list of State laws and published ordinances which are relevant to the enforcement of this part. The Director publishes the list as ATF Publication 5300.5, "State Laws and Published Ordinances—Firearms," which is furnished free of charge to each licensee. The publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

§ 178.80 [Amended]

4. Section 178.80 is amended (1) by changing the phrase "by an attorney or other person" to read "by an attorney, certified public accountant, or other person"; (2) by changing the phrase "in 31 CFR Part 10 (Treasury Department Circular No. 230)" to read "in 31 CFR Part 8 (Practice Before the Bureau of Alcohol, Tobacco and Firearms)"; (3) by changing the phrase "of §§ 601.521–601.527 of this chapter" to read "of 26 CFR 601.521–601.527 (conference and practice requirements for alcohol, tobacco, and firearms activities)"; and (4) by correcting the title "Regional regulatory administrator", wherever it appears, to read "regional regulatory administrator".

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

Section 179.21 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 179. As revised, § 179.21 reads as follows:

§ 179.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. Each form requiring that it be executed under penalties of perjury shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 55—COMMERCE IN EXPLOSIVES

1. The table of sections to 27 CFR Part 55 is amended to revise the heading for § 55.23 to read as follows:

Sec. 55.23 List of explosive materials.

§ 55.11 Explosive materials. [Amended]

2. Section 55.11 is amended by changing in the definition of *"Explosive materials"* the phrase "in the List of Explosive Materials" to read "in the 'List of Explosive Materials' "

3. Section 55.21 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 55. As revised, § 55.21 reads as follows:

§ 55.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

4. Section 55.23 is revised to include information about the availability of the explosives list. As revised, § 55.23 reads as follows:

§ 55.23 List of explosive materials.

The Director shall compile a list of explosive materials, which shall be published and revised at least annually in the Federal Register. The "List of Explosive Materials" (ATF Publication 5400.8) is available at no cost upon request from the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 55.78 [Amended]

5. Section 55.78 is amended (1) by changing the phrase "by an attorney or other person" to read "by an attorney, certified public accountant, or other person" and; (2) by changing the phrase "of §§ 601.521–601.527 of this chapter" to read "of 26 CFR 601.521–601.527 (conference and practice requirements for alcohol, tobacco, and firearms activities)"

6. Section 55.141(a)(2) is revised to inform the user of explosive materials of the availability of "The United States Pharmacopeia and The National Formulary." As revised, § 55.141(a)(2) reads as follows:

§ 55.141 Exemptions.

(a) * * *

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia or the National Formulary. "The United States Pharmacopeia and The National Formulary," USP and NF Compendia, are available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

* * * * *

PART 194—LIQUOR DEALERS

Section 194.41 is revised to include information about the availability of forms prescribed in 27 CFR Part 194. As revised, § 194.41 reads as follows:

§ 194.41 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

Section 195.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 195. As revised, § 195.2 reads as follows:

§ 195.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, notices, reports, returns, and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center,

3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 196—STILLS

Section 196.2 is revised to include information about the availbility of forms prescribed in 27 CFR Part 196. As revised, § 196.2 reads as follows:

§ 196.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, claims, records, and reports, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

1. The table of sections to 27 CFR Part 197 is amended to add an entry for § 197.3 to read as follows:

Sec. 197.3 Incorporations by reference.

2. Section 197.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 197. As revised, § 197.2 reads as follows:

§ 197.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including bonds and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 197.3 is added to incorporate by reference the United States Pharmacopeia, the National Formulary, and the Homeopathic Pharmacopeia of the United States. As added, § 197.3 reads as follows:

§ 197.3 Incorporations by reference.

(a) "The United States Pharmacopeia (Twentieth Revision, Official from July 1, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., and is available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852. (See §§ 197.96 and 197.109; see also § 197.5, *Time distilled spirits are used.*)

(b) "The Homeopathic Pharmacopoeia of the United States" (Volume I, 8th Edition, 1979) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., and is available from the American Institute of Homeopathy, 7297–8H Lee Highway, Falls Church, Virginia 22042. (See §§ 197.96 and 197.109; see also § 197.5, *Time distilled spirits are used.*)

(Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

4. Section 197.66 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 197.66 reads as follows:

§ 197.66 Corporate surety.

(a) Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies), and subject to such amendatory circulars as may be issued from time to time.

(b) A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and sureties. Each corporate surety, however, may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Circular No. 570. When the sureties so limit their liability, the aggregate of the limited liabilities must equal the required penal sum of the bond.

(c) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

§ 197.96 [Amended]

5. Section 197.96 is amended by adding the following sentence at the end of the section:

(For incorporations by reference, see § 197.3.).

§ 197.109 [Amended]

6. Section 197.109(d) is amended by adding the following sentence at the end of paragraph (d):

(For incorporations by reference, see § 197.3.)

§ 197.130a [Amended]

7 The sentence in § 197.130a(b) which reads, "A correction table, Table No. 7, is available in 27 CFR Part 13, Gauging Manual", is amended to read, "A table for correction of volume of spirituous liquors to 60 degrees Fahrenheit, Table 7 of the 'Gauging Manual,' is available. See Subpart E of Part 13 of this chapter and § 13.67".

PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS

§ Table of Sections [Amended]

1.The table of sections to 27 CFR Part 200 is amended by changing the title of § 200.31 to read:

Sec. 200.31 Attorneys and other representatives.

2. Section 200.2 is revised to indicate where "The Rules of Civil Procedure for the United States District Courts" may be found in the United States Code. As revised, § 200.2 reads as follows:

§ 200.2 Liberal construction.

The regulations in this part shall be liberally contrued to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the United States District Courts (28 U.S.C. Appendix), where applicable, shall be a guide in any situation not provided for or controlled by this part but shall be

liberally construed or relaxed when necessary.

3. Section 200.3 is revised to include information about the availability of forms prescribed in 27 CFR Part 200. As revised, § 200.3 reads as follows:

§ 200.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

4. Section 200.31 is amended by revising the first two sentences to read as follows:

§ 200.31 Attorneys and other representatives.

A respondent or applicant may be represented by an attorney, certified public accountant, or other person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms under 31 CFR Part 8—Practice Before the Bureau of Alcohol, Tobacco and Firearms. The representative shall file in the proceeding a duly executed power of attorney to represent the applicant or respondent. See 26 CFR 601.501–527 (conference and practice requirements). * * *

§ 200.129 [Amended]

5. Section 200.129 is amended by revising the last sentence to read as follows:

§ 200.129 Availability.

* * * Copies of the record desired by the respondent or applicant may be purchased from the contract reporter or may be obtained in accordance with Part 71 of this chapter.

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

1. Section 211.21 is revised to include information about the availability of forms prescribed in 27 CFR Part 211. As revised, § 211.21 reads as follows:

§ 211.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

* * * * *

2. Section 211.73 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 211.73 reads as follows:

§ 211.73 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Table of sections [Amended]

1. The table of sections to 27 CFR Part 212 is amended by adding immediately after § 212.1 a new section entitled:

Sec. 212.1a Incorporations by reference.

2. Section 212.1a is added to incorporate by reference materials referred to in 27 CFR Part 212. As added, § 212.1a reads as follows:

§ 212.1a Incorporations by reference.

(a) "The United States Pharmacopeia (Twentieth Revision, Official from July, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. The publication may be inspected at the Office of the Federal Register, Room 8401, 1108 L Street, NW., Washington, D.C., and is available from the United States Pharmacopeia Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland, 20852.

(b) The 1980 Special Technical Publications (STP) 23, 25, and 29 of the American Society for Testing and Materials (ASTM) are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register, These publications may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(c) The "Official Methods of Analysis of the Association of Official Analytical Chemists (13th Edition 1980)" (AOAC) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Association of Official Analytical Chemists, 11 North 19th Street, Suite 210, Arlington, Virginia 22209.

(Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

3. Section 212.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 212. As revised, § 212.2 reads as follows:

§ 212.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 212.66 [Amended]

4. Section 212.66 is amended by adding at the end of the section the following sentence: "(For incorporation by reference, see § 212.1a(a).)".

§ 212.69 [Amended]

5. Section 212.69 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 573 (1980), Standard No. D 836–77; for incorporation by reference, see 212.1a(b))".

§ 212.73 [Amended]

6. Section 212.73 is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*

§ 212.78 [Amended]

7. Section 212.78 is amended (1) by revising the sixth heading in paragraph (a) to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 70 (1980), Standard No. D 302–58 (1975); for incorporation by reference, see 212.1a(b))"; and (2) by revising the sixth heading in paragraph (b) to read *"Distillation range.*— (for applicable ASTM method, see ASTM STP 29 433 (1980), Standard No. 3127–77; for incorporation by reference, see 212.1a(b))"

§ 212.80 [Amended]

8. Section 212.80 is amended by removing the parenthetical phrase "(Applicable ASTM method)".

9. Section 212.80a is revised to read as follows:

§ 212.80a Gasoline, unleaded (unleaded gasoline).

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in the ASTM STP 23 229 (1980), Standard No. D 439–79. Any of the "seasonal and geographical" volatility classes for unleaded gasoline are considered suitable as a denaturant. (For incorporation by reference, see § 212.1a(b).)

§ 212.81 [Amended]

10. Section 212.81 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 25 395 (1980), Standard No. D 3699–78 for burner fuel; see ASTM STP 23 849 (1980), Standard Nos. D 1655–80a for aviation turbine fuels and D 86–78 for distillation of petroleum products; for incorporation by reference, see 212.1a(b))".

§ 212.81a [Amended]

11. Section 212.81a is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*.

§ 212.83 [Amended]

12. Section 212.83 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 147 (1980), Standard No. D 1153–77; for incorporation by reference, see 212.1a(b))".

§ 212.87 [Amended]

13. Section 212.87 is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*.

14. Section 212.90 is amended by cross referencing the Gutzeit Method to the incorporation by reference in § 212.1a(c). As amended, § 212.90 reads as follows:

§ 212.90 Shellac (refined).

Arsenic content. Not more than 1.4 parts per million as determined by the Gutzeit Method (AOAC Method 25.020; for incorporation by reference, see § 212.1a(c)).

* * * * *

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

1. Section 213.21 is revised to include information about the availability of forms prescribed in 27 CFR Part 213. As revised, § 213.21 reads as follows:

§ 213.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) ATF Publication 1322.1, Public Use Forms, is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 213.72 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 213.72 reads as follows:

§ 213.72 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 213.73 [Amended]

3. Section 213.73 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 231—TAX-PAID WINE BOTTLING HOUSES

Section 231.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 231. As revised, § 231.2 reads as follows:

§ 231.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, notices, reports, returns, and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 240—WINE

1. Section 240.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 240. As revised, § 240.2 reads as follows:

§ 240.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Request for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 240.226 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 240.226 reads as follows:

§ 240.226 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to any limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

§ 240.227 [Amended]

3. Section 240.227 is amended by adding immediately after the phrase "of Treasury Department Circular 570" the parenthetical phrases "(Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). (See § 240.226(b).)"

§ 240.258 [Amended]

4. Section 240.258 is amended (1) by designating the current text as paragraph (a) and (2) by changing the parenthetical phrase "(31 CFR Part 225)" to read "(31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds)"

In addition, paragraph (b) is added to § 240.258 to read as follows:

§ 240.258 Release of collateral, Form 700 or Form 2053.

* * * * *

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

PART 245—BEER

1. Section 245.2 is revised to include information on the availability of forms prescribed by 27 CFR Part 245. As revised, § 245.2 reads as follows:

§ 245.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 245.52 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 245.52 reads as follows:

§ 245.52 Corporate surety.

(a) Surety bonds may be given only with surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds, subject to the limitations as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 245.53 [Amended]

3. Section 245.53 is amended by changing the phrase "of Treasury Department Circular 570" to read "of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). (See § 245.52(b).)".

4. Section 245.135 is amended (1) by designating the current text as paragraph (a) and (2) by adding paragraph (b) to incorporate by reference the "Methods of Analysis of the American Society of Brewing Chemists." As amended, § 245.135 reads as follows:

§245.135 Containers and records.

* * * * *

(b) The "Methods of Analysis of the American Society of Brewing Chemists (Seventh Edition; 1976)" is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the American Society of Brewing Chemists, 3340 Pilot Knob Road, St. Paul, Minnesota 55121.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1389, as amended (26 U.S.C. 5411); Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552(a))

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

1. Section 250.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 250. As revised, § 250.2 reads as follows:

§ 250.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including applications, reports, returns, and records. All of the information

called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 250.62 is revised to include information about the Availability of Treasury Department Circular No. 570. As revised, § 250.62 reads as follows:

§ 250.62 Corporate surety.

(a) Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury, as set forth in the current revision of U.S. Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 250.63 [Amended]

3. Section 250.63 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Section 251.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 251. As revised, § 251.2 reads as follows:

§ 251.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including reports, returns, and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 252—EXPORTATION OF LIQUORS

1. Section 252.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 252. As revised, § 252.2 reads as follows:

§ 252.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

* * * * *

2. Section 252.52 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 252.52 reads as follows:

§ 252.52 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

§ 270.22 [Amended]

1. Section 270.22(i) is amended by changing the phrase "in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms" to read "in the ATF Bulletin (see § 71.41(d) of this chapter)".

2. Section 270.41 is revised to include information about the availability of forms prescribed by 27 CFR Part 270. As revised, § 270.41 reads as follows:

§ 270.41 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 270.131 is amended (1) by designating the current text as paragraph (a) and (2) by adding paragraph (b) to include information about the availability of Treasury Department Circular No. 570. As amended, § 270.131 reads as follows:

§ 270.131 Corporate surety.

* * * * *

(b) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable

Reinsuring Companies) is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

PART 275—IMPORTATION OF CIGARS, CIGARETTES AND CIGARETTE PAPERS AND TUBES

1. Section 275.21 is revised to include information about the availability of forms prescribed by 27 CFR Part 275. As revised, § 275.21 reads as follows:

§ 275.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the AFT Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 275.39 [Amended]

2. Section 275.39(i) is amended by changing the phrase "in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms" to read "in the ATF Bulletin (see § 71.41(d) of this chapter)".

3. Section 275.119 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 275.119 reads as follows:

§ 275.119 Corporate surety.

(a) Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). The surety shall have no interest whatever in the business covered by the bond.

(b) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 285-MANUFACTURE OF CIGARETTE PAPERS AND TUBES

1. Section 285.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 285. As revised, § 285.2 reads as follows:

§ 285.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 285.71 is revised to read as follows:

§ 285.71 Corporate surety.

(a) Surety bonds required under the provisions of this part may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of Treasury Department Circular No. 570 (refer to paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administrator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202. Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

§ 285.72 [Amended]

3. Section 285.72 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 290—EXPORTATION OF CIGARS, CIGARETTES AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

1. Section 290.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 290. As revised, § 290.2 reads as follows:

§ 290.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 290.121 is revised to read as follows:

§ 290.121 Corporate surety.

(a) Surety bonds required under the provisions of this part may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised (see paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administrator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

§ 290.129 [Amended]

3. Section 290.129 is revised to include information about the availability of Treasury Department Circular No. 154. As revised § 290.129 reads as follows:

§ 290.19 Release of bonds, notes, and obligations.

(a) Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154 (31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds). When the regional regulatory administrator is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the regional regulatory administrator may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1421 (26 U.S.C. 5711); July 30, 1947, ch. 390, 61 Stat. 650 (6 U.S.C. 15))

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Section 296.11 is revised to read as follows:

§ 296.11 Corporate surety.

(a) Surety bonds required under the provisions of this subpart may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of the Treasury Department Circular No. 570 (refer to paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

Signed: August 3, 1981.

G. R. Dickerson,

Director.

Approved: August 31, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-27634 Filed 9-22-81; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS PHOENIX (SSN 702) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS PHOENIX (SSN 702) is a member of the SSN 688 class of ships, exemptions for which have previously been granted

under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS PHOENIX (SSN 702) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I section 3(b) regarding the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS PHOENIX (SSN 702) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3; are equally applicable to USS PHOENIX (SSN 702).

Moreover, it has been determined, in accordance with CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

§ 706.2 [Amended]

1. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
* * *	* *	
USS PHOENIX	SSN 702	3.5
* * *	* *	

2. Table three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k) Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
* * *	* *	* *	* *	* *				
USS PHOENIX	SSN 702	—	—	—	4.2	6.1	3.5	1.7 below.

(Executive Order 11964; 33 U.S.C. 1605)

Dated: September 14, 1981.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 81-27611 Filed 9-22-81; 8.45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS CALLAGHAN (DDG 994) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a guided missile destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332. Telephone Number (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS CALLAGHAN (DDG 994) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, section 3(a) pertaining to the placement of the forward masthead lights in the forward quarter of the ship; 72 COLREGS, Annex I, section 3(a) pertaining to the placement of the after masthead light; and 72 COLREGS, Rule 23(a)(ii) regarding the arc of visibility of the after masthead light, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

* * * * * * *

Table 5

		Forward masthead light not required height above hull. Annex I Section 2(a)(ii) (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light, Annex I, Section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, Section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(i)	Aft masthead lights not visible over forward light 1000 meters ahead of ship in all normal degrees of trim. Annex I, Section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, Section 3(a)	Aft masthead light not less than ½ ship's length aft of forward masthead light. Annex I, Section 3(a)	Percentage horizontal separation attained
VESSEL	NUMBER								
USS KIDD	DDG 993	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
USS CALLAGHAN	DDG 994			X			X	X	44.6

2. Table Four, paragraph 7, of § 706.2 is amended by adding to the list of vessels therein certifications issued by the Secretary of the Navy:

7. The arc of visibility of the after masthead light required by Rule 23(a)(ii) and Annex I, section 2(f) may be obstructed from right ahead on certain naval ships as follows:

* * * * * *

USS CALLAGHAN (DDG 994).....0°28.8'

3. Table Four of § 706.2 is amended by adding the following new paragraph 17 to indicate the certifications issued by the Secretary of the Navy:

17. On the following ships the arc of visibility of the after masthead light required by Rule 23(a)(ii) may be obstructed through 0°48.6' arc of visibility at the point 349° relative to the ship's head:

* * * * *

USS CALLAGHAN (DDG 994)

(Executive Order No. 11964; 33 U.S.C. § 1605)

Dated: 12 August 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-27612 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

34 CFR Part 605

Continuing Education Outreach—State-Administered Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Continuing Education Outreach—State-Administered Program. These regulations implement statutory changes resulting from the Education Amendments of 1980. Activities were previously carried out by the States under the Community Service and Continuing Education Program, the Educational Information Centers Program, and the State Postsecondary Education Planning Commissions Program. These programs have been consolidated into a single program and revised. These regulations will govern the administration of a comprehensive program of planning, information and counseling services, and continuing education activities. Institutions of higher education, public and private organizations, community based educational institutions, business, industry, and labor are eligible to apply.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations are expected to take effect 45 days after publication in the Federal Register. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the Federal Register stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Donahue, telephone: (202) 245-9868.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register on December 30, 1980 (45 FR 86308-86311). Interested persons were given 60 days in which to submit written comments. Several comments were received. Two commenters endorsed the regulations and recommended that they be published unchanged as final regulations. The other comments suggest changes. Those comments, and the Secretary's responses to them, follow.

General

Comment: Two commenters recommended that the regulations be withdrawn and that the statute be printed in the Federl Register in lieu of final regulations.

Response: Regulations are necessary to clarify terms, clearly explain the options available to the States regarding the uses of the funds, and establish criteria for the granting of waivers of the requirement that a State allocate at least 50 percent of its planning funds to planning for continuing education.

Section 605.1 Continuing Education Outreach—State-Administered Program

Comment: One commenter recommended that the concept of continuing education not be limited to educational services at the postsecondary level.

Response: No change is made. The statute limits support to activities at the postsecondary level.

Comment: One commenter recommended changing § 601.1(d)(1) to say that a State "may" make subgrants and contracts for continuing education projects rather than "shall" make, in order to be consistent with the statute.

Response: No change is made. Under section 115(d) of the statute, a State may use up to 5 percent or $40,000 of the funds available for continuing education, whichever is greater, for the administration and operation of continuing education programs. Beyond these amounts, a State has no choice. It must expend the funds available for continuing education through the awards of subgrants and contracts. Therefore, the subject regulation provision is consistent with the statute. It should also be noted that Section 115(d) was derived from the Senate bill, and that there was no corresponding provision in the House bill. Nevertheless, even without such a provision the House Committee Report indicated the Committee's intention that the funds would not support existing State programs but would be used to make subgrants and contracts (H. Rept. 96-520, p. 9).

Comment: One commenter recommended inserting the word "service" before "activities" in the phrase "community education activities" in § 605.1(d)(2)(viii) to make it consistent with the statute.

Response: The change has been made.

Section 605.2 Eligible Parties

Comment: Two commenters objected to the expansion of subgrant eligibility to include public and private organizations, community based educational institutions, business, industry, and labor.

Response: No change is made. The expansion of eligibility was accomplished by the statute.

Section 605.4 Definitions

Comment: One commenter observed that the definition of adult population, i.e., 18 years of age or older, differs from the definition in the Adult Education Act which sets the base age at 16.

Response: No change is made. The definition of adult population is taken from the statute.

Comment: One commenter recommended that the age limit in the definition of "youth" be lowered in order to expand employment opportunities.

Response: A change is made. The definition has been revised to include youth from the age of 14 through 17, provided they are eligible for employment.

Section 605.20 How Does the Secretary Initially Allot Program Funds?

Comment: One commenter stated that the formula for allocation of funds among the States is inequitable, particularly if the appropriation level falls below $18 million.

Response: No change is made. The allotment of funds is made according to the formula in § 112(a)(1) of the Act.

Section 605.51 Limitation on Payments to the States

Comment: One commenter objected to the restriction against the use of Federal funds as matching funds.

Response: No change is made. The restriction is established by the statute.

Section 605.60 Annual Report

Comment: One commenter suggested the deletion of requirements that the annual report contain an evaluation of past year activities and a projection of what might be supported in the coming year so as to make that section conform to the statute.

Response: The change has been made.

Section 605.62 Administrative Funds

Comment: One commenter felt that the limits on funds for State administration and operation of continuing education programs were too restrictive.

Response: No change is made. The subject limits are set by the statute.

Executive Order No. 12291

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance number not yet assigned)

Dated: September 17, 1981.

T. H. Bell,

Secretary of Education.

PART 610 [Removed]

The Secretary removes Part 610, and revises Part 605 of Title 34 of the Code of Federal Regulations to read as follows:

PART 605—CONTINUING EDUCATION OUTREACH—STATE-ADMINISTERED PROGRAM

Subpart A—General

Sec.

605.1 Continuing Education Outreach—State-Administered Program.
605.2 Eligible parties.
605.3 Regulations that apply to the Continuing Education Outreach—State-Administered Program.
605.4 Definitions that apply to the Continuing Education Outreach—State-Administered Program.

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make a Grant to a State?

605.20 How does the Secretary initially allot program funds?
605.21 What are the requirements for subsequent allotments?
605.22 How does a State determine the amount of funds to be used for comprehensive statewide planning?
605.23 How does a State determine the amount of funds to be used for information services?
605.24 How does a State determine the amount of funds to be used for continuing education?

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—What Conditions Must be Met by a State?

605.50 Coordination.
605.51 Limitation on payments to the States.

Subpart G—What Are the Administrative Responsibilities of a State and its Subgrantees and Contractors?

605.60 Annual report.
605.61 Child care project restrictions.
605.62 Administrative funds.

Authority: Secs. 111 through 115, and 118 through 119 of the Higher Education Act of

1965, as amended by Pub. L. 96-374 (20 U.S.C. 1011-1015; 1018-1019).

Subpart A—General

§ 605.1 Continuing Education Outreach—State-Administered Program.

(a) *General description.* The Continuing Education Outreach—State-Administered Program provides Federal financial assistance primarily to increase access to programs of continuing education for adults whose educational needs have been inadequately served. Recipients shall use this assistance to help traditional and non-traditional learners through—

(1) Comprehensive statewide planning;

(2) Information services; and

(3) Continuing education.

(20 U.S.C. 1011-1015)

(b) *Comprehensive statewide planning.* (1) Each State shall use the funds available for comprehensive statewide planning to support planning, and related studies, designed to achieve—

(i) Improved access to programs of postsecondary education for traditional and non-traditional learners;

(ii) Improved retention of traditional and non-traditional learners in programs of postsecondary education;

(iii) Coordination of educational and occupational information and counseling services for youth and adults throughout the State; and

(iv) More effective and efficient use of resources available for continuing education within the State.

(20 U.S.C. 1013 (a), (b), and (e))

(2) Comprehensive statewide planning funds may also be used to prepare the annual report described in § 605.60.

(20 U.S.C. 1013(b); 1019(a))

(c) *Information services.* Each State shall use the funds available for information services to develop and coordinate new and existing—

(1) Postsecondary education information and counseling services for traditional and non-traditional learners; and

(2) Occupational information and counseling services for youth and adults.

(20 U.S.C. 1014(a))

(d) *Continuing education.* (1) Each State shall use the funds available for continuing education to make subgrants and award contracts for—

(i) Promoting access to and retention in postsecondary educational programs for adults whose educational needs have been inadequately served;

(ii) Expanding and improving postsecondary educational programs that help adults develop their occupational potential and prepare for transitions between education and work;

(iii) Eliminating barriers—posed by previous education or training, age, sex, race, handicap, national origin, rural isolation, or economic circumstances—that may place adults at a disadvantage in seeking postsecondary educational opportunities;

(iv) Strengthening statewide and other mechanisms of information, counseling, and referral that provide access to postsecondary education and serve the special needs of adults; and

(v) Developing strategies to promote the financial self-sufficiency of postsecondary educational programs initiated under this part.

(2) Eligible continuing education projects include such activities as:

(i) Creation or expansion of labor education, training, and technical assistance programs;

(ii) Development of cooperative relationships between State and local labor organizations and institutions and agencies that provide opportunities for continuing education;

(iii) Removal of barriers to continuing education caused by rural isolation or other rural-related factors;

(iv) Preretirement continuing education programs and information services related to legal, vocational, and health services available to older adults;

(v) Promotion of sharing resources for innovative uses of technology including telecommunications, on an inter-state or intra-state basis, to overcome barriers to postsecondary educational opportunities;

(vi) Educational and occupational information and counseling services designed to meet the special needs of adult women, particularly homemakers, and to assist their entry or re-entry into postsecondary education and the labor force.

(vii) Collection and dissemination of information, including both the creation and expansion of data banks, on sources of student financial assistance and information designed to assist individuals to make choices among postsecondary institutions, programs, and other educational opportunities;

(viii) Community education service activities, consistent with the purposes of this part, for adults in rural areas;

(ix) Postsecondary educational programs suited to individuals whose educational needs have been inadequately served, especially handicapped persons, older individuals, migrant and seasonal farm workers, individuals who can participate in programs only on a part-time basis, and individuals who otherwise would be unlikely to continue their education beyond high school;

(x) Child care services to assist individuals desiring to participate in continuing education programs in order to enter or re-enter the field of postsecondary education and the labor force; and

(xi) Promotion or delivery of postsecondary educational services to women at the places of their employment or in conjunction with their employment.

(20 U.S.C. 1015)

§ 605.2 Eligible parties.

(a) States that have entered into a Federal-State relationship agreement with the Secretary as specified in 34 CFR Part 604 are eligible to receive grants for statewide planning, information services, and continuing education.

(20 U.S.C. 1012-1015, 1143)

(b) Institutions of higher education, public and private institutions and organizations—including community based educational institutions—business, industry, labor, or any combination of these, are eligible to receive subgrants and contracts from the States for information and counseling services and continuing education projects.

(20 U.S.C. 1014(c), 1015(b))

§ 605.3 Regulations that apply to the Continuing Education Outreach—State-Administered Program.

The following regulations apply to the Continuing Education Outreach—State-Administered Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 77 (Definitions);

(b) The regulations in this Part 605; and

(c) The regulations in 34 CFR Part 604.

(20 U.S.C. 3474)

§ 605.4 Definitions that apply to the Continuing Education Outreach—State-Administered Program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Contract
EDGAR
Fiscal Year
Grant
Private
Project
Public
Secretary
State

Subgrant
Subgrantee

(20 U.S.C. 3474)

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Adults whose educational needs have been inadequately served" means individuals 18 years of age or older who—because of circumstances of age, sex, low income, handicap, minority status, rural isolation, status of employment or underemployment, lack of education, or other significant barriers—have been discouraged from obtaining equal educational opportunities.

"Continuing education" means postsecondary instruction and support services designed to meet the educational needs of adults, including the expansion of available learning opportunities for adults whose educational needs are inadequately served by current educational offerings in their communities.

"Act" means the Higher Education Act of 1965, as amended.

"Adult population" means the population eighteen years of age and older.

"Youth" means an individual from age 14 through 17 who is eligible for, and is seeking, employment.

(20 U.S.C. 1011(4); 1013(a)(1); 1014(a); 1018)

"Planning for continuing education" means planning to improve access to programs of postsecondary education for adults in a State, particularly those who have been inadequately served, and to promote more effective and efficient use of available resources, including efforts to ensure equal treatment of applicants in the evaluation of subgrant proposals.

(20 U.S.C. 1018; 1221e-3(a)(1); 3474(a))

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make a Grant to a State?

§ 605.20 How does the Secretary initially allot program funds?

The Secretary makes the initial allotment of program funds after a State has consummated an agreement with the Secretary as required in 34 CFR Part 604. The allotment is made according to the formula in section 112(a)(1) of the Act.

(20 U.S.C. 1012; 1143)

§ 605.21 What are the requirements for subsequent allotments?

The Secretary makes an allotment to a State in subsequent fiscal years after the Secretary receives a satisfactory annual report as provided for in § 605.60.

(20 U.S.C. 1012, 1013)

§ 605.22 How does a State determine the amount of funds to be used for comprehensive statewide planning?

(a) The amount of funds available for planning depends on the amount of the total annual appropriation for the Continuing Education Outreach Program.

(1) In a fiscal year in which the appropriation is less than $18,500,000, the State shall use at least 15 percent but not more than 20 percent of its allotment for comprehensive statewide planning.

(2) In a fiscal year in which the appropriation is at least $18,500,000 but not more than $23,999,999, the State shall use from ten to fifteen percent of its allotment for comprehensive statewide planning.

(3) In a fiscal year in which the appropriation is $24,000,000 or more, the State shall use up to 10 percent of its allotment for comprehensive statewide planning.

(b) If the State does not wish to receive comprehensive planning funds in a particular fiscal year, the State must so notify the Secretary prior to the beginning of that fiscal year, so that funds can be reallocated to the other States.

(20 U.S.C. 1012(b))

(c) A State may use up to 50 percent of the funds available to it for comprehensive statewide planning for the purpose of supporting continuing education projects.

(d) A State shall use at least 50 percent of the funds remaining for comprehensive statewide planning—after implementing the setaside in paragraph (c) of this section, if any—to plan for continuing education, unless a waiver is granted.

(20 U.S.C. 1013(c))

(e) On application from a State, the Secretary grants a waiver of the requirement in paragraph (d) of this section, if the State satisfactorily demonstrates that—

(1) Planning for postsecondary continuing education has been an integral part of its existing planning process;

(2) It regularly collects data related to adult learners, including those who are being inadequately served;

(3) It periodically assesses the statewide postsecondary educational needs of adults: and

(4) It consults with public advisory groups composed of persons knowledgeable about the postsecondary educational needs of adults.

(20 U.S.C. 1012(b); 1013(c); 1019(c); S. Rept. 96-733, page 8)

§ 605.23 How does a State determine the amount of funds to be used for information services?

A State shall use not less than $50,000 nor more than 12 percent of its allotment, whichever is greater, to provide information services.

(20 U.S.C. 1014(a))

§ 605.24 How does a State determine the amount of funds to be used for continuing education?

A State shall use the funds remaining from its allotments—after reserving the amounts required for comprehensive statewide planning and information services—for subgrants and contracts for continuing education projects.

(20 U.S.C. 1015)

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—What Conditions Must be Met by a State?

§ 605.50 Coordination.

A State shall coordinate its comprehensive statewide planning and information services activities to the maximum extent feasible with all planning and information services under the following programs:

(a) Subpart 4 of Part A of Title IV of the Higher Education Act (Special Programs for Students from Disadvantaged Backgrounds).

(b) Part B of Title IV of the Higher Education Act (Guaranteed and Insured Student Loans).

(c) Section 485 of the Higher Education Act (Institutional and Financial Assistance Information for Students).

(d) The Vocational Education Act.

(e) The Comprehensive Employment and Training Act.

(f) The Older Americans Act of 1965.

(g) The Rehabilitation Act of 1973.

(h) The Career Education Incentive Act.

(i) The Adult Education Act.

(j) The Veterans Readjustment Assistance Act.

(k) Other Federal, State, and local programs that provide educational outreach, guidance, counseling, and information.

(20 U.S.C. 1013(d), 1014(b))

§ 605.51 Limitation on payments to the States.

(a) The Secretary does not make payments to a State in excess of two-thirds of the total costs of the State's program under this part.

(b) The State may not use funds from other Federal programs for matching.

(20 U.S.C. 1019)

Subpart G—What Are the Administrative Responsibilities of a State and Its Subgrantees and Contractors?

§ 605.60 Annual report.

(a) A State that receives funds under this program shall submit to the Secretary at the end of each fiscal year a report on each aspect of its Continuing Education Outreach Program. This report, which the State may combine with its annual performance report under EDGAR, 34 CFR 76.720, must include the following:

(1) A description of each activity supported, including the amount of Federal and non-Federal funds allocated to planning, information services, and continuing education programs.

(2) An analysis of the relationship between the activities carried out and the priorities established by the comprehensive statewide planning process.

(b) The State shall designate the State entity that shall be responsible for the report.

(20 U.S.C. 1013(b); H. Rept. 96-520, page 9)

§ 605.61 Child care project restrictions.

A State may not award subgrants or contracts for the provision of child care services for the benefit of persons participating in continuing education projects unless—

(a) The State entity responsible for comprehensive statewide postsecondary education planning has established a cooperative agreement with the agency within the State responsible for coordinating child care services; and

(b) The grantee or contractor is licensed by the State to provide child care services, or is in the process of renewing its license and is likely to have that renewal approved.

(20 U.S.C. 1015(c))

§ 605.62 Administrative funds.

A State may use up to five percent of the funds available for continuing education, or $40,000, whichever is greater, for the administration of continuing education activities or the direct operation of continuing education projects.

(20 U.S.C. 1015(d))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A4-FRL 1928-3]

Designation of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Kentucky: Changes in Attainment Status

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces changes in the Section 107 Clean Air Act attainment status designation of various areas in Alabama, Georgia, and Kentucky. In Alabama: Jackson County is changed from nonattainment to attainment for particulate matter (TSP); Limestone and Marshall Counties are changed from unclassifiable to attainment for ozone; and Madison and Morgan Counties are changed from nonattainment to attainment for ozone. In Georgia: Atlanta is changed from nonattainment to attainment for TSP; a portion of the Savannah TSP nonattainment area is redesignated attainment; and the portion of the Savannah TSP nonattainment area within a quarter of a mile of the West Lathrop and Augusta monitoring site is redesignated unclassifiable. In Kentucky, 32 counties are changed from unclassifiable to attainment for ozone. All of these changes are based on measured air quality data meeting EPA's criteria for validity and representativeness. These changes will be effective November 23, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATES: These actions are effective November 23, 1981.

ADDRESSES: The materials submitted by the States in support of the redesignations may be examined during normal business hours at the following locations:

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

Air Programs Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Notice of intent to make adverse comments should be directed to the EPA Region IV Air Programs Branch at the address given.

FOR FURTHER INFORMATION CONTACT: Staff of the Region IV Air Programs Branch in Atlanta at 404/881-3286 (FTS 257-3286): Archie Lee (Alabama), Barry Gilbert (Georgia), or Melvin Russell (Kentucky).

SUPPLEMENTAL INFORMATION:

Alabama

On April 2, 1981, the Alabama Air Pollution Control Commission submitted eight quarters of TSP data, for the period January 1, 1979 to December 31, 1980, showing no violation of any TSP standard in the Jackson County TSP nonattainment area. On the basis of this data, the State agency requested that Jackson County be redesignated attainment, and EPA is today granting that request.

In the original Section 107 designations of March 3, 1978, the counties of Madison and Morgan were listed as nonattainment for ozone. Limestone and Marshall counties were listed as unclassifiable because there was not sufficient data to make an attainment status determination. On February 27, 1981, the State submitted ozone data gathered in Huntsville (Madison County) in 1978, 1979, and 1980, showing no violation of the national standard, and requested that these four counties be designated attainment. EPA considers this ozone data to be representative of air quality within 50 kilometers of the monitoring site. Since most of the area of each of these counties lies within 50 km of the Huntsville site, the Administrator hereby grants Alabama's request.

Georgia

On March 3, 1978, the Administator, designated a portion of the City of Atlanta and a portion of the City of Savannah nonattainment for total suspended particulate.

On October 9, 1980, and February 9, 1981, the Georgia Environmental Protection Division (EPD) submitted air quality data showing that the national ambient air quality standards (NAAQS) for total suspended particulate had not been violated in Atlanta from 1978 through 1980 and demonstrated commensurate reductions in emissions, and requested that this area be redesignated to attainment. EPA is today changing the designation to attainment.

The October 9, 1980, submittal contains a technical report which analyzes the Savannah nonattainment area using diffusion models, wind data, filter analysis and other techniques. The nonattainment area is officially described as "that portion of Chatham

County within the north central sectic of Savannah." The air quality data fr monitoring sites except the one at We Lathrop and Augusta show attainmen of the NAAQS. Data for the West Lathrop an Augusta site still show nonattainment of the NAAQS. The technical analysis demonstrated that the ambient monitoring site in violation of the NAAQS was biased by construction of Loop 26. There was inadequate data since the opening of Loop 26 to demonstrate attainment. Therefore, EPA is changing the Section 107 attainment status designation of Savannah, Georgia (that portion of Chatham County within the north central section of Savannah) from nonattainment for total suspended particulate to attainment for the entire area except an area approximately one-quarter mile in radius around the West Lathrop and Augusta monitoring site. The area is more specifically defined as: Beginning at Fair Street and Loop 26 and proceeding southwest along Fair Street to Louisville Road, then southeast along Louisville Road to Alexander Street, then Northeast along Alexander Street, Jenkes Street and Cleland Street to Krenson Street, then north along Krenson Street to West Lathrop Avenue, then southwest along West Lathrop Avenue to Loop 26, then northwest along Loop 26 to Fair Street (the beginning).

This area is redesignated unclassifiable.

Kentucky

In Kentucky, 32 counties are changed from unclassifiable to attainment for ozone (Anderson, Ballard, Boyle, Carlisle, Casey, Crittenden, Garrard, Graves, Hancock, Hopkins, Jessamine, Laurel, Lincoln, Livingston, Lyon, Madison, Marion, Marshall, McCreary, McLean, Mercer, Muhlenberg, Ohio, Pulaski, Rockcastle, Russell, Union, Washington, Wayne, Webster, Whitley, and Woodford). On December 30, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted ozone data gathered in Harrodsburg, Henderson, Hopkins County, Owensboro, Paducah, and Shopville during 1980, and requested that the 32 counties listed above be designated attainment rather than unclassifiable, as they are at present. The data show no violation of the national standard and are representative of areas up to 50 km. from the monitors. EPA considers that the ozone standard is being attained in the 32 counties since most of their area lies within 50 km of one of the monitoring sites showing attainment.

Ozone Attainment

Section 107(d)(1) of the Clean Air Act does not provide for EPA to make a formal distinction between unclassifiable and attainment in the case of an area's attainment status for ozone; therefore, the designation of Limestone and Marshall Counties, Alabama and the 32 Kentucky Counties will remain unchanged. In 40 CFR 81.301 and 81.318 these counties will continue to be included in the "Rest of State" area shown as unclassified or better than the national standard for ozone.

Action

Since EPA views as routine and noncontroversial, any Section 107 redesignation made on the basis of measured air quality data, these actions are being taken without prior proposal. The public should be advised that these actions will be effective November 23, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any of the actions taken today, that action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals of the appropriate circuit within 60 days of today.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements buy only changes area air quality designations to attainment or unclassifiable.

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 only approves state actions and imposes no new requirements.

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

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: September 11, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.301 [Amended]

1. In § 81.301 the attainment status designation table for TSP is amended by removing the entry for Jackson County; the table titled "Alabama—O_x" is amended by changing the title to "Alabama—O_3" and by removing the entries for Madison and Morgan Counties.

2. In § 81.311 the attainment status designation table for TSP is amended by revising the entry for Chatham County to read as set forth below.

§ 81.311 Georgia.

Georgia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
That portion of Chatham County within 0.25 mile of the West Lathrop and Augusta monitoring site in Savannah*.			X	
* * *	*	*	*	*

*See Federal Register of September 23, 1981.

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[FR Doc. 81-27572 Filed 9-22-81; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-1 and 1-4

[FPR Temp. Reg. 63]

Special Types and Methods of Procurement; Commercial or Industrial-Type Activities; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes policies and procedures necessary to determine whether the performance of commercial or industrial-type work would be accomplished more economically through the use of contracts with private concerns or through the use of Government facilities and personnel. The regulation implements Office of Management and Budget (OMB) Circular No. A-76, March 3, 1966, as revised through March 29, 1979, and Supplement No. 1, Cost Comparison Handbook, March 1979. The intended effect is to achieve uniformity among agencies regarding comparative cost analyses and to ensure that all substantive factors are considered in making cost comparisons.

DATES: Effective date: July 1, 1981. Expiration date: This regulation will continue in effect until July 1, 1983, unless canceled earlier.

Comments by interested parties: Agencies and other interested parties are invited to submit comments on or before November 23, 1981. Address comments to Philip G. Read, Director, Federal Procurement Regulations Directorate (VR) Office of Acquisition Policy, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy, 703-557-8947

SUPPLEMENTARY INFORMATION: Supplement No. 1 Cost Comparison Handbook supports the cost comparison requirements in Circular No. A-76. The Handbook provides detailed instructions for making comparisons of the estimated costs to the Government of acquiring a product or service by contract with the estimated cost of acquiring the product or service through the use of Government facilities and personnel.

In 41 CFR Chapter 1, the following temporary regulation is listed in the appendix at the end of the chapter.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

General Services Administration

Washington, D.C.

Federal Procurement Regulations; Temporary Regulation 63

September 3, 1981.

To: Heads of Federal agencies.

Subject: Commercial or industrial-type activities.

1. *Purpose.* This FPR temporary regulation prescribes policies and procedures to implement the Office of Management and Budget (OMB) Circular No. A-76 issued March 3, 1966, as revised through March 29, 1979, including Supplement No. 1, Cost Comparison Handbook, March 1979.

2. *Effective date.* This regulation is effective as of July 1, 1981.

3. *Expiration date.* This regulation will continue in effect until July 1, 1983, unless canceled earlier.

4. *Background.*

a. OMB Circular No. A-76 issued March 3, 1966, as revised through March 29, 1979, and Supplement No. 1, March 1979, prescribes the general policies of the Government, when cost effective, to rely on competitive private enterprise to supply the products and services it needs. The primary source of national economic strength is characterized by individual freedom and initiative in the private enterprise system. The Government should not compete with its citizens.

b. Many Government activities may be performed either by contract or by Federal employees. The choice between these alternatives must be based on a finding regarding the method of performance which would be most economical. OMB Circular No. A-76 provides policies to assist agencies to make a comparative cost analysis and to establish whether the Government's interest would be best served by contract or in-house performance.

c. Circular No. A-76 guidelines were too general and insufficient as a basis for comprehensive cost studies. Agency and public comments in 1977 suggested a detailed cost comparison handbook. The suggested handbook was issued as Supplement No. 1 to the Circular.

5. *Explanation of changes.* This temporary regulation prescribes changes in Subparts 1-1.3 and 1-1.10 and adds new Subpart 1-4.14 as follows:

PART 1-1—GENERAL

Subpart 1-1.3—General Policies

§ 1-1.314 [Amended]

a. Subpart 1-1.3 is amended to prescribe a revision of § 1-1.314. This section is modified to identify the existing text as paragraph (a) and to add a new paragraph (b) as follows:

* * * * *

(b) The provisions of this section do not govern when the policies and procedures of Subpart 1-4.14 apply.

* * * * *

Subpart 1-1.10—Publicizing Procurement Activities

b. Subpart 1-1.10 is amended to add § 1-1.1008 to read as follows:

§ 1-1.1008 Government commercial or industrial-type activities.

Special synopsizing requirements are prescribed in § 1-4.1404-1(a).

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

c. Subpart 1-4.14 is added to read as follows:

Subpart 1-4.14—Commercial or Industrial-Type Activities

§ 1-4.1400 Scope.

This subpart prescribes policies and procedures regarding the acquisition of products or services involving commercial or industrial-type activities and their application to requirements identified for cost comparisons.

§ 1-4.1401 Definition.

"Government commercial or industrial-type activity," for the purpose of this subpart, means one which is operated and managed by a Federal executive agency and which provides a product or service that could be obtained from a private source. A representative, but not comprehensive, listing of these activities is provided in Attachment A of OMB Circular A-76. An activity can be identified with an organization or a type of work, but must be (1) separable from other functions so as to be suitable for performance either in-house or by contract, and (2) a regularly needed activity of an operational nature, not a one-time activity of short duration associated with support of a particular project.

§ 1-4.1402 Policy.

It is the general policy of the Government to rely on private commercial sources to supply the products and services it needs when it is more economical to do so, consistent with the interest of the Government and the availability of satisfactory commercial sources. Implementation of this policy employs the conventional contract process with the following added features: (a) The Government prepares an in-house cost estimate

based on the same statement of work and same level of performance as offerors; (b) a cost comparison is made between the potentially successful offeror and the Government; and (c) depending on the results of the cost comparison, a contract is awarded or the solicitation is canceled. OMB Circular No. A-76 and its Supplement No. 1, Cost Comparison Handbook, provide detailed policy and procedural coverage on deciding whether to contract with commercial sources or use Government personnel and, on implementing the cost-comparison principles contained in the Circular. Agencies shall follow the procedures in this subpart and the procedures contained in the Circular and the Handbook.

§ 1-4.1403 Contract clauses.

(a) Solicitations involving formal advertising shall include the Notice of Cost Comparison (Advertised) clause set forth in § 1-4.1405.

(b) Solicitations involving negotiated contracts shall include the Notice of Cost Comparison (Negotiated) clause set forth in § 1-4.1406.

(c) All solicitations and resulting contracts subject to this subpart shall include the Right of First Refusal for Employment Openings clause set forth in § 1-4.1407.

§ 1-4.1404 Procedures.

§ 1-4.1404-1 Planning.

(a) Government commercial or industrial-type activities shall be inventoried and reviewed periodically by management to determine if the activity is subject to a cost comparison. During these reviews contracting officers shall assist management officials in identifying private commercial sources. If no private commercial source is available, management officials, with the assistance of the contracting officer, shall seek to identify sources through:

(1) Synopsizing of the requirement in the Commerce Business Daily at least 3 times in a 90 day period or, for urgent requirements, at least 2 times in a 30 day period (see § 1-1.1008); and

(2) Seeking assistance from the General Services Administration, Small Business Administration, and the Domestic and International Business Administration in the Department of Commerce.

(b) When commercial sources are available, an acquisition package, to include a clear and concise performance-oriented statement of work, shall be prepared.

(c) A Government commercial or industrial activity can be authorized without a comparative cost analysis when it is demonstrated that:

(1) There is no private commercial source capable of providing the product or service that is needed; or

(2) Use of a private commercial source would cause an unacceptable delay or disruption of an essential agency program.

§ 1-4.1404-2 In-house cost estimate.

(a) An in-house cost estimate is prepared based on the same statement of work that is in the solicitation. The in-house cost estimate and other cost elements required to accomplish a cost comparison are entered on a cost comparison form (the form is illustrated in the A-76 Cost Comparison Handbook, Chapter II, Exhibit 1), audited, sealed, dated, and submitted to the contracting officer not later than the time established for receipt of initial offers or bid opening. All necessary detailed supporting data will be included in the sealed enveloped when it is submitted to the contracting officer.

(b) The confidentiality of both the in-house cost estimate and the bids in formally advertised cost comparison studies shall be maintained until the time of public disclosure to ensure that they are completely independent. For cost comparison studies conducted using negotiation procedures, confidentiality and independence shall be maintained until after completion of negotiations and selection of the most advantageous offer. Personnel who have knowledge of the cost figures set forth in the Government in-house cost estimate shall not participate in the offer evaluation process.

§ 1-4.1404-3 Solicitation.

Solicitations shall be prepared in accordance with §§ 1-4.1403 and 1-2.201 or 1-3.802. For purposes of the cost comparison, solicitations shall provide for a base contract period and any necessary priced options to total the amount of time represented by the in-house cost estimate. Evaluation of options for selection between competing offers shall be in accordance with Subpart 1-1.15.

§ 1-4.1404-4 Evaluation.

After receipt of the sealed and dated in-house cost estimate and the offers, the procedures for commercial or industrial-type activity contracting differ form conventional contracting procedures, as follows:

(a) *Formal advertising.* (1) At the time of public bid opening, after recording of bids, the sealed envelope containing the cost comparison form and the in-house cost estimate shall be opened and the price of the apparent low bidder shall be entered on the cost comparison form. The contracting officer shall announce the results, based upon the completed cost comparison form, subject to evaluation of bids for responsiveness and responsibility, and resolution of request for review. The abstract of bids, the completed cost comparison form, and detailed supporting data relative to the in-house cost estimate shall be made available to interested parties for review. Interested parties shall be advised that no final decisions will be made for at least 5 working days (a maximun of 15 working days if the action is deemed by the contracting officer to be complex) during this public review period (see the review procedures in paragraph (c) of this section).

(2) After the evaluation of bids and determinations of responsibility the price of the low, responsive, responsible bidder shall be provided to the preparer of the in-house cost estimate for final review of the cost comparison form and origination of the Decision Summary Form (this form is illustrated in the A-76 Cost Comparison Handbook, Chapter II, Exhibit 2).

(3) The final decision for performance in-house or by contract shall be made as required by agency procedures.

(4) The completed cost comparison analysis shall be made available to interested parties upon request.

(b) *Negotiation.* (1) The contracting officer shall receive the proposals, and shall then evaluate, negotiate, and select the most advantageous proposal in accordance with Part 1-3. The contracting officer, together with the preparer of the in-house cost estimate, shall then open the Government in-house cost estimate, complete the cost comparison form, and make a cost comparison. This cost comparison is made prior to the public announcement.

(2) If the cost comparison results in a decision to contract out, the contracting officer shall proceed to award a contract. In addition, the contractor shall be put on notice (i) that such award is conditioned upon its offer still being more economical than in-house performance after completion of the public review period plus any additional time required pursuant to the review procedures set forth in paragraph (c) of this section, and (ii) that preparation for commencement of performance shall not begin until notification to commence is received from the contracting officer. Concurrent with the award, the contracting officer shall publicly

announce the results of the cost comparison to all interested parties. This public announcement shall include revealing and making available for public review the in-house cost estimate with detailed supporting data, the completed cost comparison form, and the name of the contractor. Interested parties shall also be informed that contractor preparations for performance are conditioned upon completion of a public review period plus any additional time required pursuant to the review procedures set forth in paragraph (c) of this section. The period for public review shall commence with the announcement of the results of the cost comparison by the contracting officer and shall run for a period of at least 5 working days (a maximum of 15 working days, if the action is deemed by the contracting officer to be complex). Upon completion of the public review period and resolution of questions raised, if any, the Decision Summary Form shall be completed and approved. After receiving clearance from appropriate channels, the contracting officer shall issue an authorization to commence to the contractors, or cancel the contract, as appropriate.

(3)(i) If the result of the cost comparison is in favor of in-house performance, the contracting officer shall announce the results of the cost comparison and make available for public review the in-house cost estimate, the detailed supporting data relative to the in-house cost estimate, the completed cost comparison form, and the price of the offeror whose offer was the most advantageous to the Government. The period for public review shall commence with the announcement by the contracting officer of the results of the cost comparison and shall run for a period of at least 5 working days (a maximum of 15 working days if the action is deemed by the contracting officer to be complex).

(ii) The contracting officer shall specify in the contract the number of days which are applicable in § 1-4.1405(c) and in § 1-4.1406(c) (1) and (2).

(c) *Review procedures.* This procedure shall be used only to resolve questions concerning the calculation of the cost comparison and shall not apply to questions concerning potential award to one firm in preference to another. Requests for review of any discrepancy in the cost comparison shall be filed with the contracting officer, in writing, by directly affected parties. These requests shall be considered only if based on specific objections and filed within the public review period. The contracting officer shall forward these requests for review to the preparer of the in-house cost estimate for consideration in accordance with agency procedures. Decisions with regard to these requests for review are final and shall be communicated to the requesting party within 30 days of receipt.

§ 1-4.1405 Formally advertised contracts clause.

All solicitations for formally advertised contracts for commercial and industrial-type work, and resultant contracts shall include the following clause in accordance with § 1-4.1403(a).

Notice of Cost Comparison (Advertised)

(a) Bidders are notified that this solicitation is a part of a cost comparison to determine whether accomplishing the specified work in-house or by contract is more economical. The determination shall be based on the procedures contained in OMB Circular A-76, as amended, and the related Cost Comparison Handbook.

(b) The Government's in-house cost estimate shall be based on the statement of work set forth in this solicitation and shall be submitted to the Contracting Officer in a sealed envelope not later than the time set for bid opening. At the time of bid opening, the bids and the sealed Government in-house estimate will be opened and the results announced. This announcement is based upon an initial comparison of the cost of in-house performance with the cost of contracting out as indicated on the cost comparison form. The abstract of bids, the completed cost comparison form, and detailed supporting data relative to the in-house cost estimate shall be made available to interested parties for review.

(c) A period of [1] ——— working days will be provided for public review by interested parties of the cost comparison data. No final determination regarding the question of in-house or contractor performance will be made during the review period. Interested parties may file written requests, based on specific objections, for review of the cost comparison results with the Contracting Officer during this period. This review shall only be used to resolve questions concerning the calculation of the cost comparison, and shall not apply to decisions regarding selection of one bidder in preference to another. Decisions with regard to such requests are final.

(d) After evaluation of bids, and resolution of requests for review, if any, the Contracting Officer shall announce the results of the cost comparison and either award a contract or cancel the solicitation. The completed cost comparison analysis shall be made available to interested parties.

(e) In accordance with provisions of the clause "Late Bids, Modifications of Bids, or Withdrawal of Bids," a late modification which displaces the otherwise low in-house cost estimate shall not be considered. An otherwise low in-house cost estimate is considered a successful bid and cannot be displaced by a late modification within subparagraph (d) of that clause.

(End of Clause)

§ 1-4.1406 Negotiated contracts clause.

All solicitations for negotiated contracts for commercial or industrial-type work and resultant contracts shall include the following clause in accordance with § 1-4.1403(b).

Notice of Cost Comparison (Negotiated)

(a) Offerors are notified that this solicitation is a part of a cost comparison to determine whether accomplishing the specified work in-house or by contract is more economical. The determination shall be based on the procedures contained in OMB Circular A-76, as amended, and the related Cost Comparison Handbook.

(b) The Government's in-house cost estimate shall be based on the statement of work set forth in this solicitation and shall be submitted to the Contracting Officer in a sealed envelope not later than the time set for receipt of initial proposals.

(c) After completion of evaluation of proposals, negotiation, and selection of the most advantageous proposal, the sealed envelope shall be opened by the Contracting Officer in the presence of the preparer of the in-house cost estimate. They shall then make a cost comparison prior to public announcement. Based on the results of this cost comparison, the following actions shall occur:

(1) If the result is in favor of contracting out and appropriate administrative approval obtained, an award shall be made. The Contracting Officer shall then publicly reveal the completed cost comparison form, the in-house cost estimate and its detailed supporting data, and the awarded contract. However, this award is conditioned upon the offer remaining the more economical alternative after (i) completion of a public review period of [1] ——— working days and (ii) administrative resolution within 30 days of their receipt by the Contracting Officer of all questions raised during the public review period. The Contractor is put on notice that the Government assumes no liability for cost incurred during the period specified in (i) and (ii), above. After administrative resolution of the questions, if any, filed with the Contracting Officer during the review period in (i), above, the Contracting Officer shall then either notify the Contractor that it may proceed with performance of the contract, or cancel the contract at no cost to either party.

(2) If the result is in favor of in-house performance, the Contracting Officer shall publicly reveal the completed cost comparison form, the in-house cost estimate and its detailed supporting data, and the price of the most advantageous offer to the Government. After completion of a public review period of [1] ——— working days and administrative resolution of all questions, if any, filed with the Contracting Officer during

[1] Number of days as stated here or elsewhere in this contract.

the review period, the Contracting Officer shall then either, as appropriate, cancel the solicitation or award a contract after obtaining the required administrative approvals.

(d) No final determination regarding the question of in-house or Contractor performance will be made during the period provided for public review. Interested parties may file written requests, based on specific objections and review of the in-house cost estimate, with the Contracting Officer during this period. This review shall only be used to resolve questions concerning the calculation of the cost comparison, and shall not apply to questions concerning award to one offeror in preference to another. Decisions with regard to such requests are final.

(e) In accordance with provisions of the clause "Late Proposals, Modifications of Proposals, or Withdrawal of Proposals," a late modification which displaces the otherwise low in-house cost estimate shall not be considered. An otherwise low in-house cost estimate is considered a successful proposal and cannot be displaced by a late modification within subparagraph (d) of that clause.

(End of Clause)

§ 1-4.1407 Right of first refusal for employment openings clause.

All solicitations and resultant contracts, subject to this subpart, shall include the following clause in accordance with § 1-4.1403(c).

Right of First Refusal for Employment Openings

Consistent with Government employment conflict-of-interest standards, the contractor shall give Government employees, displaced as a result of the conversion to contract performance, the right of first refusal for employment openings on the contract in positions for which they are qualified.

(End of Clause)

6. *Agency action.* (a) Pending the issuance of a permanent amendment to the Federal Procurement Regulations, agencies shall follow the policies and procedures in this temporary regulation.

(b) Two forms are illustrated in the A-76 Cost Comparison Handbook and should be used in the implementation of this subpart. Pending the illustration of these forms in the FPR and the general printing and distribution of these forms, reference should be made to A-76 Cost Comparison Handbook, Chapter II, Exhibits 1 and 2.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-27701 Filed 9-22-81; 8:45 am]

BILLING CODE 6820-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

[Docket No. FEMA-Gen-11B]

Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: First amendment to regulations.

SUMMARY: This amendment to the Claims Collection regulations describes the authority of the Comptroller, FEMA, as Agency Claims Officer, and describes internal procedures for processing claims.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Amora, Federal Emergency Management Agency, Office of the General Counsel, Washington, D.C. 20472, (202) 287-0388.

EFFECTIVE DATE: September 23, 1981.

SUPPLEMENTARY INFORMATION: On September 26, 1980, the Federal Emergency Management Agency (FEMA) published its claims collection regulations (45 FR 63854). These regulations are found in Title 44 of the Code of Federal Regulations, Part 11, Subpart C. This regulation substitutes the Comptroller as Agency Collection Officer for the General Counsel. Since these changes are changes in internal organizational processing of claims, which is an agency management decision, notice and public comment are not required and the regulation can be made effective on date of publication.

PART 11—CLAIMS

Accordingly, Chapter I of Title 44, Part 11, Code of Federal Regulations, is amended as follows:

Section 11.30 is revised to read as follows:

§ 11.30 Scope of regulations.

(a) *Scope.* This subpart sets forth the regulations of the Director of the Federal Emergency Management Agency (the Agency) implementing the Federal Claims Collection Act of 1966 (the Act), in conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105. The Act (1) requires the Director or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the Agency; and (2) authorizes the Director or his designee for claims that do not exceed $20,000 exclusive of interest, to compromise such claims or to suspend or terminate collection action where it appears that no person liable on such claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) *Definitions.* For the purposes of this subpart, "office" means one of the following: (1) Office of Training and Education, (2) The Federal Insurance Administration, (3) Office of Plans and Preparedness, (4) Office of State and Local Programs and Support, (5) The U.S. Fire Administration, (6) Office of Resource Management and Administration, and (7) the Offices of the Regional Directors.

Section 11.34 is revised to read as follows:

§ 11.34 Referral of claims to the Comptroller, Federal Emergency Management Agency.

(a) Authority of the Comptroller, Federal Emergency Management Agency.

(1) The Comptroller, Federal Emergency Management Agency shall act as the Agency Claims Officer and shall exercise the powers and perform the duties of the Director to compromise, or to suspend or terminate collection action on all Agency claims not exceeding $20,000 exclusive of interest, except as provided in § 11.35 and paragraph (b) of this section.

(2) When initial attempts at collection by the office originating such claim have not been fully successful, the claim file shall be forwarded to the Agency Claims Officer for further administrative collection procedures. Claims shall be referred to the Agency Claims Officer well within the applicable statute of limitations (28 U.S.C. 2415 and 2416).

(b) *Exclusions.* There shall be no compromised or terminated collection action with respect to any claim: (1) as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the anti-trust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department, or GAO, as appropriate, after the Agency Claims Officer has consulted with the Inspector General and the Office of General Counsel.

Section 11.36 is revised to read as follows:

§ 11.36 Agency claims officer.

The Comptroller, Federal Emergency Management Agency, is designated as the Agency Claims Officer, and shall be responsible for the establishment and maintenance of procedures within the Agency relating to the collection of claims and the coordination of all collection activities in all Agency offices.

Section 11.37 is revised to read as follows:

§ 11.37 Claims files.

Each claims collection officer is responsible for obtaining current credit data about each person against whom a claim is pending in his office. The files shall be kept up-to-date by the Agency Claims Officer for claims referred to the Agency Claims Officer for collection. Such credit data may take the form of (a) a commercial credit report, showing the debtor's assets and liabilities and his income and expenses, (b) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (c) an audited balance sheet of a corporate debtor. The file should also contain a checklist or brief summary of actions taken to collect or compromise a claim.

Section 11.38 is revised to read as follows:

§ 11.38 Quarterly report of collection action.

The Agency Claims Officer shall make a quarterly report to the Director and to all offices that have referred claims for collection. The report should contain the following information as a minimum:

(a) All outstanding claims referred to the Agency Claims Officer for administrative collection, including the name and address of the debtor, the amount of the claim, the date the claim accrued, the basis of the claim, the office referring the claim, and the current program of collection activities.

(b) All claims referred to the Office of General Counsel for legal guidance.

(c) All claims compromised or on which collection has been suspended or terminated or referred to GAO or Justice for further collection action during the month. The collection action taken and the basis for the action should be indicated.

(d) All claims referred to the Department of Justice under § 11.45.

(e) Claims returned to this Agency by the Justice Department for further collection action because Justice's handling was not warranted.

Section 11.39 is revised to read as follows:

§ 11.39 Accounting control.

Each office shall process all claims collections through the Agency Claims Officer and report the collection, compromise, suspension and termination of all claims to that office for recording.

Section 11.41 is revised to read as follows:

§ 11.41 Suspension or revocation of eligibility.

(a) Where a contractor, grantee, or other participant in programs sponsored by the Agency fails to pay his debts to the Agency within a reasonable time after demand, the fact shall be reported by the Agency Claims Officer to the Inspector General, who shall place such defaulting participant's name on the Agency's list of debarred, suspended and ineligible contractors and grantees and the participant will be so advised.

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the Agency Claims Officer, who shall so advise the Treasury Department. The Treasury Department will notify this Agency when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 11.42 [Amended]

Section 11.42(6) is amended by changing "Office of Finance and Administration" to "Agency Collection Office."

Section 11.45 is revised to read as follows:

§ 11.45 Referral to GAO or Justice Department.

(a) *Claims referred.* Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 101 to 105 will be referred to the Agency Claims Officer for referral to the General Accounting Office in accordance with 31 U.S.C. 71, or to the Department of Justice if this Agency has been granted an exception from referrals to the General Accounting Office. Also, if there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the General Accounting Office for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions, the claim may be referred to the Justice Department for litigation even though termination of collection activity might otherwise be considered. Referral to the General Accounting Office or to the Department of Justice should be done after consulting with the Office of General Counsel, FEMA.

(b) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action, and, in any event, well within the statute of limitations for bringing suit against the debtor.

Section 11.47 is revised to read as follows:

§ 11.47 Automation.

The Agency Claims Officer shall work to automate the Agency's debt collection operations to the extent it is cost effective and feasible.

A new § 11.49 is added, reading as follows:

§ 11.49 Office of General Counsel.

The Office of General Counsel shall provide legal advice on claims collection matters to all claims collection officers and the Agency Collection Officer, as needed.

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

September 15, 1981.

[FR Doc. 81-27339 Filed 9-18-81; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 65

[Docket No. FEMA-6142]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials on the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the specified flood hazard areas of the special community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County and community name	Date of conversion to regular program
Anzona	Yavapal, town of Chino Valley.	Sept. 1, 1981.
Alabama	Jefferson, city of Fairfield.	Sept. 11, 1981.
Anzona	Pinal, town of Mammoth.	Sept. 15, 1981.
Delaware	Sussex, town of Milville.	Sept. 25, 1981

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

Issued: September 11, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27629 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5845]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Emergency Management Agency.

ACTION: Removal of final rule.

SUMMARY: The Federal Insurance Administration has erroneously issued and published the final flood elevation determination for the Town of West Bridgewater, Plymouth County, Massachusetts. This notice will serve to delete that publication. The final rule for the Town will be reissued and republished at a late date in order to more closely coincide with the Town's annual meeting.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The issuance of the Final Base Flood Elevation Determination is followed by a period (not to exceed six months) wherein communities are requested to adopt flood plain management measures as required by § 60.3 of the Program's regulations. Since, in Massachusetts, this adoption is done at the Town meeting, the Regional Office of FEMA in Boston, Massachusetts has requested specific Final Determination Date and effective date of the Flood Insurance Rate Map in order to coincide with the Town of West Bridgewater's annual town government meetings. The Agency has agreed to delete the notice of Final Flood Elevation Determination for the Town of West Bridgewater, Plymouth County, Massachusetts, published at 45 FR 30629, on June 10, 1981, and republish it at a later date.

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

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27630 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

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

Final Base (100-year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Times Beach, St. Louis County, (Docket No. FEMA-6048).	Meramec River	Just upstream of St. Louis-San Francisco Railway	*442
			About 800 feet upstream of Interstate 44	*447
Maps available for inspection at the City Hall, Times Beach, Missouri.				
New Jersey	Lebanon, Borough, Hunterdon County, (Docket No. FEMA-6048).	South Branch Rockaway Creek	Downstream Corporate Limits	*212
			Upstream of Sican's Lane	*223
			Downstream of Cherry Street	*243
			Upstream of Central Street	*252
			Upstream Corporate Limits	*270
		Tributary A	Confluence with South Branch Rockaway Creek	*213
			Upstream of Main Street	*220
			Upstream of Cokesbury Road	*242
			Approximately 900' upstream of Cokesbury Road	*247
		Tributary B	Confluence with Tributary A	*221
			Upstream of U.S. Route 22	*231
			Downstream face of Interstate 78 culvert	*242
			Upstream Corporate Limits	*257
Maps available for inspection at the Office of the Borough Clerk, 96 Main Street, Lebanon, New Jersey.				
Pennsylvania	Carlisle, Borough, Cumberland County, (Docket No. FEMA-6048).	Letort Spring Run	Downstream Corporate Limits	*448
			Upstream of Conrail	*450
			Upstream of Pomfret Street	*454
			Upstream Corporate Limits	*455
Maps available for inspection at the Borough Building, 53 West South Street, Carlisle, Pennsylvania.				
Pennsylvania	Latimore, Township, Adams County, (Docket No. FEMA-6048).	North Branch Latimore Creek	Confluence with Latimore Creek	*514
			Bushey's School Road bridge (Upstream side)	*544
			Brough Road bridge (Downstream side)	*561
		Tributary 1	U.S. Route 15 bridge (Upstream side)	*548
			U.S. Route 15 (business) bridge (Upstream side)	*556
			Town Hill Road bridge (Downstream side)	*605
		Latimore Creek	Confluence with Tributary 1	*434
			Farm Lane bridge (Upstream side) approximately 4,650' upstream from Ridge Road bridge.	*498
			U.S. Route 15 (business) bridge (Upstream side)	*507
			Confluence of North Branch Latimore Creek	*514
			Bommers Hill Road bridge (Upstream side)	*537
			Town Hill Road bridge (Downstream side)	*571
Maps available for inspection at the Latimore Township Building, R. D. 1, York Springs, Pennsylvania.				
Vermont	Montpelier (City), Washington County, FEMA-6078	Winooski River	150 feet upstream from centerline of Central Vermont Railroad.	*518
			50 feet upstream from centerline of Main Street	*529
			200 feet upstream from concrete dam upstream of Pioneer Street.	*539
		North Branch Winooski River	100 feet upstream from centerline of State Street	*526
			100 feet upstream from centerline of Gould Hill Road	*537
			100 feet upstream from centerline of Haggett Road	*561
		Dog River	50 feet upstream from centerline of Montpelier and Barre Railroad.	*520
		Stevens Branch	150 feet upstream from confluence with Winooski River.	*547
Maps available for inspection at Zoning Administrator's Office, City Hall, Main Street, Montpelier, Vermont				

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

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27632 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67 An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

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

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Jefferson County (Docket No. FEMA-5817).	Ward Mill Creek	Just downstream from a Private Road	*305
		Unnamed Creek 2	Just upstream of the Private Road located approximately 1.9 miles upstream of the confluence with Ward Mill Creek.	*305
		Locust Fork (Lower Branch)	At Ward Mill Creek	*320
		Locust Fork (Upper Branch)	At I-65	*352
		Turkey Creek (Lower Branch)	At Glenwood Road	*375
			Just upstream of Louisville & Nashville Railroad	*412
		Turkey Creek (Upper Branch)	At Old Bradford Road	*594
			100 feet downstream of Pinson-Clay Road	*641
			Just upstream of Old Springville Highway	*790
		Self Creek	100 feet downstream of Alabama Highway 75	*675
			Just upstream of Brookwood Road	*711
		Dry Creek (Warrior River Basin)	100 feet downstream of Faucett Road	*683
		Unnamed Creek 8	200 feet upstream of the confluence with Dry Creek (Warrior River Basin).	*692
		Unnamed Creek 9	Just upstream of Red Hollow Road	*608
		Unnamed Creek 10	100 feet downstream of Brumbeloe Drive	*635
		Unnamed Creek 11	100 feet upstream of Sweeney Hollow Road	*650
		Fivemile Creek (Fivemile Creek Basin).	Just downstream of Lindale Road	*333
			Just upstream of Coalburg Road, 3.25 miles downstream of the confluence of Black Creek.	*400
			At Highway 78	*465
			At Point Road	*705
		Unnamed Creek 13	100 feet downstream of the Graysville Corporate limit and Limit of Detailed Study.	*370
		Newfound Creek	At the Louisville and Nashville Railroad	*374
		Black Creek (Fivemile Creek Basin).	At Walker Chapel Road	*431
		Barton Branch	Just downstream of Fleming Road	*593
		Tarrant Springs Branch	At Marlin Spring Road	*693
		Dry Creek (Fivemile Creek Basin)	At Pine Mill Road	*759
			100 feet upstream of Brewster Road	*897
		Unnamed Creek 23	Just downstream of Robinwood Road	*636
		Village Creek	At Porter Road	*403
			At Adamsville Ensley Road	*513
			150 feet upstream of Vanderbilt Road	*578

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			150 feet downstream of 75th Street	*626
		Corbet Branch	At Adamsville-Docena Road	*628
		Camp Branch	150 feet downstream of Denmark Avenue	*509
		Second Creek	Just upstream of Pratt Highway	*529
		Black Creek (Village Creek Basin)	At Cherry Avenue	*545
		Valley Creek	Just upstream of John-Adger Road	*403
			At Powder Plant Road	*433
			Just downstream of 13th Street	*457
			At 18th Avenue	*467
		Fivemile Creek (Valley Creek)	Just downstream of Freeman Avenue	*453
			Just downstream of Easter Valley Road	*525
		Unnamed Creek 39	Just downstream of Lakeridge Drive	*479
		Opossum Creek	100 feet downstream of Woodward Road	*485
			At 12th Street	*512
		Unnamed Creek 40	At Brookland Drive	*474
		Unnamed Creek 41	Just upstream of Louisville & Nashville Railroad	*467
		Unnamed Creek 45	Just upstream of Jefferson Avenue	*526
		Shades Creek	200 feet upstream of Bluff Ridge Road	*490
			At Parkwood Drive	*544
			At Oxmoor road	*621
			At Groover Drive	*688
		Little Shades Creek (Shades Creek Basin).	At Highway 150	*527
			At Pleasant Valley Road	*585
		Cahaba River	At Cahaba Heights Road	*460
			Just upstream of Grants Mill road	*505
			Just downstream of Highway 78	*586
			Just upstream of Goodner Mountain Road	*696
		Patton Creek	At the Green Valley Country Club	*495
		Little Shades Creek (Cahaba River Basin).	Just upstream of Gornedo Road	*448
			160 feet upstream of Rocky Ridge Road	*508
		Little Cahaba River	Just upstream of Grants Mill Road	*558
			At Cahaba Valley Road	*598
		Dry Creek (Cahaba River Basin)	200 feet upstream of State Road	*642
		Stinking Creek	Just downstream of Old Lodek Road	*553
		Fishgut Creek	Just upstream of Mary Taylor Road	*714
Maps available for inspection at 202A Jefferson County Courthouse, Birmingham, Alabama 35206.				
Pennsylvania	East Coventry, Township, Chester County (Docket No. FEMA-6845).	Schuylkill River	Downstream corporate limits	*126
			Upstream Saratoga Road	*131
			Upstream corporate limits	*139
		Pigeon Creek	Confluence with Schuylkill River	*126
			Upstream of Zieber Road	*134
			Upstream side Saylors Mill Road	*146
			Downstream side Ellis Woods Road	*164
			Confluence of East Tributary	*168
			Downstream side Fulmer Road	*198
			Upstream corporate limits	*217
		East Tributary	Confluence with Pigeon Creek	*188
			Downstream Fulmer Road	*225
			Extension of Maple Drive	*245
			Upstream corporate limits	*266
Maps available for inspection at the East Coventry Township Building.				
Pennsylvania	Hepburn, Township, Lycoming County (Docket No. FEMA-5815).	Lycoming Creek	Confluence of Mill Creek	*574
			Upstream side of U.S. Route 15 (Downstream crossing).	*581
			Confluence of Long Run	*592
			Upstream side of State Route 973	*600
			Upstream side of U.S. Route 15 (Upstream crossing)	*618
			Upstream Corporate Limits	*638
		Mill Creek	Confluence with Lycoming Creek	*574
			Upstream side of State Route 973 (Downstream crossing).	*592
			Upstream side of State Route 973 (Upstream crossing).	*606
			Confluence of Tributary A	*628
			Confluence of Tributary C	*653
			Upstream side of Legislative Route 41045	*670
			Confluence of Tributary E	*676
			2,005' upstream from confluence of Tributary E	*701
Maps available for inspection at the Schon Brothers Hardware Store, R.D. 3, Cogan Station, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27633 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67 An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

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

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Show Low (City), Navajo County, FEMA-6052	Patricks Wash	40 feet upstream from center of North 8th Street	*6375
			70 feet upstream from center of East McNeil *6324	
		Whipple Wash	At intersection of Whipple Wash and center of North 13th Street.	*6331
			At intersection of Whipple Wash and center of East Whipple.	*6300
		Fools Hollow Wash	At intersection of Fools Hollow Wash and center of West Sylvester.	*6270
			50 feet upstream from center of State Highway 260	*6355
		Fools Hollow Wash East Branch	50 feet upstream from center of South 23rd Avenue	*6359
			At intersection of Fools Hollow Wash East Branch and center of West Stratton.	*6395
		Navajo Pines Wash	At intersection of Navajo Pines Wash and center of West Cooley.	*6372
		Show Low Creek	At intersection of Show Low Creek and center of Deuce of Clubs Avenue.	*6324
Maps available for inspection at Department of Planning and Zoning, 541 East Deuce of Clubs, Show Low, Arizona.				
Arizona	Taylor (Town), Navajo County, FEMA-6033	Silver Creek	Intersection of 5th Street and May Lane	*5618
		Railroad Grade Wash	130 feet upstream from the center of State Highway 77.	*5625
			Intersection of Railroad Grade Wash and Foothills Boulevard.	*5732
		Airport Wash	Intersection of Airport Wash and Willow Lane	*5675
Maps available for inspection at Town Hall, 425 Paper Mill Road, Taylor, Arizona.				
California	Lincoln (City), Placer County, FEMA-6052	Auburn Ravine	20 feet upstream from the intersection of State Highway 65 and Auburn Ravine.	*160
			100 feet upstream from the intersection of State Highway 193 (Newcastle Highway) and Auburn Ravine.	*167
Maps available for inspection at City Clerk's Office, 511 5th Street, Lincoln, California.				
Connecticut	Andover, Town, Tolland County (Docket No. FEMA-6053)	Hop River	Downstream Corporate Limits	*283
			Intersection of Willimantic Road and Jonathan Trumbull Highway.	*291
			Upstream of Bunker Hill Road	*299
			Upstream of Long Hill Road	*305
			Confluence with Burnap Brook	*314
			Upstream of Hendee Road	*320
			Upstream of Times Farm Road	*324
			Upstream Corporate Limits	*328
		Skungamaug River	Confluence with Hop River	*321

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,780' upstream of confluence with Hop River	*331
			Upstream Corporate Limits	*343
Maps available for inspection at the Selectman's Office, Town Hall, School Road, Andover, Connecticut.				
Colorado	Craig (City), Moffat County FEMA-6033	Fortification Creek	Downstream side of 7th Street bridge over the channel.	*6194
			Downstream side of 10th Street bridge over the channel.	*6198
		Brotherton Gulch	Bradley Street over the channel	*6232
Maps available for inspection at City Clerk, City Hall, 300 West 4th Street, Craig, Colorado.				
Connecticut	New Hartford, Town, Litchfield County (Docket No. FEMA-6053).	Farmington River	Downstream Corporate Limits	*316
			Upstream U.S. Route 44	351
			Confluence of West and East Branch Farmington River.	*358
		West Branch Farmington River	Confluence with East Branch Farmington River	*358
			Upstream of Black Bridge Road	*376
			Upstream State Route 219	*381
			Upstream Corporate Limits	*395
		East Branch Farmington River	Confluence with West Branch Farmington River	*358
			Approximately 250' upstream of State Route 219	*370
		Nepaug River	At Nepaug Reservoir	*486
			Upstream 1st crossing U.S. Route 202	*525
			Upstream 3rd crossing U.S. Route 202	*554
			Upstream State Route 219	*556
			Upstream of Maple Hollow Road	*575
			Confluence of Bakersville Brook	*608
		Bakersville Brook	Confluence with Nepaug River	*608
			Upstream of Winchester Road	*614
			Upstream of Eisendrath Road	*705
			Confluence of Torringford Brook	*716
		Torringford Brook	Confluence with Bakersville Brook	*716
			Approximately 100' downstream of Gillette Road	*729
Maps available for inspection at the First Selectman's Office, Town Hall, Main Street, New Hartford, Connecticut.				
Connecticut	Salem, Town, New London County (Docket No. FEMA-6053).	East Branch Eightmile River	Downstream Corporate Limits	*154
			Upstream of Darling Road	*165
			Approximately 4,470' upstream from Darling Road	*200
			Approximately 2,100' upstream from State Route 82	*210
			At the confluence of Harris Brook	*215
		Harris Brook	At the confluence with East Branch Eightmile River	*215
			Approximately 2,400' downstream from the most downstream Dam.	*235
			Upstream side of the most downstream Dam	*258
			1,200' upstream from State Route 85	*270
			Upstream side of Music Vale Road Bridge	*285
			Upstream side of the most upstream Dam	*301
			Approximately 4,400' upstream from the most upstream Dam.	*308
Maps available for inspection at the Office of the First Selectman, Salem Town Office Building, Route 85, Salem, Connecticut.				
Connecticut	Windham, Town, Windham County (Docket No. FEMA-6053).	Shetucket River	Downstream Corporate Limits	*117
			Downstream of Scotland Hydro Dam	*117
			Upstream of Scotland Hydro Dam	*138
			Approximately 6,000' upstream of Scotland Hydro Dam.	*139
			Approximately 3,000' downstream of Windham Center Road.	*142
			Upstream of Windham Center Road	*145
			Upstream of Conrail crossing	*150
			Confluence of Natchaug River	*155
		Natchaug River	Confluence with Shetucket River	*155
			Upstream of North Windham Road	*160
			Upstream of Interstate Route 84	*167
			Downstream of Willimantic Dam	*168
			Upstream of Willimantic Dam	*183
			Approximately 1,000' downstream of Mansfield Hollow Dam.	*185
			Downstream of Mansfield Hollow Dam	*197
Maps available for inspection at the Town Clerk's Office, Windham Town Hall, 979 Main Street, Willimantic, Connecticut.				
Florida	Unincorporated Areas of Osceola County (FEMA-6053)	Reedy Creek	Approximately 1,500 feet downstream of State Highway 531.	*64
			Just downstream of U.S. Highways 17 and 92 (State Highway 600).	*68
		Mill Slough	Just upstream of U.S. Highways 441 and 192 (State Highway 500).	*58
			Just downstream of Mill Slough Road	*65
		Boggy Creek	Just downstream of State Road 530	*66
		Shingle Creek	Just downstream of State Road 531	*61
			Just downstream of State Road 530	*74

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Osceola County Courthouse, Planning Department, Kissimmee, Florida 32741.				
Illinois	(V) Port Byron, Rock Island County (Docket No. FEMA-6052).	Mississippi River	At downstream corporate limits	*579
			At upstream corporate limits	*581
Maps available for inspection at the Clerk's Office, Municipal Building, 120 South Main Street, Port Byron, Illinois.				
Iowa	(C) Hiawatha, Linn County (Docket No. FEMA-6052)	Dry Creek	About 3,300 feet downstream of Northwood Drive	*818
			About 300 feet downstream of Northwood Drive	*819
			Just downstream of Illinois Central Gulf Railroad	*830
Maps available for inspection at the City Hall, 301 Emmongs Street, Hiawatha, Iowa.				
Louisiana	Town of Elton, Jefferson Davis Parish (FEMA-6053)	Unnamed Tributary of Bayou Blue	Just upstream of Powell Street	*44
			Just downstream of LaFleur Street	*46
Maps available for inspection at Town Hall, Highway 190 East, Elton, Louisiana 70532.				
Louisiana	Town of Glenmora, Rapides Parish (FEMA-6052)	Johnson's Bottom	Just upstream of 18th Street	*127
			Just upstream of 9th Street	*130
			Just downstream of the Missouri Pacific Railroad	*134
			Approximately 100 feet upstream of U.S. Highway 165	*139
			Just downstream of 9th Avenue	*141
Maps available for inspection at Town Hall, 7th Avenue, Glenmora, Lousiana 71433.				
Louisiana	Town of Westlake, Calcasieu Parish (FEMA-6052)	Calcasieu River	Just upstream of U.S. Highway 90	*8
		Bayou Verdine	The intersection of St. John Bosco and Clarence Streets.	*14
Maps available for inspection at Town Hall, Building Inspector Office, 701 Johnson Street, Westlake, Louisiana 70669.				
Massachusetts	Easton, Town, Bnstol County (Docket No. FEMA-6053)	Mulberry Brook	Downstream of Highland Street	*89
			Downstream of South Street	*94
		Poquanticut Brook	Approximately 1,800' upstream South Street	*100
			Downstream of State Route 106	*125
			Upstream New Pond Dam	*138
			Downstream of Chestnut Street	*140
			Upstream of footbridge	*155
			Approximately 460' upstream, Massapoag Avenue	*168
			Approximately 540' downstream Rockland Street (downstream of Private Dam).	*170
			Approximately 1,050' upstream of Rockland Street	*187
		Black Brook	Downstream of Foundry Street	*75
			Downstream of Prospect Street	*87
			Approximately 1,260' downstream of Depot Street	*105
			Downstream of Depot Street	*116
			Approximately 460' downstream of Summer Street	*145
			Upstream of Randall Street	*163
			Approximately 1,300' upstream of Randall Street	*170
		Queset Brook	Downstream of Turnpike Street	*82
			Upstream of Dean Pond Dam	*90
			Upstream of Central Street	*104
Maps available for inspection at the Easton Planning and Zoning Offices, Town Hall, Easton, Massachusetts.				
Massachusetts	Framingham, Town, Middlesex County (Docket No. FEMA-6053).	Sudbury River	Downstream Corporate Limits	*124
			Approximately 550' downstream of Central Street (Downstream crossing).	*139
			Approximately 100' upstream of Central Street (Downstream crossing).	*149
			1,200' upstream of Central Street (Upstream crossing)	*159
			Upstream of Reservoir No. 1 Dam	*167
			Upstream of Reservoir No. 2 Dam	*174
			Upstream Corporate Limits	*175
		Reservoir No. 1—North Branch	Upstream of Reservoir No. 1 Dam	*167
			Approximately 200' upstream of Boston Worcester Turnpike.	*169
		Reservoir No. 3	Upstream of Reservoir No. 3 Dam	*183
			Upstream Corporate Limits	*188
		Angelica Brook	Confluence with Reservoir No. 3	*183
			Just downstream of Aqueduct (Downstream crossing)	*192
			190' downstream of Pleasant Street	*201
			Upstream of Waveney Street	*214
			600' downstream of upstream Corporate Limits	*224
		Beaverdam Brook	Downstream Corporate Limits	*151
			Upstream Corporate Limits	*158
		Cochituate Brook	Confluence with Sudbury River	*128
			Conrail (Upstream crossing)	*128
		Hop Brook	Downstream Corporate Limits	*134
			790' upstream of downstream Corporate Limits	*144
			1,420' upstream of downstream Corporate Limits	*164
			20' upstream of Conrail (furthest downstream crossing)	*165
			110' downstream of Hemenway Road (Downstream crossing).	*175
			270' downstream of Hemenway Road (Upstream crossing).	*185
			60' downstream of Hemenway Road (Upstream crossing).	*193
			90' downstream of School Drive	*201
			85' upstream of Edgell Road	*208

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			65' downstream of Edmands Road	*214
			25' upstream of Edmands Road	*221
		Baiting Brook	Confluence with Sudbury River	*165
			Upstream of Salem End Road	*179
			Upstream of Pleasant Street	*189
			330' downstream of Belknap Street	*195
			1,200' upstream of Belknap Street	*205
		Brook from Waushakum Pond	Confluence with Beaverdam Brook	*158
			Upstream Corporate Limits	*160
Maps available for inspection at the Planning Department, Town Offices, Union Avenue and Concord Street, Framingham, Massachusetts.				
Minnesota	(C) Mantorville, Dodge County (Docket No. FEMA-6033)	South Branch Middle Fork Zumbro River.	About 3,000 feet upstream of eastern corporate limits	*1117
			Western corporate limits	*1123
		North Tributary	Just upstream of Jefferson Street	*1129
			Just downstream of 7th Street	*1134
			Just downstream of Stagecoach Road	*1166
		South Tributary	Just upstream of Field Road (about 300 feet downstream of County Highway 12).	*1128
			Just upstream of County Highway 12	*1136
			Southern corporate limits	*1140
Maps available for inspection at the City Hall, Mantorville, Minnesota.				
Nebraska	(V) Hickman, Lancaster County (Docket No. FEMA-6053)	Hickman Branch	About 0.27 mile downstream of State Highway 477	*1236
			Just upstream of State Highway 477	*1242
			Just upstream of Chestnut Street	1252
			About 0.48 mile upstream of Chestnut Street	*1253
		Hickman Branch Tributary	Mouth at Hickman Branch	*1244
			Just upstream of Main Street	*1248
			About 120 feet upstream of 7th Street	*1256
			About 0.17 mile upstream of 7th Street	*1256
Maps available for inspection at the City Hall, Hickman, Nebraska.				
Nebraska	(Uninc.) Lancaster County (Docket No. FEMA-6053)	North Oak Creek	About 2,100 feet downstream of West Agnew Road	*1225
			About 1,800 feet upstream of West Agnew Road	*1257
			About 700 feet upstream of Northwest 70th Street	*1265
		Oak Creek	About 300 feet upstream of West Bluffs Road	*1192
			About 400 feet upstream of Village of Raymond extraterritorial limits.	*1204
		Salt Creek	About 5,000 feet downstream of North 148th Street	*1108
			At City of Lincoln northeastern extraterritorial limits	*1119
			About 1.5 miles downstream of City of Lincoln southern extraterritorial limits.	*1192
			Just upstream of Saltillo Road	*1196
		South Branch Middle Creek	Mouth at Middle Creek	*1205
			Just upstream of U.S. Highway 6	*1224
			Just downstream of Southwest 140th Street	*1258
		Middle Creek	About 550 feet downstream of Northwest 98th Street	*1204
			About 600 feet upstream of Northwest 98th Street	*1205
		Stevens Creek	About 3,800 feet downstream of Van Dorn Street	*1200
			Just upstream of Pioneer Boulevard	*1216
			Just upstream of Old Cheney Road	*1241
			About 8,700 feet upstream of Pine Lake Road	*1289
		Haines Branch	At City of Lincoln extraterritorial limits	*1198
			Just downstream of West Old Cheney Road	*1211
Maps available for inspection at the City-County Building, 555 South 10th Street, Lincoln, Nebraska.				
New Jersey	Franklin, Township, Gloucester County (Docket No. FEMA-6033).	Still Run	Upstream of downstream corporate limits	*77
			Upstream of Iona Lake Spillway Bridgton Road	*88
			Upstream of State Route 538	*96
			Downstream of Little Mill Road	*100
			Downstream of upstream corporate limits	*108
		Little Ease Run	Upstream of confluence with Still Run	*83
			Upstream of Conrail	*95
			Downstream of upstream corporate limits	*104
		Scotland Run	Upstream of downstream corporate limits	*78
			Upstream of Route 40	*85
			Upstream of Route 47	*94
			Downstream of Grant Avenue	*105
			Downstream of Washington Avenue	*109
Maps available for inspection at the Township Clerk's Office, Franklin Municipal Building, Delsea Drive, Franklinville, New Jersey.				
New Jersey	Ringwood, Borough, Passaic County (Docket No. FEMA-6014).	West Brook	West Brook Road	*306
			Downstream Spillway (USGS Gage 01386000)	*328
			Confluence with Burnt Meadow Brook	*341
			Upstream side of Magee Road	*349
			Approximately 1,844 feet upstream of Magee Road	*370
			Downstream side of Footbridge approximately 3,000 feet upstream of Magee Road.	*391
			Approximately 1,500 feet upstream of Footbridge	*454
			Upstream corporate limits	*509
		Burnt Meadow Brook	Confluence with West Brook	*341
			Approximately 2,000 feet upstream of confluence with West Brook.	*368
			Upstream side of Magee Road	*374
			Approximately 1,800 feet upstream of Magee Road	*386

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Footbridge approximately 3,588 feet upstream of Magee Road.	*395
			Approximately 1,945 feet upstream of Footbridge	*437
			Approximately 2,315 feet upstream of Footbridge	*453
			Approximately 2,920 feet upstream of Footbridge	*520
			Approximately 4,065 feet upstream of Footbridge	*571
			Confluence with Burnt Meadow Brook Branch 5	*600
			Approximately 1,200 feet upstream of confluence with Burnt Meadow Brook Branch 5.	*628
			Upstream corporate limits	*644
		Burnt Meadow Brook Branch 5	Confluence with Burnt Meadow Brook	*600
			Downstream side of Art Street	*624
			Upstream side of Harrison Mt. Lake Spillway	*637
			Downstream side of Woodside Avenue	*664
			Approximately 610 feet upstream of Woodside Avenue	*689
		Erskine Brook	Confluence with Wanaque Reservoir	305*
			Upstream side of spillway approximately 740 feet upstream of confluence.	*311
			Skyline Drive	*333
			Approximately 1,068 feet upstream of Skyline Drive	*399
			Downstream side of downstream crossing of Lakeview Avenue.	*471
			Upstream side of Erskine Lake Spillway	*485
			Downstream side of upstream crossing of Lakeview Avenue.	*491
			Approximately 1,425 feet upstream of Upper Erskine Spillway.	*509
		Cupsaw Brook	Confluence with Wanaque Reservoir	*305
			50 feet upstream of Spillway (USGS Gage 01385000)	*310
			Downstream side of of Carltondale Road	*340
			Upstream side of Cupsaw Lake Spillway	*390
			Upstream side of Cupsaw Drive	*395
			Approximately 370 feet upstream of Cupsaw Drive	*400
		Cupsaw Brook Branch 1	Confluence with Cupsaw Brook	*307
			Upstream side of Drop Spillway approximately 780 feet upstream of confluence.	*316
			Upstream side of Birch Place	*321
			Upstream side of Drop Spillway by Zuk Place	*332
			Upstream side of Carletondale Road	*351
			Approximately 1,100 feet upstream of Carletondale Road.	*404
		Cupsaw Brook Branch 2	Confluence with Cupsaw Brook	*390
			Upstream side of Cupsaw Drive	*407
			Downstream side of Woodland Road	*427
			Upstream side of Skylands Road	*442
			Approximately 55 feet upstream of Skylands Road	*445
		Cupsaw Brook Branch 3	Confluence with Cupsaw Brook	*390
			Upstream side of Cupsaw Drive	*397
			Upstream side of of Stetson Road	*470
			Downstream side of Skylands Road	*502
			Approximately 55 feet upstream of Skylands Road	*505
		Cupsaw Brook Branch 4	Confluence with Cupsaw Brook	*393
			Upstream side of Cupsaw Drive	*399
			Downstream side of Kraft Place	*433
			Approximately 877 feet upstream of Kraft Place	*472
		Ringwood Creek	Confluence with Wanaque Reservoir	*305
			Upstream side of Spillway (USGS Gage 01384500)	*307
			Upstream side of Margaret King Avenue	*318
			Downstream side of Green Camp Lake Spillway	*320
			Downstream side of Farm Road	*332
			At Ringwood Manor State Park boundary	*330
		Ringwood Creek Branch 1	Confluence with Ringwood Creek	*320
			Approximately 650 feet upstream of confluence with Ringwood Creek.	*324
			Approximately 35 feet upstream side of Sloatsburg Road.	*339
		Wanaque River	Downstream corporate limits	*305
			Upstream side of Reservoir Culvert	*308
			Upstream side of Spillway (USGS Gage 01384000)	*312
			Upstream side of Stonetown Road	*321
			Approximately 4,200 feet upstream of Stonetown Road	*332
		Meadow Brook	Downstream corporate limits	*261
			Upstream side of Lower Skyline Lakes Spillway	*271
			Approximately 550 feet upstream of confluence with High Mountain Brook.	*283
		Stephens Lake Brook	Downstream corporate limits	*269
			Upstream side of Bridge at confluence with Stephens Lake Brook Branch 1.	*278
			Upstream corporate limits	*316
		Stephens Lake Brook Branch 1	Approximately 700 feet downstream of Poe Avenue	*495
			Downstream side of Poe Avenue	*508
			Upstream side of Poe Avenue	*513
			Approximately 720 feet upstream of Poe Avenue	*510
		Stephens Lake Brook Branch 2	Confluence with Stephens Lake Brook	*311
			Downstream side of Driveway 440 feet upstream of confluence.	*344
			Upstream side of Foot bridge approximately 722 feet upstream of confluence.	*351

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Corporate limits at Conklintown Road	*363
			Corporate limits downstream side of Poplar Drive	*456
			Upstream side of Poplar Drive	*465
			Approximately 1,965 feet upstream of Poplar Drive	*495
		Meadow Brook Branch 2	Confluence with Meadow Brook at Lower Skyline Lake	*272
			Upstream side of Skyline Lakes Drive	*280
			Approximately 955 feet upstream of Hidden Valley Lake Drop Spillway.	*291
		High Mountain Brook	Confluence with Meadow Brook at Upper Skyline Lake	*283
			Downstream side of Skyline Lakes Drive	*287
			Downstream side of Skyline Drive	*369
			James Drive (Unimproved)	*431
			Approximately 1,575 feet upstream of James Drive (Unimproved).	*526
			Approximately 3,261 feet upstream of James Drive (Unimproved).	*581
			Approximately 4,171 feet upstream of James Drive (Unimproved).	*598
			Approximately 6,260 feet upstream of James Drive (Unimproved).	*678
Maps available for inspection at the Ringwood Municipal Building, 60 Margaret King Avenue, Ringwood, New Jersey.				
New York	Newark Valley, Village, Tioga County (Docket No. FEMA-6033).	East Branch Owego Creek	Downstream Corporate Limits	*946
			Approximately 2,000' upstream of Silk Street	*956
			Approximately 1,015' upstream of upstream crossing of Corporate Limits.	*969
Maps available for inspection at the Newark Valley Village Hall, Park Street, Newark Valley, New York.				
New York	Newark Valley, Town, Tioga County (Docket No. FEMA-6003).	East Branch Owego Creek	Downstream Corporate Limits	*907
			Upstream of Knapp Road	*992
			Approximately 5,000 feet upstream of Knapp Road	*933
			Upstream of Silk Street	*953
			Upstream Corporate Limits (with Village of Newark Valley.	*968
			Confluence of Wilson Creek	*981
			Footbridge (upstream side)	*992
			Upstream of Brown Road	*1,004
			Upstream Corporate Limits	*1,016
		West Branch Owego Creek	Downstream Corporate Limits	*894
			Approximately 2,400 feet upstream of West Creek Road.	*912
			Upstream of Blewer Road	*925
			Approximately 3,000 feet upstream of Blewer Road	*934
			At second upstream crossing of West Creek Road	*956
			Upstream of West Newark Cross Road	*984
			Approximately 5,000 feet upstream of West Newark Cross Road.	*996
			Upstream Corporate Limits	*1,028
		Wilson Creek	At confluence with East Branch Owego Creek	*981
			At Wilson Creek Road	*986
Maps available for inspection at the Town Clerk's residence, Mr. Joe Hutchinson, 20 Brook Street, Village of Newark Valley, New York.				
New York	Somerset, Town, Niagara County (FEMA-6015)	Golden Hill Creek	Downstream Corporate Limits	*268
			Upstream of Lower Lake Road	*276
			2,350' upstream second crossing Carmen Road	*286
			800' downstream Third crossing Carmen Road	*296
			2,000' upstream Third crossing Carmen Road	*306
			Downstream State Route 18	*316
			Upstream Corporate Limits first crossing	*326
			Downstream Hartland Road	*337
			4,690' upstream West Somerset Road	*347
			Downstream Homser Road	*353
			Homser Road	*355
		Fish Creek	Confluence with Lake Ontario	*250
			Downstream Lower Lake Road	*258
			120' upstream Lower Lake Road	*265
Maps available for inspection at the Office of the Town Clerk, Town Hall, 87 Haight Road, Barker, New York.				
North Dakota	Pleasant (Township), Cass County FEMA-6027	Red River of the North	Area of flooding east of Chicago, Milwaukee, St. Paul and Pacific Railroad in Section 6, T13 N, R48W.	*911
Maps available for inspection at Hickson Grain Elevator, Hickson, North Dakota.				
Oregon	Harrisburg (City), Linn County FEMA-6053	Willamette River	150 feet west of the intersection of 1st Street and Macy Street.	*307
Maps available for inspection at City Hall, Harrisburg, Oregon.				
Pennsylvania	Fayette City, Borough, Fayette County (Docket No. FEMA-6027).	Monongahela River	Downstream Corporate Limits	*764
			Upstream Corporate Limits	*764
		Downers Run	Confluence with Monongahela River	*764
			Approximately 320 feet downstream of Brightwell Avenue.	*764
			Corporate Limits	*768

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. • Elevation in feet (NGVD)
Maps available for inspection at the Post Office, Main Street, Fayette City, Pennsylvania.				
Pennsylvania	Lansdowne, Borough, Delaware County (Docket No. FEMA-6033).	Darby Creek	Downstream Corporate Limits	*39
			Upstream Hillside Road	*40
			Downstream Conrail	*67
			Upstream Corporate Limits	*71
Maps available for inspection at the Borough Building, 12 East Baltimore Avenue, Lansdowne, Pennsylvania.				
Pennsylvania	Lower Salford, Township, Montgomery County (Docket No. FEMA-6027).	West Branch Skippack Creek	Morris Road	*210
			Approximately 2,050 feet downstream of Stover Road	*225
			Stover Road	*237
			Alderfer Road	*240
			Approximately 2,000 feet upstream of Alderfer Road	*265
			Approximately 1,500 feet downstream of Yoder Road	*279
			Yoder Road	*290
		Indian Creek	Downstream of Indian Creek Road	*190
			Confluence of Tributary 1	*205
			Downstream of State Route 63	*212
			Upstream of State Route 63	*221
			Upstream Corporate Limits	*225
		East Branch Perkiomen Creek	Downstream Corporate Limits	*154
			Approximately 3,000 feet downstream of Camp Wawa Road.	*163
			Old Skippack-Salfordville Road	*183
			Upstream of Freeman School Road	*195
			Upstream Corporate Limits	*199
			2nd upstream Corporate Limits	*200
Maps available for inspection at Lower Salford Township Building, 474 Main Street, Harleysville, Pennsylvania.				
Pennsylvania	Perkiomen, Township, Montgomery County (Docket No. FEMA-6033).	Perkiomen Creek	Downstream Corporate Limits	*123
			Graterford Road	*129
			Confluence of East Branch Perkiomen Creek	*138
			Upstream Corporate Limits	*140
		East Branch Perkiomen Creek	Confluence with Perkiomen Creek	*138
			Approximately 4,100 feet upstream of confluence with Perkiomen Creek.	*145
			Upstream Corporate Limits	*154
Maps available for inspection at the Township Building, Perkiomen, Pennsylvania.				
Pennsylvania	Perryopolis, Borough, Fayette County (Docket No. FEMA-6027).	Washington Run	Downstream Corporate Limits	*862
			Approximately 500' upstream of Corporate Limits	*873
			Approximately 900' upstream of Corporate Limits	*883
			Approximately 450' downstream of Straton Road	*893
			Approximately 250' downstream of Straton Road	*903
			Downstream side of Straton Road	*913
			Approximately 300' downstream of Strawn Road	*922
			Upstream of Strawn Road	*931
			Approximately 640' downstream of Cemetery Road	*941
			Upstream of Private Drive	*947
			Downstream of Liberty Street	*951
			Upstream of Liberty Street	*956
			Downstream of Access Road	*962
			Upstream Corporate Limits	*965
		Tributary A	Confluence with Washington Run	*957
			Downstream of State Route 51	*959
			Upstream of State Route 51	*962
			Downstream of Quaker Church Road	*966
			Upstream Corporate Limits	*968
Maps available for inspection at the Municipal Building, 201 East Independent Street, Perryopolis, Pennsylvania.				
Pennsylvania	Robinson, Township, Allegheny County (Docket No. FEMA-6027).	Ohio River Back Channel	Downstream Corporate Limits	*718
			Approximately 2,200 feet upstream of Interstate 79 Exit Ramp.	*719
		Montour Run	Downstream Corporate Limits	*718
			Statia Street, extended (downstream)	*719
			State Routes 50 and 51 (upstream)	*720
			Approximately 3,600 feet upstream State Routes 50 and 51.	*731
			Approximately 4,600 feet downstream of Sharon Grade Road.	*747
			Sharon Grade Road (downstream)	*768
			Hickman Road (downstream)	*815
			Montour Railroad (downstream)	*822
		Moon Run	Confluence with Ohio River	*719
			Interstate 79 culvert (upstream)	*723
			State Routes 51 and 50 culvert (downstream)	*729
			State Routes 51 and 50 culvert (upstream)	*737
			Approximately 250 feet upstream of State Routes 50 and 51 culvert.	*742
		Chartiers Creek	Downstream Corporate Limits	*738
			First Corporate Limits	*739
			Second Corporate Limits	*747
			Ingram Avenue (downstream)	*748
		Tributary A	Downstream Corporate Limits	*768
			Approximately 1,550 feet upstream from corporate limits.	*788

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 2,400 feet upstream from Corporate Limits.	*819
		Campbells Run	Downstream Corporate Limits	*816
			Interstate 79 culvert (downstream)	*837
			Approximately 400 feet upstream of Interstate 79 culvert.	*878
			Approximately 1,175 feet downstream of Campbells Run Road first crossing.	*891
			First crossing Campbells Run Road (upstream)	*905
			Upstream Corporate Limits	*990
			Approximately 1,700 feet upstream Corporate Limits	*1,004
			Approximately 400 feet upstream McMichael Road, extended.	*1,027
			Approximately 550 feet upstream of Devassie Road, extended.	*1,087
Maps available for inspection at the Municipal Building, Ewings Mill Road, Robinson, Pennsylvania.				
Pennsylvania	Salford, Township, Montgomery County (Docket No. FEMA-6033).	East Branch Perkiomen Creek	Moyer road bridge (upstream side) and downstream Corporate Limits.	*220
			Dam (upstream side) located approximately 1,700' above Moyer Road bridge.	*224
			Fretz Road bridge (upstream side)	*234
			Camp Road bridge (upstream side)	*243
			Allentown Road bridge (upstream side)	*257
			Dam (upstream side) located approximately 4,760' above Allentown Road bridge.	*268
			County Line Road bridge (downstream side) and upstream Corporate Limits.	*276
Maps available for inspection at the Township Building, Salford, Pennsylvania.				
Pennsylvania	South Fayette, Township, Allegheny County (Docket No. FEMA-6027).	Charters Creek	Downstream Corporate Limits	*817
			Interstate Route 79 upstream	*824
			Conrail bridge upstream	*833
			Mayview Road upstream	*841
			Conrail bridge upstream	*653
			Upstream of Boyce Road	*857
			Upstream Corporate Limits	*860
		Millers Run	Confluence with Charters Creek	*819
			Koppers Entrance upstream	*827
			Conrail upstream	*837
			Millers Run Road upstream (first crossing)	*852
			Morgan Hill Road upstream	*864
			Millers Run Road upstream (second crossing)	*872
			Norfolk and Western Railroad upstream	*691
			Parks Road upstream	*911
			Upstream corporate limits	*926
		Robinson Run	Mowey Avenue	*922
			Access Road upstream	*938
			Cemetery Hill Road	*949
			Upstream Corporate Limits	*960
Maps available for inspection at the South Fayette Township Building, Millers Run Road, Morgan, Pennsylvania.				
Pennsylvania	Swatara, Township, Dauphin County (Docket No. FEMA-5845).	Susquehanna River	Downstream Corporate Limits	*314
			At confluence of Spring Creek	*306
		Laurel Run	Downstream Corporate Limits	*389
			Downstream State Route 441	*427
		Spring Creek	Confluence with Susquehanna River	*314
			Upstream Gibson Street	*338
			Upstream Interstate 83	*362
			Upstream Oakleigh Avenue	*371
			Upstream Corporate Limits	*393
		Parkway Creek	Upstream confluence with Spring Creek	*359
			Upstream Corporate Limits	*373
		Lawnton Branch Spring Creek	Upstream 40th Street	*373
			Upstream 49th Street	*394
		West Branch Spring Creek	Confluence with Spring Creek	*386
			Upstream Corporate Limits	*386
		Swatara Creek	Downstream Corporate Limits	*325
			Upstream U.S. Route 322	*327
			Upstream Corporate Limits	*328
		Beaver Creek	Upstream confluence with Swatara Creek	*328
			Upstream Conrail	*333
			Downstream Corporate Limits	*335
Maps available for inspection at the Swatara Township Building, 599 Eisenhower Boulevard, Harrisburg, Pennsylvania.				
South Dakota	Deadwood (City), Lawrence County FEMA-6033	Whitewood Creek	Intersection of Creek and center of Charles Street	*4586
			40 feet upstream from center of Dunlop Street	*4484
		Deadwood Creek	50 feet upstream from center of U.S. Highway 14A	*4630
Maps available for inspection at City Hall, 3 Siever Street, Deadwood, South Dakota.				
Texas	Town of Pattison, Waller County (FEMA-6053)	Bell Bottom Creek	Just upstream of FM 359	*146
			Just downstream of Royal Road	*150

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at Town Hall, 3511 Avenue F, Pattison, Texas 77466.				
Utah	Riverdale (City), Weber County FEMA-6033	Weber River	Approximately 1300 feet upstream of confluence with Burch Creek at the corporate limits.	*4334
			Intersection of channel and Riverdale Road (U.S. Highway 91).	*4350
			Confluence with Riverdale Bench Canal	*4365
		Burch Creek	Upstream side of Pacific Boulevard over channel	*4340
			Upstream side of Riverdale Road (U.S. Highway 91) over channel.	*4370
Maps available for inspection at City Hall, 4459 South 700 West, Riverdale, Utah,				
Virginia	Falls Church, City (Docket No. FEMA-6033)	Tripps Run	Downstream Corporate Limits	*281
			Upstream West Westmoreland Avenue extended	*289
			Downstream South Oak Street	*298
		Four Mile Run	Downstream Corporate Limits	*280
			Downstream North Washington Street	*289
Maps available for inspection at the City Hall, in the Planning Department and Public Works Office and at the Public Library, Falls Church, Virginia.				
Virginia	Vienna, Town, Fairfax County (Docket No. FEMA-6027)	Wolftrap Creek	Downstream Corporate Limits	*350
			East Street (Upstream side)	*360
			Echols Street (Upstream side)	*370
			Approximately 1,300' upstream of Echols Street	*386
			Follin Lane (Upstream side)	*395
			Upstream Corporate Limits	*405
Maps available for inspection at the Town Hall, 127 Center Street South, Vienna, Virgina.				
Virginia	Stanley, Town, Page County (Docket No. FEMA-6027)	Tributary to Mawksbill Creek	Downsteam Corporate Limits	*986
			Downsteam opening of long culvert under State Route 689.	*1,019
			Upstream of State Route 689	*1,030
			Downsteam of Private Drive	*1,047
			Upstream of Judy Lane (State Route 623)	*1,055
			Upstream Corporate Limits	*1,070
Maps available for inspection at the Town Office, Stanley, Virgina				
Washington	Fircrest (Town), Pierce County FEMA-6033	Leach Creek	Intersection of Drake Street (38th Street West) and El Dorado Avenue.	*196
Maps available for inspection at Town Hall, 115 Ramsdell, Fircrest, Washington.				

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 (33 FR 17804, November 28, 1968); as amended (42 U.S.C. 4001–4128); Executive Order 12127; 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27634 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: FEMA

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program [NFIP]

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E. Federal Emergency Management Agency, National Flood Insurance Program (202) 287–0270 Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 [Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)], 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new

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

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

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Barkhamsted, Town, Litchfield County (Docket No. FEMA-6061.	West Branch Farmington River	Downstream Corporate Limits	*395
			Confluence of Morgan Brook	*405
			State Route 318 (Upstream side)	*418
			Approximately 8,200' upstream of State Route 318 (Access Road extended).	*442
			Upstream Corporate Limits	*502
		Morgan Brook	Confluence with West Branch Farmington River	*405
			Morgan Brook Drive (Upstream side)	*450
			Approximately 1,100' upstream of Morgan Brook Drive	*478
			State Route 318 (Upstream side)	*524
Maps available for inspection at the Barkhamsted Town Hall, Pleasant Valley, Connecticut.				
Connecticut	Harwinton, Town, Litchfield County (Docket No. FEMA-6061).	Naugatuck River	Downstream Corporate Limits	*456
			Downstream State Route 118	*508
			Upstream Bogue Road	*519
			Upstream Corporate Limits	*521
		Leddinine Brook	Upstream State Route 4	*680
			Upstream High View Road extended	*694
			Downstream Twin Ponds	*708
Maps available for inspection at the Town Clerk's Office, Town Office, Litchfield Road, Harwinton, Connecticut.				
Connecticut	Somers, Town, Tolland County (Docket No. FEMA-6061)	Scantic River	Corporate Limits	*163
			Maple Street (Upstream side)	*189
			Four Bridges Road	*194
			King Road (Upstream side)	*199
			Corporate Limits	*217
		Abbey Brook	Confluence with Scantic River	*191
			Billings Road (Downstream side)	*202
			475 feet upstream of Ninth District Road	*210
		Gull Stream	Confluence with Scantic River	*192
			Ninth District Road (Downstream side)	*203
			State Route 83 (Downstream side)	*245
			550 feet upstream of Route 83	*248
		Sohanado Brook	Confluence with Thrasher Brook	*195
			Turnpike Road (Downstream side)	*205
			2,630 feet upstream of Turnpike Road	*242
		Thrasher Brook	Confluence with Scantic River	*195
			King Road (Upstream side)	*204
			1,165 feet upstream of King Road	*209
Maps available for inspection at the Town Clerk's Office, Town Hall, 606 Main Street, Somers, Connecticut.				
Idaho	Ferman Lake (City), Kootenai County FEMA-6061	Ferman Lake	Approximately 20 feet southeast of the intersection of Theis Lane and Five Firs Drive.	*2,136
Maps available for inspection at the City Clerk's Home, 209 Bruce Drive, Coeur d'Alene, Idaho.				
Idaho	Post Falls (City), Kootenai County, FEMA-6061	Spokane River	Intersection of Spokane Avenue and channel	*2,126
Maps available for inspection at Planning & Zoning Department, 408 Spokane, Post Falls, Idaho.				
Idaho	Priest River (City), Bonner County, FEMA-6061	Pend Oreille River	Intersection of center of U.S. Highway 2 (State Highway 200) and Priest River.	*2,070
Maps available for inspection at City Clerk's Office, City Hall, 209 High Street, Priest River, Idaho.				
Idaho	Sandpoint (City), Bonner County, FEMA-6061	Lake Pend Oreille	Intersection of Pacific Street and South Second Avenue.	*2,071
			Intersection of center of Bridge Street and Sand Creek	*2,070
Maps available for inspection at Engineering Department, City Hall, 110 Main Street, Sandpoint, Idaho.				
Iowa	(Uninc.) Des Moines County (Docket No. FEMA-6033)	Mississippi River	At downstream county boundary	*531
			Just upstream of Lock and Dam No. 18	*538
			At upstream county boundary	*543
		Flint Creek	About 2,000 feet downstream of State Highway 99	*565
			Just upstream of State Highway 99	*537
			About 200 feet upstream of County Road X 60	*549
			Just downstream of U.S. Highway 61	*562
			Just upstream of confluence of Little Flint Creek	*578
			Just downstream of County Road (about 2.4 miles upstream of confluence of Little Flint Creek).	*591
			About 0.6 mile upstream of County Road H 50	*628
		Little Flint Creek	Mouth at Flint Creek	*578
			Just upstream of County Road X 40	*584
			Just upstream of County Road (about 1.7 miles upstream of County Road X 40).	*614

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.3 miles upstream of County Road (about 3.0 miles upstream of County Road X 40).	*641
		Long Creek	Just upstream of County Road J 20	*687
			Just downstream of County Road X 31 (about 0.7 mile upstream of County Road J 20).	*691
			Just upstream of County Road X 31 (about 0.7 mile upstream of County Road J 20).	*690
			About 450 feet upstream of County Road X 31 (near City of Danville).	*700
		Knotty Creek	At mouth at Flint Creek	*582
			About 2.0 miles upstream of mouth at Flint Creek	*686
		Hawkeye Creek	About 1,750 feet upstream of confluence of West Tributary Hawkeye Creek.	*672
			Just downstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*699
			About 100 feet upstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*704
			Just upstream of Treatment Plant Road	*735
			At City of Mediapolis corporate limits	*744
		Spring Creek	About 0.5 mile downstream of Great River Road	*534
			Just upstream of Great River Road	*543
			About 100 feet upstream of U.S. Highway 61	*547
			About 200 feet upstream of County Road (about 1.5 miles upstream of U.S. Highway 61).	*572
			About 0.25 mile upstream of County Road (about 2.4 miles upstream of U.S. Highway 61).	*578
		North Branch Spring Creek	At mouth at Spring Creek	*543
			About 1.2 miles downstream of Haskell Road	*560
			Just upstream of Haskell Road	*637
Maps available for inspection at the Office of the County Engineer, Des Moines County Courthouse, Burlington, Iowa.				
Louisiana	Town of Walker, Livingston Parish (FEMA-5828)	Dumplin Creek	Just upstream of Aydell Street	*42
			Just upstream of Brannon Street	*47
			Approximately 500 feet upstream of Field Road	*49
		Dumplin Creek Tributary	Just upstream of Travis Street	*45
			Just upstream of East Railroad Avenue	*47
			Just downstream of northern corporate limits	*49
		Middle Colyell Creek	Just upstream of U.S. Highway 190	*46
			Approximately 950 feet upstream of Old Robin Road	*48
		Middle Colyell Tributary (backwater from West Colyell Creek).	Just upstream of Interstate Highway 12	*30
			Approximately 500 feet upstream of Pleasant Ridge Dr	*30
		West Colyell Creek	Approximately 200 feet upstream of Interstate Highway 12.	*30
			Approximately 200 feet upstream of U.S. Highway 190	*43
			Approximately 200 feet downstream of Illinois Central Gulf Railroad.	*46
		West Colyell Tributary	Just upstream of Oak Drive	*39
			Just downstream of U.S. Highway 190	*45
Maps available for inspection at Town Hall, Highway 190, P.O. Box 217, Walker, Louisiana 70785.				
Maryland	Hancock, Town, Washington County (Docket No. FEMA-5828).	Potomac River	Downstream Corporate Limits	*430
			Upstream Corporate Limits	*432
		Little Tonoloway Creek	Confluence with Potomac River	*432
			Upstream Corporate Limits	*432
Maps available for inspection at the Town Hall, Hancock, Maryland.				
Massachusetts	Franklin, Town, Norfolk County (Docket No. FEMA-6005)	Charles River	Downstream Corporate Limits	*138
			300 feet downstream of Lincoln Street	*148
			Downstream of Factory Dam	*151
			Upstream of Factory Dam	*164
			Downstream of West Medway Dam	*172
			Upstream of West Medway Dam	*176
			Upstream Corporate Limits	*184
		Mine Brook	Confluence with Charles River	*176
			Downstream of I-495 (1st crossing)	*185
			Downstream of West Central Street	*194
			1,090 feet upstream of West Central Street	*206
			1,650 feet upstream of West Central Street	*215
			Downstream of Old Grove Street	*222
			Upstream of I-495 (2nd crossing)	*232
			Upstream of Conrail Bridge	*242

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Washington Street	*250
		Shepards Brook	Confluence with Charles River	*166
			1,070 feet upstream of Partridge Street	*170
Maps available for inspection at the Office of the Building Inspector, Municipal Building, 150 Emmons Street, Franklin, Massachusetts.				
Michigan	(C) Allen Park, Wayne County (Docket No. FEMA-6052)	North Branch Ecorse Creek	Just downstream of eastbound Interstate 94	*597
			Just upstream of westbound Interstate 94	*599
			Just downstream of Southfield Service Drive	*600
		Russell Avenue Diversion	Just downstream of Shenandoah Street	*599
			About 240 feet upstream of Lerme Street	*600
		Euclid Avenue Diversion	Just downstream of Shenandoah Street	*599
			About 140 feet upstream of Watson Street	*600
Maps available for inspection at the Clerk's Office, Village Hall, 16850 Southfield Road, Allen Park, Michigan.				
Minnesota	(C) Brooklyn Center, Hennepin County (Docket No. FEMA-6052).	Shingle Creek	Just upstream of 53rd Avenue North	*842
			Just upstream of 63th Avenue North	*846
			Just upstream of Brooklyn Boulevard	*859
		Mississippi River	About 1.3 miles downstream of Interstate 694	*816
			About 1.2 miles upstream of Interstate 694	*829
		Twin Lakes	Shoreline	*856
		Ryan Lake	Shoreline	*856
Maps available for inspection at the City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.				
New Jersey	Bordentown, City, Burlington County (Docket No. FEMA-6061).	Crosswicks Creek	Downstream Corporate Limits	*14
			Upstream Corporate Limits	*14
		Blacks Creek	Downstream Corporate Limits	*14
			Burlington Street	*14
			Upstream Corporate Limits	*14
Maps available for inspection at the Office of the City Clerk, City Hall, 324 Farnsworth Avenue, Bordentown, New Jersey.				
New Jersey	Burlington, Township, Burlington County (Docket No. FEMA-6053).	Delaware River	Entire shoreline within Corporate Limits	*11
		Mill Creek	Downstream Corporate Limits	*31
			Confluence of Tributary No. 2	*34
			Interstate Route 295 (downstream side)	*37
Maps available for inspection at the Office of the Township Engineer, 851 Old York Road, Burlington, New Jersey.				
New Jersey	Tenafly, Borough, Bergen County (Docket No. FEMA-6053).	Tenakill Brook	Downstream Corporate Limits	*39
			Sommerset Road (extended)	*41
			Norman Place	*43
Maps available for inspection at the Office of the Borough Clerk, Municipal Center, 401 Tenafly Road, Tenafly, New Jersey.				
New York	Geddes, Town, Onondaga County (Docket No. FEMA-6053).	Seneca River	Downstream Corporate Limits	*371
			Upstream Corporate Limits	*371
		Onondaga Lake Outlet	Entire Shoreline	*372
		Onondaga Lake	Entire Shoreline	*372
		Ninemile Creek	Confluence with Onondaga Lake	*372
			Upstream Interstate 690	*374
			Upstream State Fair Boulevard	*378
			Upstream Corporate Limits	*380
		Geddes Brook	Confluence with Ninemile Creek	*360
			Downstream Corporate Limits of the Village of Solvay	*382
			Upstream Corporate Limits of the Town of Camillus	*435
			State Route 5 (upstream)	*443
			Upstream Corporate Limits	*448
		Harbor Brook	Downstream Corporate Limits	*412
			Grand Avenue Upstream	*424
			Approximately 1,210 feet upstream of Grand Avenue	*429
			Approximately 2,210 feet upstream of Grand Avenue	*438
			Approximately 3,010 feet upstream of Grand Avenue	*449
			Sewer Pipe (upstream)	*456
			Upstream Corporate Limits	*464
Maps available for inspection at the Geddes Town Hall, 1000 Woods Road, Solvay, New York.				
New York	New Haven, Town, Oswego County (Docket No. FEMA-5973).	Catfish Creek	Confluence with Lake Ontario	*249
			2,150 feet upstream of confluence with Lake Ontario	*250
			1,330 feet downstream of the Dam	*269
			540 feet downstream of the Dam	*270
			80 feet downstream of the Dam	*290
			10 feet upstream of the Dam	*292
			10 feet upstream of County Road 6	*298

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,220 feet upstream of County Road 6	*205
			1,700 feet upstream of County Road 6	*206
		Otter Branch	Confluence with Lake Ontario	*249
			900 feet upstream of confluence with Lake Ontario	*250
			2,500 feet upstream of confluence with Lake Ontario	*260
			2,400 feet downstream of North Road	*270
			1,570 feet downstream of North Road	*280
			700 feet downstream of North Road	*290
			Downstream side of North Road	*297
		Lake Ontario	Entire coastline within community	*249
Maps available for inspection at the New Haven Assessor's Office, Stone Road, New Haven, New York.				
New York	Nichols, Town, Tioga County (Docket No. FEMA-6053)	Susquehanna River	Corporate Limits (downstream)	*774
			State Route 282	*791
			Corporate Limits (upstream)	*814
Maps available for inspection at the Town Clerk's Office, Cady Library Building, 17 River Street, Nichols, New York.				
New York	Phoenix, Village, Oswego County (Docket No. FEMA-6053).	Oswego River	Downstream Corporate Limits	*364
			Upstream Corporate Limits	*367
Maps available for inspection at the Sweet Municipal Building, 821 Main Street, Phoenix, New York.				
New York	Skaneateles, Village, Onondaga County (Docket No. FEMA-5947).	Skaneateles Lake	Entire shoreline within the community	*867
		Skaneateles Creek	Upstream of downstream corporate limits	*857
			Upstream of West Elizabeth Street	*850
			Downstream of State Dam	*860
Maps available for inspection at the Village Office, 46 Genesee Street, Skaneateles, New York.				
New York	Windsor, Village, Broome County (Docket No. FEMA-6039)	Susquehanna River	Downstream Corporate Limits	*920
			Upstream Corporate Limits	*924
Maps available for inspection at the Village Hall, Main Street, Windsor, New York.				
North Carolina	Unincorporated Areas of Cumberland County, FEMA-6061	Cape Fear River	Just upstream of U.S. Interstate I-95	*60
		Rockfish Creek	Just upstream of Highway 301	*60
			Just upsteam of North Carolina 59	*91
			Just upstream of State Road 1255	*103
			Just upstream of Upchurch Dam	*120
		Little Rockfish Creek	Just downstream of State Road 1003	*112
			Just downstream of State Road 1104	*139
			Just downstream of U.S. Highway 401	*174
		Buckhead Creek	Just upstream of State Road 1003	*116
			Just upstream of Cumberland Rd	*145
			Just downstream of U.S. Highway 401	*184
		Beaver Creek	Just upstream of Cumberland Rd. (St. Rd. 1141)	*127
			Just downstream of Morganton Rd. (State Road 1404)	*165
			Just upstream of Santa Fe Drive	*185
		Beaver Creek Tributary A	Just upstream of Bingham Drive	*172
			Just upstream of U.S. Highway 401 (Raeford Road)	*192
		Beaver Creek Tributary B	Just upstream of Breached Dam	*133
		Stewarts Creek	Just upstream of Reilly Road	*188
			Just upstream of South Ingleside Drive	*191
		Country Club Branch Tributary A (Flooding Effects from Country Club Branch).	Just downstream of Dam	*147
		Carvers Creek	Just upstream of Norfolk Southern Railroad	*92
			Just upstream of U.S. Highway 401	*111
		Persimmon Creek	Just upstream of Morganton Road (St. Rd. 1404)	*167
		Bones Creek	Just upstream of U.S. Highway 401 (Raeford Road)	*164
			Just upstream of State Road 1400 (Cliffdale Rd.)	*175
		Bones Creek Tributary A	Just upstream of State Road 1393	*180
		Mill Creek	Just upstream of Private Drive	*86
		Blounts Creek	Just upstream of Dam	*134
		Cross Creek	Just upstream of Shaw Mill Road	*157
		Carvers Creek Tributary A	Just upstream of Wolf Point Rd	*125
		Cedar Falls Creek	Just upstream of U.S. Highway 401	*110
		Cedar Falls Creek Tributary A	Just upstream of U.S. Highway 401	*111
		Little River	Just downstream of State Highway 210	*142
			Just upstream of Manchester Rd. (St. Rd. 1451)	*162
			Just downstream of State Highway 87	*162
		Tank Creek	Just downstream of Seaboard Coastline Railroad	*174
Maps available for inspection at Cumberland County Planning Department, Old County Courthouse, Gillespie Street, Fayetteville, North Carolina 28305.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Town of Grifton, Pitt and Lenoir Counties FEMA-6061	Contentnea Creek	Intersection of Water Street and Main Street	*23
		Contentnea Creek South Tributary	Intersection of Gordon Street and McCrae Street	*30
Maps available for inspection at Town Hall, West Queen Street, Grifton, North Carolina.				
North Carolina	Town of Mount Olive, Wayne and Duplin Counties FEMA 6061.	Northeast Cape Fear River	Upstream of State Road 1004	*135
		Thunder Swamp	Upstream of State Road 1147	*139
		Thunder Swamp Tributary	Downstream of State Road 1147	*142
			Upstream of State Road 1141	*144
		Pasture Branch	Downstream of Bell Avenue	*144
			Upstream of Bell Avenue	*148
		Lee Branch	Downstream of State Road 1139	*138
			Upstream of State Road 1133	*143
Maps available for inspection at Town Hall, East James Street, Mount Olive, North Carolina 28365.				
North Carolina	Town of Seven Springs, Wayne County FEMA-6067	Neuse River	Just upstream of Main Street	*55
			At the intersection of State Road 1739 and Simmons Street.	*56
Maps available for inspection at Town Hall, East Spring Street, Seven Springs, North Carolina 28578.				
Oklahoma	City of Jenks Tulsa County (FEMA-5956)	Arkansas River	Just upstream of East Main Street	*615
		Polecat Creek	Just upstream of S. Peoria Avenue	*620
			Just upstream of S. 33rd W. Avenue	*633
		Posey Creek	Just upstream of Missouri Pacific Railroad	*606
			Just upstream of 141st Street	*620
		Coal Creek	Approximately 100 feet downstream of 121st Street	*644
Maps available for inspection at City Planner's Office, City Hall, 123 East Main Street, Jenks, Oklahoma 74037.				
Oklahoma	Town of Piedmont, Canadian County (FEMA-6067)	Soldier Creek	Just upstream of Edmond Road	*1,120
			Just upstream of Sixteenth Street	*1,152
		Soldier Creek South Branch	Just upstream of Sixteenth Street	*1,150
		Deer Creek Tributary 5	Just downstream of Piedmont Road	*1,171
			Just upstream of Washington Street	*1,180
		Deer Creek Tributary 2	Just downstream of Washington Street	*1,199
			Just upstream of Dam	*1,216
Maps available for inspection at Town Hall, Piedmont Road North, Piedmont, Oklahoma 73078.				
Oregon	Tualatin (City), Washington County FEMA-6061	Tualatin River	Interstate Highway 5 over the channel	*123
			Southern Pacific Railroad over the channel	*125
		Nyberg Slough	Upstream side of Southwest 65th Avenue over the channel.	*122
			Southwest Tonka Road over the channel	*124
Maps available for inspection at City Hall, 18880 SW Martinazzi, Tualatin, Oregon.				
Pennsylvania	Brownsville, Township, Fayette County (Docket No. FEMA-6053).	Monongahela River	Downstream Corporate Limits	*770
			Upstream Corporate Limits	*771
		Dunlap Creek	Downstream Corporate Limits	*771
			Upstream Corporate Limits	*771
		Redstone Creek	Downstream Corporate Limits/confluence with Monongahela River.	*770
			Upstream Corporate Limits	*770
Maps available for inspection at the residence of the Township Secretary, Ms. Patricia Peters, 123 Lynn Road, Brownsville, Pennsylvania.				
Pennsylvania	Bryn Athyn, Borough, Montgomery County (Docket No. FEMA-6061).	Pennypack Creek	Confluence of Southampton Creek	*177
			Upstream Corporate Limits	*185
		Southampton Creek	Upstream Corporate Limits	*177
Maps available for inspection at the residence of the Borough Secretary, Mrs. Willard Smith, Jr., Bryn Athyn, Pennsylvania.				
Pennsylvania	Lower Burrell, City, Westmoreland County (Docket No. FEMA-6061).	Allegheny River	Confluence of Puckety Creek	*752
			Upstream Corporate Limits	*764
		Allegheny River Back Channel	Confluence with Allegheny River	*763
			Upstream Corporate Limits	*764
		Puckety Creek	Confluence with Allegheny River	*752
			Approximately 1,000 feet downstream Crystal Drive	*762
			Approximately 460 feet downstream confluence of Tributary 1.	*772
			Downstream State Route 366	*782
			Upstream Corporate Limits	*794
		Tributary 1 to Puckety Creek	Confluence with Puckety Creek	*775

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream first Private Drive	*795
			Approximately 170 feet upstream second Private Drive	*795
			Downstream third Private Drive	*814
			Upstream fifth Private Drive	*825
			Upstream Millers Lane (second crossing)	*835
			Approximately 575 feet upstream second crossing Millers Lane.	*847
		Little Puckety Creek	Confluence with Puckety Creek	*752
			Corporate Limits (first crossing)	*753
			Corporate Limits second crossing at Falcons Park Road.	*807
			Approximately 1,450 feet upstream Falcons Park Road	*817
			Approximately 2,780 feet upstream Falcons Park Road	*827
			Approximately 4,625 feet upstream Falcons Park Road	*837
			Approximately 980 feet downstream Wildlife Lodge Road.	*847
			Upstream Wildlife Lodge Road	*857
			Upstream Milligantown Road	*874
			Approximately 1,330 feet downstream from upstream Corporate Limits.	*897
			Upstream Corporate Limits	*900
		Chartiers Run	Confluence with Allegheny River	*758
			Downstream Sokol Camp pedestrain walkway	*774
			Upstream Braeburn Road (Chartiers Creek Road)	*787
			Downstream Private Drive	*812
			Approximately 1,755 feet upstream Private Drive	*831
			Approximately 1,340 feet downstream Hulton Road	*861
			Approximately 500 feet upstream Hulton Road	*881
			Upstream Legislative Route 64245	*900
			Upstream State Route 56	*910
			Upstream Corporate Limits	*912
Maps available for inspection at the City Hall, Bethel and Schreiber Streets, Lower Burrell, Pennsylvania.				
Pennsylvania	Murrysville, Municipality, Westmoreland County (Docket No. FEMA-6053).	Pucketa Creek	Downstream Corporate Limits	*852
			Upstream Merwin Road	*869
			Upstream Greensburg Road (first crossing)	*884
			Upstream Plan Road	*917
			Downstream State Route 380	*928
			Downstream Greensburg Road (third crossing)	*945
			Approximately 620 feet downstream Ludwig Road	*977
			Upstream Saddlepack Trail	*1,010
			Upstream Ashbaugh Road	*1,046
			Upstream Private Drive	*1,071
		Turtle Creek	At first downstream Corporate Limits	*832
			Confluence of Abers Creek	*844
			Confluence of Haymakers Run	*868
			Upstream Conrail	*887
			Confluence of Tributary No. 6	*918
			Upstream Haymaker Farm Road	*937
			Upstream U.S. Route 22	*940
			At first upstream Corporate Limits	*970
			At second downstream Corporate Limits	*998
			Downstream Boreland Farm Road	*1,016
			Downstream Private Road (to bus garage)	*1,032
			Upstream Ringer Avenue	*1,076
			Upstream Morosini Farm Road	*1,102
			Upstream Third Street	*1,123
			Downstream Conrail culvert	*1,146
		Haymakers Run	Confluence of Turtle Creek	*868
			Upstream U.S. Route 22 (William Penn Highway)	*874
			Downstream Franklintowne Drive	*885
			Upstream Sardis Road	*910
			Upstream Cal Ken Drive	*925
			Upstream Pine Tree Lane	*931
			Downstream School Road North	*965
			Upstream School Road North	*972
			Downstream Crow Foot Road	*988
			Confluence of Tributary No. 4	*1,000
			Upstream Private Road (approximately 2,500 feet downstream of Christy Road).	*1,030
			Upstream Christy Road	*1,050
			Confluence of Tributary No. 5	*1,066
			Upstream Private Road (approximately 950 feet upstream Tributary No. 5).	*1,079

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Approximately 1,800 feet upstream Tributary No. 5	*1,088
		Steels Run	Confluence with Turtle Creek	*961
			Confluence of Tributary No. 1	*967
			Approximately 2,600 feet upstream Kemerer Hollow Road.	*980
			Approximately 6,610 feet upstream Kemerer Hollow Road.	*1,010
			Approximately 1,080 feet downstream Bollinger Road	*1,025
			Upstream Bollinger Road	*1,041
			Downstream of Farm Road	*1,065
		Tributary No. 1	Confluence with Steels Run	*967
			Approximately 1,500 feet upstream Second private drive.	*980
			Upstream third Private Drive	*998
			Approximately 1,250 feet upstream third Private Drive	*1,007
			Approximately 3,320 feet upstream third Private Drive	*1,031
			Downstream of Kemerer Road	*1,042
		Tributary No. 2	Confluence with Haymakers Run	*901
			Upstream Forbes Trail Road	*906
			Upstream Trout Haven Drive	*915
			Confluence of Tributary No. 3	*937
			Approximately 1,800 feet upstream Tributary No. 3	*952
			Upstream sixth Private Drive	*974
			Approximately 1,400 feet upstream sixth Private Drive	*983
			Downstream seventh Private Drive	*1,012
			Approximately 450 feet upstream Eighth Private Drive	*1,024
		Tributary No. 3	Confluence with Tributary No. 2	*937
			Upstream Private Street	*943
			Upstream Glenshire Court	*964
			Downstream Gun Club Road	*986
		Tributary No. 4	Confluence with Haymakers Run	*1,006
			Upstream Mamont Road	*1,011
			Approximately 1,290 feet upstream Mamont Road	*1,026
			Approximately 2,100 feet upstream Mamont Road	*1,037
		Tributary No. 5	Upstream Mamont Road	*1,066
			Approximately 720 feet upstream Mamont Road	*1,074
			Approximately 2,200 feet upstream Mamont Road	*1,103
		Tributary No. 6	Upstream William Penn Highway	*924
			Upstream Old William Penn Highway	*932
			Upstream Tarr Hollow Road	*944
			Upstream second Private Drive	*951
			Upstream third Private Drive	*987
			Upstream fifth Private Drive	*998
			Upstream sixth Private Drive	*1,005
			Approximately 500 feet upstream sixth Private Drive	*1,018
			Approximately 1,210 feet upstream sixth Private Drive	*1,045
		Tributary No. 7	Approximately 400 feet downstream of downstream Corporate Limits.	*994
			Approximately 1,140 feet upstream abandoned dam	*1,015
		Tributary No. 8	Confluence with Turtle Creek	*1,016
			Upstream Boreland Farm Road	*1,020
			Approximately 950 feet upstream Boreland Farm Road	*1,035
			Approximately 2,330 feet upstream Boreland Farm Road.	*1,061
		Lyons Run	Upstream Pleasant Valley Road	*915
			Approximately 1,600 feet upstream Pleasant Valley Road.	*930
			Approximately 5,900 feet upstream Pleasant Valley Road.	*981
Maps available for inspection at the Municipal Building, Murrysville, Pennsylvania.				
Pennsylvania	Waterford, Township, Erie County (Docket No. FEMA-6015).	LeBoeuf Creek	Approximately .18 mile downstream of U.S. Route 19	*1,175
			Upstream of U.S. Route 18	*1,178
			Upstream of Wattsburg Road	*1,189
			Upstream of Conrail crossing located approximately .29 mile upstream of Depot Road.	*1,194
			Upstream Conrail crossing	*1,205
			Approximately .28 mile upstream of Conrail Bridge	*1,208
Maps available for inspection at the Waterford Township Building, R.D. 1, Waterford, Pennsylvania.				
South Carolina	City of Goose Creek, Berkeley County (FEMA-6067)	Foster Creek	Just upstream of Pompiant Road (Flooding affected by backwater of the stormtide from the Atlantic Ocean at this location).	*7

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Seaboard Coast	*9
		Unnamed Tributary of Foster Creek.	Just upstream of Jefferson Avenue	*13
			Just upstream of Lafayette Street	*10
		Lindley Branch	Just upstream of U.S. Highway 52	*25
Maps available for inspection at City Hall, 103 Farm Road, Goose Creek, South Carolina 29445.				
Texas	Town of Manvel, Brazona County (FEMA-6033)	Mustang Bayou	Approximately 200 feet downstream of Masters Street (FM 1128).	*54
			Just upstream of County Road 876	*57
			Just downstream of A Private Drive which is located 1200 feet above County Road 88 (Chocolate Bayou Road).	*59
			Just upstream of County Road 736	*61
			Approximately 600 feet downstream of Croix Parkway	*64
		Chocolate Bayou	Just upstream of County Road 67	*47
			Just upstream of County Road 81	*54
Maps available for inspection at Town Secretary's Office, Town Hall, 6615 Masters Street, Manvel, Texas 77578.				
Washington	Milton (Town), King and Pierce Counties (FEMA-6053)	Hylebos Creek	Intersection of 5th Avenue and Hylebos Creek	*15
		Hylebos Creek Tributary	25 feet upstream of intersection of Birch Street and Hylebos Tributary.	*22
Maps available for inspection at Town Hall, 11 Park Way, Milton, Washington.				
Washington	Olympia (City), Thurston County (FEMA-6061)	Outlet of Black Lake	Upstream side of Mottman Road, Southwest over channel.	*122
			Intersection of channel and southernmost corporate limits.	*125
		Ken Lake	Intersection of Lakemore Drive and overflow outlet of Ken Lake.	*137
		Chambers Lake	Approximately 500 feet northwest of Chehalis Western Railroad and Herman Road intersection.	*190
		Capitol Lake	Intersection of Capitol Lake and Deschutes Parkway	*11
		Budd Inlet	Intersection of B Avenue and North Columbia Street	*11
			Western edge of East Bay Drive approximately 700 feet north of its intersection with San Francisco Avenue.	*11
		Setchfield Lake	Approximately 2100 feet east along Springwood Avenue (extended) from intersection with North Bethel Street.	*160
Maps available for inspection at City Hall, 8th and Plum, Olympia, Washington.				
Wisconsin	(V) Howard, Brown County (Docket No. FEMA-6015)	Duck Creek	At mouth	*585
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*588
			At upstream corporate limits	*590
		Beaver Dam Creek	At mouth	*588
			Just upstream of Taylor Street	*595
			About 200 feet upstream of Green Bay and Western Railroad.	*610
			At upstream corporate limits	*613
		Lancaster Creek	At mouth	*585
			Just downstream of Glendale Avenue	*593
			Just upstream of Hillcrest Drive	*611
			Just downstream of Shawano Avenue	*614
			About 0.54 mile upstream of Shawano Avenue	*618
		Green Bay	Within the corporate limits	*585
Maps available for inspection at the Office of the Village Clerk, Howard Village Hall, 2456 Glendale Avenue, Green Bay, Wisconsin.				
Wisconsin	(Uninc.) Kenosha County (Docket No. FEMA-6075)	Pike River	About 2,200 feet downstream of Alford Park Road	*587
			About 1,100 feet downstream of State Highway 32	*591
			Just upstream of State Highway 32	*594
			Just downstream of confluence of Unnamed Tributary	*601
			Just upstream of abandoned railroad	*604
			Just upstream of County Highway Y	*608
			Just upstream of County Highway G	*617
			Just downstream of County Highway A	*619
			Just upstream of County Highway A	*624
			About 100 feet upstream of Petrifying Springs Park Road.	*633
			Just upstream of County Highway A (near confluence of South Branch Pike River).	*645
			About 2,250 feet downstream of Alford Park Road	*587
		North Branch Pike River	About 300 feet upstream of confluence of South Branch Pike River.	*646
			Just upstream of State Highway 31	*654
			Just downstream of County Highway KR	*657
		Unnamed Tributary to Pike River	At confluence with Pike River	*601
			About 3,600 feet upstream of confluence with Pike River.	*602

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 50 feet downstream of corporate limits	*611
			At corporate limits	*614
		South Branch Pike River	At confluence with Pike River	*646
			About 2,500 feet downstream of confluence of Somers Tributary.	*656
			About 300 feet downstream of County Highway E	*664
			About 400 feet upstream of County Highway E	*667
			Just downstream of Chicago and North Western railroad.	*673
			Just upstream of County Highway L	*675
			Just upstream of State Highway 43	*678
			About 2,800 feet upstream of State Highway 158	*680
		School Tributary	At confluence with South Branch Pike River	*646
			About 700 feet upstream of confluence with South Branch Pike River.	*647
			Just downstream of County Highway A	*656
			Just upstream of County Highway A	*661
			Just downstream of Chicago and North Western railroad.	*667
			Just upstream of Chicago and North Western railroad	*673
			Just upstream of County Highway EA	*682
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*696
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*706
		Somers Tributary	About 600 feet upstream of confluence with South Branch Pike River.	*681
			Just downstream of Chicago and North Western Railroad.	*670
			Just upstream of Chicago and North Western Railroad	*674
			Just upstream of County Highway EA	*679
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*695
			Just downstream of County Highway H	*703
		Tributary to Somers Tributary	At confluence with Somers Tributary	*679
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*691
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*698
		Unnamed Tributary to South Branch Pike River.	At confluence with South Branch Pike River	*675
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*677
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*689
		Barnes Creek South Outlet	At confluence with Lake Michigan	*584
			About 1,000 feet upstream of Third Avenue	*586
			About 400 feet downstream of divergence from Barnes Creek North Outlet.	*589
		Barnes Creek North Outlet—Barnes Creek.	At confluence with Lake Michigan	*584
			Just upstream of First Avenue	*588
			Just downstream of Chicago and North Western Railroad.	*590
			Just downstream of State Highway 32	*601
			About 0.5 mile upstream of State Highway 32	*607
		Des Plaines River	Just upstream of Wisconsin-Illinois State boundary	*674
			Just upstream of County Highway C	*680
			Just upstream of County Highway MB	*686
			Just upstream of State Highway 50	*692
			About 200 feet upstream of County Highway K	*695
			About 3,100 feet upstream of State Highway 142	*700
			Just downstream of northern corporate limit	*706
		Kilbourn Road Ditch	At confluence with Des Plaines River	*680
			Just upstream of State Highway 50	*683
			Just upstream of County Highway K	*697
			About 200 feet upstream of State Highway 159	*706
			Just upstream of State Highway 142	*707
			About 0.8 mile downstream of County Highway E	*713
			Just upstream of County Highway E	*720
			Just downstream of County Highway KR	*727
		Brighton Creek	At confluence with Des Plaines River	*696
			Just upstream of Gravel Pit Road	*698
			Just upstream of County Highway K	*706
			Just upstream of State Highway 45	*714
			About 600 feet upstream of Farm Road (near confluence of Salem Branch Brighton Creek).	*721
		Mud Lake Outlet	At confluence with Dutch Gap Canal	*757
			About 200 feet upstream of State Highway 45	*762
			About 1,700 feet upstream of State Highway 45 (near Gravel Road).	*763

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fox River	Just upstream of Wisconsin-Illinois State boundary	*743
			Just upstream of Wilmet Dam	*745
			Just upstream of State Highways 50 and 83	*750
			Just downstream of northern corporate limit	*752
		Peterson Creek	At confluence with Fox River	*751
			Just downstream of 308th Avenue	*752
		Bassett Creek	At confluence with Fox River	*749
			Just upstream of County Highway J1	*756
			About 1.6 miles upstream of County Highway J1	*768
		Lake Michigan	Shoreline	*584
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*724
			About 2,700 feet upstream of confluence with Kilbourn Road Ditch.	*725
		Von Gunten Creek	About 1,350 feet downstream of corporate limits	*632
			About 1,100 feet upstream of the corporate limits	*647
		Pike Creek	At the downstream corporate limits	*651
			About 200 feet downstream of State Highway 142	*657
			Just upstream of State Highway 142	*661
			About 100 feet downstream of 47th Avenue	*668
			At the upstream corporate limits	*683

Maps available for inspection at the Office of the Director of Planning and Zoning, County Courthouse, 912 56th Street, Kenosha, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27621 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

Milk in the Iowa Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend portions of the Iowa Federal milk marketing order for the months of October and November 1981. The proposed suspension would increase 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. A cooperative association which operates a plant regulated by the order requested this action to prevent uneconomic movements of milk.

DATE: Comments are due not later than September 30, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7311.

SUPPLEMENTARY INFORMATION: This proposed 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 potential 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 October 1981 would be modified. The initial request for the action was received September 10, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed 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.

PART 1079—MILK IN THE IOWA MARKETING AREA

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Iowa marketing area is being considered for October and November 1981:

In § 1079.13(d) (2) and (3) the words "50 percent in the months of September through November, and" and the words "in other months," as they appear in each subparagraph.

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 30, 1981. The period for filling comments is limited because a longer period would not provide the time needed to complete the required procedures and include October 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of consideration

Land O' Lakes, Inc., a cooperative association of producers, operates a plant regulated by the Iowa Order. Land O' Lakes has requested that the 50 percent diversion limitation be suspended for October and November 1981. The remaining effective diversion limitation would permit up to 70 percent of the producer milk receipts to be moved directly from farms to nonpool manufacturing plants and still be priced under the order.

The cooperative stated that the amount of producer milk pooled on the market has increased significantly in 1981 over 1980 while Class I sales have not increased as much. The proponent stated that the suspension of the 50 percent requirement and the retention of the 70 percent diversion limitation would still require the receipt of 30 percent of all milk supplies at pool plants, assuring the availability of milk for fluid use. The cooperative stated that the suspension of the 50 percent diversion limitation would allow for more efficient means of handling the reserve supplies of milk in the Iowa market.

Reserve milk supplies within a marketing order usually decline during the fall months. However, current marketing information indicates that this year the reserve milk supplies in the Iowa Federal order are expected to exceed the quantity of milk that could be diverted to nonpool manufacturing plants under the present diversion limitations and still maintain producer status for all such milk. The present buildup in the market's reserve milk supplies is largely due to a substantial increase in milk production by producers regularly supplying the market. At the same time, fluid milk sales have not increased as much. Under these marketing conditions, a suspension of the 50 percent limitation of the diversion provisions may be appropriate so that producer receipts that are not needed for fluid use may be moved directly from farms to manufacturing plants and still be priced under the order. An increase in the diversion limits from 50 percent to 70 percent for October and November 1981 may tend to prevent the uneconomic handling and movement of reserve milk supplies merely for pooling purposes.

Signed at Washington, D.C. on: September 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-27620 Filed 9-22-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 15

Debt Collection Procedures

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by adding a new Part which will establish the procedures which NRC will follow to collect debts which are owed to it. The procedures are based upon the Federal Claims Collection Standards issued by the General Accounting Office (GAO) and the U.S. Department of Justice (DOJ), as amended on July 31, 1981. The Federal Claims Collection Act provides that these procedures be issued as regulations. The procedures will enable the NRC to improve its collection of debts.

DATE: Comment period expires November 9, 1981. Comments received after November 9, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Comments may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered to the Commission's office at 1717 H Street, N.W., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Graham D. Johnson, Deputy Director, Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone 301-492-7535).

SUPPLEMENTARY INFORMATION:

Background

Recent studies by the Executive Branch Debt Collection Project and the GAO reveal that more than $25 billion of the $175 billion in debts owed to the United States are either delinquent or in default. The President directed in the 1982 Budget Revisions that the collection of amounts owed to the Government be improved. The Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96-304), requires agencies covered by the Act, including the NRC, to improve the collection of overdue debts owed to the United States and to bill interest on delinquent debts. This part will improve NRC's collection of debts by—

(a) Informing debtors that NRC's collection procedures will be based upon the Federal Claims Collection Standards;

(b) Specifying the content of progressively stronger demand letters;

(c) Informing debtors that late payment charges will be added if debts are not paid on the due date;

(d) Advising debtors in certain instances to provide affidavits, cancelled checks, or other evidence to support assertions that a debt is not owed, the debt is less than the amount claimed, or the debtor is unable to pay in full or in installments;

(e) Requiring payments in installments to include interest and, if appropriate, to be secured;

(f) Giving debtors the right to an interview and the right to notice of an offset;

(g) Giving debtors the opportunity for a hearing if issues of credibility and veracity are involved; and

(h) Referring debts for collection by a private agency.

This part shall apply to the collection of a debt initially asserted by the NRC after the effective date of the final rule.

Regulatory Impact. The NRC has determined that this proposed rule will not impose unnecessary burdens on the economy or on individuals. The proposed rule sets out the procedures that NRC intends to use in collecting debts which are owed the NRC. The procedures, based on the Federal Claims Collection Standards, will improve NRC's debt collection efforts while providing due process protections for the debtor.

Environmental Impact Statement. This proposed rule does not sigificantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act. This proposed rule contains no new reporting and recordkeeping requirements and therefore is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, Pub. L. 96-511.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility act, 5 U.S.C. 605 (b), the Commission certifies that this proposed rule, if adopted as a final rule, will not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis has not been prepared. Interest and late payment charges imposed on a small entity will ordinarily not exceed $100 per year. This proposed rule affects small entities billed for byproduct material inspection fees established under 10 CFR 170.32, Category 3, and for Freedom of Information Act computer tapes, and other reproduction costs. About 1600 billings are issued annually to small entities including physicians in private practice, small hospitals, universities, small consulting firms, public interest groups and other entities involved with radiography and research. Total annual billings to any one small entity are less than $1,000. Past experience shows that 98 to 99% of billings are paid within 120 days after the billing date. The late payment charges imposed on a small entity which pays the debt of $1,000 120 days after the billing date will be $40.47 assuming a current Treasury annual interest rate of 16.19%.

This proposed rule allows a small entity to pay a debt on an installment basis if it is unable to pay a debt in full prior to the due date (ordinarily 30 days after billing date). Such an arrangement requires the payment of interest on the unpaid debt. The annual interest charges imposed on a small entity will be less than $100 assuming maximum billing of $1,000 paid in 12 monthly installments of less than $100 per month and an annual interest rate of 16%. To date no small entities have requested payment of a debt on an installment basis.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Federal Claims Collection Act of 1966 (31 U.S.C. 952) and section 553 of Title 5 of the United States Code, notice is hereby given that the NRC is proposing to add a new Part 15 to 10 CFR Chapter 1, as follows:

PART 15—DEBT COLLECTION PROCEDURES

Subpart A—Application and Coverage

Sec.
15.1 Application.
15.3 Communications.
15.5 Claims that are covered.
15.7 Monetary limitation on NRC's authority.
15.9 Omissions not a defense.
15.11 Conversion claims.
15.13 Subdivision of claims.

Subpart B—Administrative Collection of a Claim

15.21 Written demands for payment.

Sec.
15.23 Telephone inquiries and investigations.
15.25 Personal interviews.
15.27 Contact with debtor's employing agency.
15.29 Suspension or revocation of a license.
15.31 Disputed debts.
15.33 Collection by offset.
15.35 Payments.
15.37 Interest and late payment charges.
15.39 Bankruptcy claims.

Subpart C—Compromise of a Claim

15.41 When a claim may be compromised.
15.43 Reasons for compromising a claim.
15.45 Restrictions on the compromise of a claim.
15.47 Finality of a compromise.

Subpart D—Suspension or Termination of Collection Action

15.51 When collection action may be terminated or suspended.
15.53 Reasons for suspending collection action.
15.55 Reasons for terminating collection action.
15.57 Termination of collection action.
15.59 Transfer of a claim.

Subpart E—Referral of a Claim

15.61 Prompt referral.
15.63 Referral of a claim to private agencies for collection.
15.65 Referral of a compromise offer.
15.67 Referral to the Department of Justice.

Authority: Sec. 161i, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(i)); sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841(f)); sec. 3, Pub. L. 89-508, 80 Stat. 309 (31 U.S.C. 952); Federal Claims Collection Standards, 31 FR 13381-13384, Oct. 15, 1966 as amended at 42 FR 38891, August 1, 1977; 44 FR 22701-22702, Apr. 17, 1979; 46 FR 22353-22354, Apr. 17, 1981; 46 FR 39113-39114, July 31, 1981; 4 CFR 101-105.

Subpart A—Application and Coverage

§ 15.1 Application.

(a) These procedures apply to claims for the payment of debts owed to the United States in the form of money or property unless a different procedure is specified in a statute, regulation, or contract. For some debts these procedures apply after special statutory and administrative procedures are exhausted.

(b) The following are examples of kinds of debts to which special statutory and administrative procedures apply:

(1) A claim against an employee for erroneous payment of pay and allowances subject to waiver under 5 U.S.C. 5584 (travel and transportation expenses and allowances and relocation expenses are not subject to waiver under 5 U.S.C. 5584).

(2) A claim involved in a case pending before any Federal Contract Appeals Board or Grant Appeals Board. However, nothing in this part prevents negotiation and settlement of a claim pending before a Board.

§ 15.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street, N.W., Washington, D.C. or at 7920 Norfolk Avenue, Bethesda, Md.

§ 15.5 Claims that are covered.

(a) These procedures generally apply to any claim for payment of a debt which—

(1) Results from activities of the NRC; or

(2) Is referred to the NRC for collection.

(b) These procedures do not apply to—

(1) A claim based on a civil monetary penalty for violation of a licensing requirement. Procedures for this type of claim are provided for in § 2.205 of this chapter;

(2) A claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim;

(3) A claim in whole or in part on conduct in violation of the antitrust laws; and

(4) A tax claim, as to which differing exemptions, administrative considerations, enforcement considerations, and statutes apply.

§ 15.7 Monetary limitation on NRC's authority.

The NRC's authority to compromise a claim or to terminate or suspend collection action on a claim covered by these procedures is limited by 31 U.S.C. 952(b) to claims that—

(a) Have not been referred to another Federal agency, including the GAO, for further collection action; and

(b) Do not exceed $20,000, exclusive of interest (the monetary limitation).

§ 15.9 Omissions not a defense.

(a) The failure of the NRC to include in this part any provision of the Federal Claims Collection Standards does not prevent the NRC from applying the provision.

(b) A debtor may not use the failure of the NRC to comply with any provision of this part or of the Federal Claims Collection Standards as a defense.

§ 15.11 Conversion claims.

These procedures are directed primarily to the recovery of money on behalf of the Government. The NRC may demand—

(a) The return of specific property; or

(b) Either the return of property or the payment of its value.

§ 15.13 Subdivision of claims.

The NRC shall consider a debtor's liability arising from a particular transaction or contract as a single claim in determining whether the claim is less than the monetary limitation for the purpose of compromising or suspending or terminating collection action. A claim may not be subdivided to avoid the monetary limitation.

Subpart B—Administrative Collection of a Claim

§ 15.21 Written demands for payment.

(a) The NRC shall make appropriate written demands upon the debtor for payment of money or the return of specific property in terms which specify—

(1) The basis of the indebtedness;

(2) The amount claimed;

(3) A description of any property which is to be returned by a date certain;

(4) The date payment is due (The due date is normally 30 days from the date of the initial written demand. The NRC may determine that circumstances warrant an earlier or later due date.);

(5) The rate of interest used to determine the late payment charge if the debt is not paid in full on or before the due date; and

(6) The applicable policy for reporting the delinquent debt to commercial credit bureaus.

(b) Unless a debtor is a current NRC employee, the NRC shall normally send three progressively stronger written demands at approximately 30-day intervals, unless circumstances indicate that alternative remedies better protect the Government's interest, that the debtor has explicitly refused to pay, or that sending additional demands is useless. Depending upon the circumstances of the particular case, the second and third demands may—

(1) Offer or seek to confer with the debtor;

(2) State the amount of the late payment charge that will be added to the debt each 30 days until the debt is paid (the charge for a full 30-day period will also be applicable to periods of less than 30 days); and

(3) State that the authorized collection procedures include any procedure authorized in this part including—

(i) Contacts with the debtor's employer when the debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard;

(ii) Possible referral of the debt to a private agency for collection;

(iii) The suspension or revocation of a license or other remedy under § 170.41 of this Chapter;

(iv) Installment payments possibly requiring security; and

(v) The right to refer the claim to the GAO or the DOJ for litigation.

(c) The NRC shall normally send only one written demand to a debtor who is a current NRC employee. The NRC follows the procedures described in § 15.33 if full payment is not received by the due date specified in the written demand. If the NRC cannot obtain full payment by following the procedures described in § 15.33, the NRC may follow other collection procedures described in this subpart.

(d) The failure to state in a letter of demand a matter described in § 15.21 is not a defense for a debtor and does not prevent the NRC from proceeding with respect to that matter.

§ 15.23 Telephone inquiries and investigations.

(a) If a debtor has not responded to one or more written demands, the NRC shall make reasonable efforts by telephone to determine the debtor's intentions. If the debtor cannot be reached by telephone at the debtor's place of employment, the NRC may telephone the debtor at his residence between 7:00 a.m and 10:00 p.m.

(b) The NRC may undertake an investigation to locate a debtor if the whereabouts of a debtor is a problem, or if a debtor cannot be contacted by telephone.

(c) The NRC, under 15 U.S.C. 1681(f), may obtain consumer credit information from private firms, including the name, address, former addresses, place of employment, and former places of employment of a debtor.

§ 15.25 Personal interviews.

(a) The NRC shall seek an interview with the debtor at the office of the NRC when—

(1) A matter involved in the claim needs clarification;

(2) Information is needed concerning the debtor's circumstances; or

(3) An agreement for payment might be negotiated.

(b) The NRC shall grant an interview with a debtor upon the debtor's request. The NRC will not reimburse a debtor's interview expenses.

§ 15.27 Contact with debtor's employing agency.

If a debtor is employed by the Federal government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the NRC shall contact the employing agency to arrange with the debtor for payment of the indebtedness by allotment or otherwise.

§ 15.29 Suspension or revocation of license.

If an applicant or a licensee fails to pay a prescribed fee, the NRC will not process any application and may suspend or revoke any license or approval involved. In addition, the NRC may issue an order with respect to licensed activities as it determines to be appropriate or necessary to carry out the provisions of Parts 30, 40, 50, 70, 71, and 170 of this chapter and of the Atomic Energy Act of 1954, as amended, Pub. L. 83–703, 68 Stat. 919, 42 U.S.C. 2011, et seq.

§ 15.31 Disputed debts.

(a) A debtor who disputes a debt shall explain why the debt is incorect in fact or in law before the due date specified in the initial demand letter. The debtor may support the explanation by affidavits, cancelled checks, or other relevant evidence.

(b) If the debtor's arguments appear to have merit, the NRC may extend the due date pending a final determination of the existence or amount of the debt.

(c) The NRC may investigate the facts involved in the dispute and, if it considers it necessary, arrange for a conference at which the debtor may present evidence and any arguments in support of the debtor's position.

§ 15.33 Collection by offset.

(a) The NRC may administratively undertake collection by offset on each claim which is liquidated or certain in amount.

(b) The following procedures apply when the NRC seeks to collect a debt by offset against accrued pay, compensation, accrued benefits or the amount of retirement credit due to a present or former Government employee.

(1) The NRC shall effect collection by offset from a person receiving pay or compensaton from the Federal Government over a period not greater than the period during which such pay or compensation is to be received. If the debt arises out of an erroneous payment made by NRC to or on behalf of an employee, collection by offset is made in accordance with 5 U.S.C. 5514 and the provisions of paragraph (b) of this section.

(2) If employment is expected to continue during the period of the anticipated collection by offset—

(i) The NRC shall provide the debtor a written demand prior to collecting any indebtedness by offset. The NRC shall include in the written demand—

(A) Notice of the NRC's intention to collect by offset;

(B) An opportunity to request reconsideration of the debt, or if provided for by statute, waiver of the debt; and

(C) An explanation of the debtor's rights under this subpart.

(ii) The NRC shall accord the debtor an opportunity for a pre-offset oral hearing when—

(A) The debtor requests a waiver of indebtness and the waiver determination turns on an issue of credibility or veracity; or

(B) The individual requests reconsideraton of the debt and the NRC determines that the question of the indebtedness cannot be resolved by review of the documentary evidence.

(iii) If a determination that a debt exists and is certain in amount can be satisfactorily made by review of the documentary evidence and no issues of credibility and veracity exist, then the NRC provides the debtor a written demand as provided in paragraph (b)(2)(i) of this section but does not provide an opportunity for an oral hearing before offsetting the debt.

(3) If the time prior to termination of a debtor's employment does not permit a pre-offset hearing to which the debtor is otherwise entitled under paragraph (b)(2)(ii) of this section, the following provisions apply:

(i) The NRC may withhold a sum not greater than the amount of the alleged indebtedness from the amounts accruing to the individual on termination if the NRC determines that—

(A) Amounts accruing to the debtor on termination are available for offset to satisfy the alleged indebtness; and

(B) The amounts would not be available for offset after termination.

(ii) The NRC shall promptly provide an opportunity for an oral hearing to resolve the issue of indebtedness or waiver after termination of the debtor's employment.

(iii) The NRC shall promptly refund any amount withheld but later determined not owed the United States.

(4) The form of hearings, when granted, depends on the nature of the transactions giving rise to the debts and

the complexity of the issues in dispute. For the vast majority of claims, informal conferences before an official of the NRC is sufficient. Conferences may be conducted by telephone if the debtor elects not to appear in person at the debtor's expense at the place designated for the conference or hearing. The NRC shall maintain at least a summary record of the hearing accorded to the debtor.

(c) If the debtor has obtained a judgment against the United States, any offset against the judgment is accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227

(d) The NRC shall make appropriate use of the cooperative efforts of other agencies, including use of the Army Holdup List, in effecting collections by offset. The Army Holdup List is a list of contractors indebted to the United States.

§ 15.35 Payments.

(a) *Payment in full.* The NRC shall collect a claim in full prior to the due date whenever possible. If a debt is paid in one lump sum after the due date, the NRC shall impose a late payment charge. The NRC may waive a late payment charge if it is determined that the amount is negligible in relation to the administrative cost of processing installment payments or that waiver is advisable to induce payment in full.

(b) *Payment in installments.* If a debtor furnished satisfactory evidence of inability of pay a claim in full prior to the due date, payments in installments may be arranged. Evidence may consist of a financial statement or a signed statement that the debtor's application for a loan to enable the debtor to pay the claim in full was rejected. Except for a debt described at 5 U.S.C. 5514, all installment payment arrangements shall be reduced to writing and require the payment of interest. Installment note forms, including confess judgment notes, may be used. If the debtor's financial statement discloses the ownership of assets which are free and clear of liens or security interests, or assets in which the debtor owns an equity, the debtor may be asked to secure the payment of an installment note by executing a Security Agreement and Financing Statement transferring to the United States a security interest in the assets until the debt is discharged.

(c) *To whom payment is made.* Payment of a debt is made by check, draft, or money order payable to the United States Nuclear Regulatory Commission, and mailed or delivered to the Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, unless payment is—

(1) Made pursuant to arrangement with GAO or DOJ;

(2) Ordered by a Court of the United States; or

(3) Otherwise directed in any other part of this chapter.

§ 15.37 Interest and late payment charges.

(a) Interest begins to accrue from the due date specified in the initial written demand unless a different date is specified in a statute, regulation, or contract.

(b) If a debt is not paid in full on or before the due date, the NRC shall assess a late payment charge based upon the prevailing rate of interest (updated quarterly) required by the Treasury Fiscal Requirement Manual (I TFRM 6-8000), unless a different rate is prescribed by statute, regulation, or contract. This rate reflects the short-term value of funds to the Treasury Department and is publicized by the Treasury Department in the Federal Register. A late payment charge is assessed for each full or partial 30-day period after the due date. Any partial payment is applied first to the payment of accrued late payment charges and then to principal (in accordance with the so-called "U.S. Rule"), unles a different rule is prescribed by statute, regulation or contract.

(c) When arrangements are made to pay a debt in installments over a period of time, the NRC shall charge interest at the rate prescribed by the Treasury Department in its current monthly "Schedule of Certified Interest Rates with Range of Maturities" for a similar period of time. Installment payments are applied first to the payment of accrued interest and then to principal, unless a different rule is prescribed by statute, regulation, or contract. Interest is calculated on a daily (365 days per year) basis and applied to the unpaid balance.

(d) The NRC may waive either the imposition or collection of interest on an installment payment or a late payment charge if the amount is negligible in relation to the cost of billing and collecting the amount, or if it is in the best interests of the Government to do so.

§ 15.39 Bankruptcy claims.

When the NRC receives information that a debtor has filed a petition in bankruptcy or is the subject of a bankruptcy proceeding, it shall furnish information concerning the debt owed the United States to the appropriate United States Attorney to permit the filing of a claim.

Subpart C—Compromise of a Claim

§ 15.41 When a claim may be compromised.

The NRC may compromise a claim not in excess of the monetary limitation if it has not be referred for litigation to the GAO or the DOJ. Only the Comptroller General or designee may effect the compromise of a claim that arises out of an exception may by the GAO in the account of an accountable officer, including a claim against the payee, prior to its referral by GAO for litigation.

§ 15.43 Reasons for compromising a claim.

A claim may be compromised for one or more of the reasons set forth below:

(a) The full amount cannot be collected because—

(1) The debtor is unable to pay the full amount within a reasonable time; or

(2) The debtor refuses to pay the claim in full and the Government is unable to enforce collection in full within a reasonable time by enforced collection proceedings.

(b) There is a real doubt concerning the Government's ability to prove its case in Court for the full amount claimed either because of the legal issues involved or a bonafide dispute as to the facts.

(c) The cost of collecting the claim is likely to exceed the difference between the proposed compromise amount and the full amount of the claim.

(d) The debtor's inability to pay, the Government's ability to enforce collection, and the amounts which are acceptable in compromise shall be determined in accordance with the Federal Claims Collection Standards, 4 CFR Part 103. Compromises payable in installments are discouraged, but, if necessary, shall provide that in the event of default—

(1) The entire balance of the debt becomes immediately due and payable; and

(2) The Government has the right to enforce any security interest.

§ 15.45 Restrictions on the compromise of a claim.

(a) The NRC may not accept a percentage of a debtor's profits or stock in a debtor corporation in compromise of a claim. In negotiating a compromise with a business concern, consideration is give to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

(b) If two or more debtors are jointly and severally liable, collection action is not withheld against one debtor until the other or others pay their proportionate

share. The amount of a compromise with one debtor is not considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 15.47 Finality of a compromise.

An offer of compromise must be in writing and signed by the debtor. An offer of compromise which is accepted by the NRC is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

Subpart D—Suspension or Termination of Collection Action

§ 15.51 When collection action may be suspended or terminated.

The NRC may suspend or terminate collection action on a claim not in excess of the monetary limitation if it has not been referred for litigation to the GAO or the DOJ.

§ 15.53 Reasons for suspending collection action.

Collection action may be suspended temporarily—

(a) When the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim considering the size of the claim and the amount which may be realized on it; or

(b) When the debtor owns no substantial equity in realty and is unable to make payment on the Government's claim or effect a compromise on it at the time but the debtor's future prospects justify retention of the claim for periodic review and action and—

(1) The applicable statute of limitations has been tolled or started anew; or

(2) Future collection can be effected by offset notwithstanding the statute of limitations.

§ 15.55 Reasons for terminating collection action.

Collection action may be terminated—

(a) When it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law;

(b) When the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim; or

(c) When it is likely that the cost of collection action will exceed the amount recoverable.

§ 15.57 Termination of collection action.

Collection action shall be terminated—

(a) Whenever it is determined that the claim is legally without merit; or

(b) When it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and effort to induce voluntary payments have been unavailing.

§ 15.59 Transfer of a claim.

The NRC may transfer a claim to the GAO for advice when there is doubt whether collection action should be suspended or terminated.

Subpart E—Referral of a Claim.

§ 15.61 Prompt referral.

(a) A claim which requires enforced collection action is referred to a private collection agency, to the GAO, or to the DOJ for litigation. A referral is made as early as possible consistent with agressive collection action and in any event will within the time required to bring a timely suit against the debtor.

(b) The NRC may refer a claim to the GAO or the DOJ even though the termination of collection activity might otherwise be given consideration under § 15.55(a) or (c) if—

(1) A significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment; or

(2) Recovery of a judgment is a prerequisite to the impostion of administrative sanctions, such as suspension or revocation of a license or the privilege of participating in a Government sponsored program.

§ 15.63 Referral of a claim to private agencies for collection.

The NRC may contract with one or more private agencies to supplement, but not replace, the NRC basic collection program. The NRC retains the authority to resolve disputes, compromise claims, terminate collection action, and initiate enforce collection through litigation.

§ 15.65 Referral of a compromise offer.

The NRC may refer a debtor's firm written offer of compromise which is substantial in amount to the GAO or to the DOJ if the NRC is uncertain whether the offer should be accepted.

§ 15.67 Referral to the Department of Justice.

(a) A claim of less than $600, exclusive of interest, is not referred for litigation unless—

(1) Referral is important to a significant enforcement policy; or

(2) The debtor not only has the clear ability to pay the claim but the Government can effectively enforce payment.

(b) A claim on which the NRC holds a judgment if referred to the DOJ for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part.

Dated at Bethesda, Md., the 11th day of September, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-27710 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 30

[Docket No. 81-18]

Real Estate Loans Made by National Banks; Validation and Enforcement of Due-on-Sale Clauses

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would validate the inclusion of due-on-sale clauses in real estate loans made by national banks and make such clauses fully enforceable. The regulation would also revalidate due-on-sale clauses in loans made prior to the rendering of any state court decision or passage of any state statute impairing the enforceability of such clauses, unless the property subject to the mortgage lien containing such a clause was transferred prior to the final promulgation of this regulation. This regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by effectively permitting the shortening of the average life of such loans. It would also prevent national banks from being deprived, by court decisions impairing the enforceability of due-on-sale clauses, of the opportunity to invest at market rates of interest funds they reasonably expected would be available, given the average turnover rate for real property.

DATE: Comments must be received on or before November 23, 1981.

ADDRESSES: Comments should be sent to Docket No. 81-18, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, Attn: Marie Giblin. Telephone (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Fiechter, Director, Banking Research and Economic Analysis Division, (202) 447-1914, or Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal drafters of this document were Jonathan L. Fiechter, Director, Banking Research and Economic Analysis Division, and Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency.

Regulatory Information

The Secretary of the Treasury has expressly exempted this regulation from the requirement of preparing a regulatory flexibility analysis, since it will not have a significant economic impact on a substantial number of small entities. Insofar as the regulation would operate prospectively, it would serve only to expand at no cost the lending alternatives realistically available to all national banks, large and small, operating in states limiting the enforceability of due-on-sale clauses. And to the extent the regulation would revalidate these clauses in existing loans, it would at no cost restore to these banks the value they expected to realize from their contractual agreements with borrowers. Thus, there is no differential effect of this regulation on small entities, and the effect on all entities is beneficial

The Office of the Comptroller of the Currency has determined that this regulation will not be a major rule within the meaning of E.O. 12291, and, therefore, no regulatory impact analysis is required. For the reasons discussed above and elsewhere throughout this preamble, this Office has determined that the regulation (1) will not have an annual effect on the economy of $100 million or more; (2) will not impose major increases in costs or prices on consumers, individual industries, federal, state, or local government agencies, or geographic regions; and (3) will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Background and Analysis

A growing number of states, currently approaching 20, have laws limiting the enforceability of due-on-sale clauses. These laws, mostly in the form of judicial decisions, although some are in the form of statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The requirement of demonstrating impairment of security is a difficult problem for lenders in most cases.

The rationale used by courts to limit the enforceability of due-on-sale clauses has generally been that these clauses create an unreasonable restraint on alienation. The courts have quite reasonably assumed that enforcement of the due-on-sale clause will, in times of high interest rates relative to the rate on the existing loan, reduce the price the current owner/borrower can realize on sale of the property. They then conclude that many owners, faced with this situation, will choose not to sell rather than take the lower price. This is viewed as unreasonably limiting their ability to dispose of the property.

Such an argument implies that an owner with a low interest rate loan has a right to expect the higher price that can be realized if the loan can be "assumed" by a purchaser of the property. This, in turn, implies that the due-on-sale clause in the loan was included solely to protect the bank against the credit risk of the obligation's being taken over by a less creditworthy borrower and not to protect the bank against the market risk of having to carry a below-market-rate loan beyond the expected ownership term of the original borrower. Some courts have drawn these inferences and concluded that, since the lender, as evidenced by the loan agreement, was willing to accept the stated rate of interest from the original borrower for the full loan term, its expectations are not being defeated by its being required to accept that rate for the same term from the original borrower and subsequent owners.

It may be true that lenders including due-on-sale clauses in their loans in the early 1970's and earlier may have been motivated primarily by the desire to protect themselves against impairment of their security. Nevertheless, the motivation of protecting against market risk became pronounced and perhaps predominant by the mid-1970's, when interest rate volatility and secular increases became the expected norms. Further, while lenders were willing contractually to accept the stated rate of interest from the original borrower for the full loan term, they also had reasonable expectations concerning the average turnover rates on houses. These loans thus had expected lives shorter than their nominal term, even though some borrowers might retain ownership of the same house for the full term. This Office believes that the banks can accordingly argue that court decisions impairing due-on-sale clauses have deprived them of the benefits of contractual terms written in reliance on these reasonable expectations and have given some borrowers (and realtors) a windfall at their expense.

The foregoing analysis was reiterated in a report to Congress entitled "An Economic Analysis of Due-on-Sale Clauses," written by the Office of Policy Development and Research of the Department of Housing and Urban Development in response to a request contained in the 1980 Housing and Community Development Conference Report. The authors also reached the conclusion that limitations on the enforceability of due-on-sale clauses make fixed-rate long-term lending particularly unattractive for lenders. The likely result of such court decisions, then, will be that lenders will shorten the term of their real estate loans by making adjustable-rate loans or short-term loans with balloon payments, or they will make fixed-rate long-term loans with interest rates including a substantial premium reflecting the extra risk of potentially having to carry such loans for their full term. These alternatives may be unattractive or, indeed, unacceptable for many borrowers. A rule ensuring the enforceability of due-on-sale clauses, on the other hand, could encourage banks to offer fixed-rate long-term mortgage loans with relatively lower interest rates, reflecting the reduced level of market risk.

Rules authorizing the use of due-on-sale clauses already cover some portion of the real estate lending activities of federally chartered lenders. The Federal Home Loan Bank Board has issued a rule covering all real estate loans by federal savings and loan associations. 12 CFR 545.6-11(f). The Office of the Comptroller of the Currency likewise has authorized the use of due-on-sale clauses on adjustable-rate mortgage

loans made by national banks. 46 FR 18932 (March 27, 1981). This Office believes that the case for authorizing the inclusion and enforcement of due-on-sale clauses in fixed-rate real estate loans may be even more compelling than in the case of adjustable-rate mortgage loans, since the latter are fairly responsive to changes in market conditions. Accordingly, the Office is here proposing a regulation that would authorize such use and would revalidate such clauses included in loans at a time when it could reasonably have been assumed that they would be enforceable according to their terms.

The referenced regulations of the Federal Home Loan Bank Board and the Comptroller of the Currency operate to preempt state law on the same subject. This proposed regulation would likewise preempt state law. The Office believes that authority to do so is inherent in the Comptroller's power to regulate real estate lending activities of national banks to ensure that the Congressional intent of encouraging national bank participation in the real estate finance market is not thwarted by state laws essentially depriving national banks of lending opportunities.

The Office is concerned about the fair and efficient operation of the real estate finance market. Therefore, it is particularly desirable that comments on this proposed regulation address the economic and policy arguments raised by various courts and state legislatures in limiting the enforceability of due-on-sale clauses. Comments should also be addressed to the analysis prepared by the Department of Housing and Urban Development rejecting the economic utility of laws limiting the enforceability of such clauses. Finally, since the preemptive effect of various regulations of this Office and the Federal Home Loan Bank Board is currently beings challenged in several judicial forums, the Office expressly solicits comments on the proposed preemptive effects of this proposed regulation.

Proposed Amendment

For the reasons set out in the preamble, it is proposed to amend 12 CFR Chapter I by adding a new Part 30 to read as follows:

PART 30—REAL ESTATE LOANS

§ 30.1 Due-on-Sale Clauses.

A national bank may make or purchase a loan, secured by a lien on real property, that includes a clause, known as a due-on-sale clause, giving the lender or any assignee or transferee of the lender the power to declare the entire debt payable if the liened property is transfered to another owner, and such clause shall be valid and enforceable notwithstanding any law or judicial decision of any state to the contrary. This validation of due-on-sale clauses shall apply to such clauses in loans whenever made, except that such clauses shall not be valid and enforceable in the case of loans made or assumed prior to the effective date of this regulation and during a time in which under state law or existing judicial decision applicable to such loan such due-on-sale clause was not valid and enforceable. As used in the preceding sentence, the term "assumed" shall include transfers of the liened property subject to the mortgage or similar lien.

(12 U.S.C. 1 *et seq.*; Sec. 708, Pub. L. 98-221, 94 Stat. 188 (12 U.S.C. 93a); and Sec. 711, Pub. L. 93-383, 88 Stat. 716 (12 U.S.C. 371(g))

Dated: August 26, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-27715 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-33-M

Internal Revenue Service

26 CFR Parts 1 and 31

[LR-188-80]

Information From Persons Receiving Payments of Gambling Winnings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to withholding on certain payments of gambling winnings and to statements furnished by recipients of gambling winnings. The proposed regulations are necessary to facilitate administration of a requirement relating to withholding of tax on certain payments of gambling winnings and will affect both payers and recipients of certain gambling winnings.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 23, 1981. The regulations are proposed to apply to payments of gambling winnings made after 30 days after publication of the proposed amendment in the Federal Register as a Treasury Decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T (LR-188-80)).

FOR FURTHER INFORMATION CONTACT: John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments both to the Income Tax Regulations (26 CFR Part 1) under section 6011 of the Internal Revenue Code of 1954 (the "Code") and to the employment Tax Regulations (26 CFR Part 31) under section 3402 of the Code. The amendments are proposed to require recipients of gambling winnings to supply, upon the demand of the payer, information sufficient to enable the payer to determine whether withholding is required under section 3402(q) of the Code and thus to conform the Employment Tax Regulations to section 1207(d) of the Tax Reform Act of 1976 (90 Stat. 1705) and section 405 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 156). Amendments under section 3402 were first proposed in the Federal Register for November 15, 1979 (44 FR 65777). Part of the proposed amendments is adopted in the Rules section of today's Federal Register by Treasury Decision 7787, see FR Doc. 81-27391. However, another part has been reserved pending consideration of the proposed amendments in this notice. The reserved part is republished by this document.

Explanation of Provision

Section 3402(q) generally requires payers of gambling winnings to deduct and withhold 20 percent from certain payments of winnings. A payment is subject to withholding depending on the type of wagering transaction with respect to which the payment is made, the total amount of winnings, and, in some cases, the odds of the wager.

Withholding is required only if the amount of proceeds from a wager exceeds a statutory floor amount applicable for the particular type of wagering transaction. For example, proceeds from wagers in parimutuel pools for horse races, dog races, or jai alai are subject to withholding only if the amount of proceeds exceeds $1,000. However, determining the actual amount of proceeds from a particular wager may present a problem in some situations. Because wagering pools may offer wagerers the opportunity to fragment wagers into several parts, for example by making five $2 bets rather than one $10 bet on the same horse to win a particular race, exceeding the statutory floor amount could be

circumvented unless winnings from the fragmented parts are accumulated. Consequently, the rules proposed in November 1979 (44 FR 65777), required aggregation of winnings from identical wagers.

However, comments on the regulations proposed in November 1979 criticized the aggregation rule, particularly because of the burden it posed for payers of gambling winnings. Payers are the parties liable for withholding. They would be expected to devise systems to assure withholding in all cases where applicable. Although this might be accomplished with various methods of information retrieval (*e.g.*, computers) or by requiring that certain tickets be cashed at a particular window, commentators have argued that the expense of instituting such additional procedures would be excessive.

In view of the comments, the proposed amendments would require recipients of winnings to supply information upon demand concerning winnings from identical wagers. Thus, although the aggregation requirement would be retained, the burden of complying with this requirement should be significantly reduced.

Under the proposed rules, payers are expressly permitted to rely upon a payee's assertion that he is not entitled to any winnings from identical wagers, in determining whether a payment is subject to withholding under section 3402(q). However, in the absence of such an assertion, payers would not be entitled to assume that a particular payment is not subject to withholding merely because the amount of such payment, alone, does not exceed the relevant statutory floor amount. Of course, in such cases, payers could utilize other means of ascertaining the necessary information.

The republished proposed regulations under section 3402(q) indicate that winnings from lotteries generally would not be affected by aggregation as there would be no chance to make identical wagers. There may, however, be exceptions. Because the rules of wagering events commonly known as lotteries may vary greatly, some such events, *e.g.*, "numbers" type events, may provide identical wagering opportunities. In such cases aggregation would be necessary.

Republication of proposed amendments to § 31.3402(q)-1 is intended merely to alert interested parties that that portion of proposed § 31.3402(q)-1 as published in the Federal Register for November 15, 1979 (44 FR 65777), which was not adopted by Treasury Decision has not been withdrawn. Comments concerning the proposed changes to the regulations under section 6011 affecting its implementation are invited.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant impact on a substantial number of small entities. The proposed rules merely would provide payers of gambling winnings an optional procedure for fulfilling the requirements of withholding pursuant to section 3402(q). Payers are not thereby precluded from developing their own procedures to ascertain the necessary information to implement the withholding requirement. As already explained, this procedure is proposed to provide a less burdensome means of assuring proper withholding on gambling winnings. It will not create a significantly increased reporting burden inasmuch as payees of gambling winnings should have the necessary information readily available for payers, and the optional procedure applies only as a concomitant to existing reporting requirements.

Drafting Information

The principal author of this regulation is John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations substantively and stylistically.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1 and 31 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The following new section is added immediately after § 1.6011-2:

§ 1.6011-3 Requirement of statement from payees of certain gambling winnings.

(a) *General rule.* Except as provided in paragraph (c) of this section, any person receiving a payment with respect to a wager in a sweepstakes, wagering pool, lottery, or other wagering transaction (including a parimutuel pool with respect to horse races, dog races, or jai alai) shall make a statement to the payer of such winnings upon the payer's demand. Such statements shall accompany the payer's return made with respect to the payment as required pursuant to section 3402 (q) or 6041, as the case may be.

(b) *Contents of statement.* The statement referred to in paragraph (a) shall contain information (in addition to that required under section 6041 (c)) as to the amount, if any, of winnings from identical wagers to which the recipient is entitled. If any person other than the recipient is entitled to all or a portion of the payment, the statement shall also include information as to the amount, if any, of winnings from identical wagers to which each such person is entitled. The statement shall be provided on Form W-2G or, if persons other than the recipient are entitled to all or a portion of such payment, on Form 5754.

(c) *Exception.* The requirement of paragraph (a) of this section does not apply with respect to any payment of winnings—

(1) From a slot machine play, or a bingo or keno game,

(2) Which is subject to withholding under section 3402 (q) without regard to the existence of winnings from identical wagers, or

(3) For which no return of information under section 6041 is required of the payer.

(d) *Meaning of terms.* For purposes of this section, the terms "sweepstakes", "wagering pool", "lottery", "other wagering transaction" and "identical wagers" shall have the same meaning as ascribed to them under § 31.3402 (q)-1.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 2. Section 31.3402 (q)-1 is amended by adding new paragraphs (c) (1) (ii), (d) *Example (3)*, and (f) (1) (vi) immediately after paragraphs (c) (1), (i), (d) *Example (2)*, and (f) (1) (v) thereof, respectively, to read as follows:

§ 31.3401 (q)-1 Extension of withholding to certain gambling winnings.

* * * * *

(c) *Definitions; special rules*—(1) *Rules for determining amount of proceeds from a wager.* * * *

(ii) Amount, paid after (30 days after publication of this proposed amendment in the Federal Register as a Treasury decision), with respect to identical wagers are treated as paid with respect to a single wager, for purposes of

calculating proceeds from a wager. For example, amounts paid on two bets placed on the same horse to win a particular race are treated as paid with respect to the same wager. However, in the case of two bets on the same horse, one to win and on the "place", the wagers are not identical. Amounts paid on two tickets purchased in a lottery are generally not aggregated, because the designation of each ticket as a winning ticket generally would not be based on the occurrence of the same event, *e.g.*, the drawing of a particular number. For this purpose, if the recipient makes the statement required by § 1.6011-3 which indicates whether or not the recipient (and any other persons entitled to a portion of the winnings) is entitled to winnings from identical wagers and indicates the amount of such winnings, if any, then the payer may rely upon such statement in determining the amount of proceeds from the wager under paragraph (c)(1) of this section.

* * * * *

(d) *Examples.* * * *

Example (3). On June 1, 1982, B makes two $2 bets in a parimutuel pool for a horse race. Each bet is on the same horse to win a particular race. B wins a total of $1,300 on those bets. B cashes each ticket at a different cashier's window. B indicates on the statement demanded by each cashier the amount of winnings from identical wagers. Even though the amount paid by each cashier ($650) is less than the general $1,000 floor for the withholding requirement on a payment of winnings from horse race parimutuel pools, each cashier is required to deduct and withhold tax from B's winnings equal to $129.60 (($650-$2)×20%=$129.60) based on the information submitted by B indicating that the aggregated proceeds from the identical wagers ($1,300-$4=$1,296) exceeds $1,000 and the amount is at least 300 times as great as the amount wagered ($4×300=$1,200). However, had B refused to make the statements, the payer would have no basis provided by the payee upon which to rely in determining whether the aggregation requirement had been fulfilled.

* * * * * *

(f) *Return of payer*—(1) *In general.* * * *

(vi) With respect to payments made after (30 days after publication of this proposed amendment in the Federal Register as a Treasury Decision), the amount of winnings from identical wagers. * * *

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William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-27390 Filed 9-22-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 13

[Order No. 956-81]

Rewards Under the Atomic Weapons and Special Nuclear Materials Rewards Act

AGENCY: Department of Justice.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice sets forth proposed regulations of the Department of Justice implementing the Atomic Weapons and Special Nuclear Materials Rewards Act. Under that Act, the Attorney General is given the responsibility to determine whether a person furnishing information to the United states concerning the illegal introduction, manufacture, acquisition or export of special nuclear material or atomic weapons or conspiracies relating thereto is entitled to a reward. These regulations constitute the Department's procedure for processing applications for rewards under the Act.

DATE: Comments must be received on or before October 23, 1981.

ADDRESS: Comments should be directed to: Anne H. Shields, Land and Natural Resources Division, Room 2617, 10th and Pennsylvania Avenue, NW, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Anne H. Shields, Land and Natural Resources Division, Room 2617, 10th and Pennyslvania Avenue, NW, Washington, D.C. 20530. (202-633-1442).

SUPPLEMENTARY INFORMATION: These regulations constitute the Department's procedure for implementing the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a-47f, passed by Congress to replace the previously instituted program administered by a now defunct Awards Board. The regulations set forth proposed internal Department of Justice procedures but are being published for the information of the public. Final regulations will be published in the Federal Register.

The requirements of Executive Order No. 12291 (improving government regulations) do not apply to these procedures. These regulations do not constitute a "major rule" within the meaning of the Executive Order. These regulations will not cause a significant economic impact or other substantial effect on small entities; therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b) do not apply.

Accordingly, in order to adopt procedures for the Department of Justice to implement the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a-47(f), and by virtue of the authority vested in me by 50 U.S.C. 47d, I hereby propose that a new Part 13, be added to read as follows, be added to Chapter I of Title 28, Code of Federal Regulations:

PART 13—ATOMIC WEAPONS AND SPECIAL NUCLEAR MATERIALS REWARDS REGULATIONS

Sec.
13.1 Purpose.
13.2 Policy.
13.3 Definitions.
13.4 Procedures: Responsibility of the Attorney General.
13.5 Procedures: Responsibility of the Intra-departmental Committee.
13.6 Criteria.
13.7 Judicial Review.

Authority: 50 U.S.C. 47d.

§ 13.1 Purpose.

This part implements the responsibility given to the Attorney General under the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a-47f, for determining what persons are entitled to a reward for furnishing certain original information to the United States pertaining to atomic weapons and special nuclear material.

§ 13.2 Policy.

This program is intended to reward the provision of original information regarding situations involving an illegal diversion, an attempted illegal diversion, or a conspiracy to divert special nuclear material or atomic weapons. The broad scope of this program is to help guard against the loss or diversion of such material and to prevent any use or disposition thereof inimical to the common defense and security.

§ 13.3 Definitions.

"Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

"Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"Original information" means information first supplied to the Federal government by the applicant, which was created or compiled through his own skill, labor and judgment.

"Special nuclear material" means plutonium, or uranium enriched in the

isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954, 42 U.S.C. 2011 *et seq.*

"United States", when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United states and the Canal Zone except in § 13.4(a)(4). In § 13.4(a)(4), "United States", when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

§ 13.4 Procedures: Responsibilities of the Attorney General.

When a submission is made to the Department of Justice for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act, the Attorney General shall:

(a) Refer such submission to an intra-departmental committee composed of the Assistant Attorneys General for the Land and Natural Resources Division, the Criminal Division, and the Office of Legal Counsel for review;

(b) Review the proposed finding of the review committee and determine whether a reward is justified and the amount of same;

(c) Secure the approval of the President for any reward over $50,000;

(d) Jointly determine (along with the Secretary of State and the Director of Central Intelligence), if the award is to go to an alien, whether the entry of such alien into the United States is in the public interest and whether that alien and members of his immediate family may receive immigrant visas and be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act;

(e) Notify any person claiming an award of the determination regarding the claim and the amount of the reward, if any. If no reward is determined to be justified, state the reasons, consistent with national security, for the denial;

(f) Certify and transmit, along with the approval of the President if necessary, any award to be made to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended, 50 U.S.C. 401 *et seq.* Certification should be transmitted within 120 days of receipt of application for a reward;

(g) Not certify any amount over $500,000.

§ 13.5 Responsibility of the intra-departmental committee.

When the Attorney General refers a submission for a reward to the intra-departmental committee, this committee:

(a) Shall consult with the Nuclear Regulatory Commission and the Department of Energy regarding the reward;

(b) May consult with the Central Intelligence Agency and any other departments or agencies it deems appropriate to aid in the determination of whether a reward should be given and the proper amount of the reward;

(c) May hold hearings for the purpose of securing and evaluating information; a full hearing on the record with oral presentation and cross-examination is not required;

(d) Shall determine whether the information submitted fits one or more of the rewardable categories outlined in § 13.6;

(e) Shall determine whether the applicant is eligible for the reward. Federal employees and military personnel whose duties include investigating activities covered by this Act are not eligible for a reward for information acquired in the course of their investigation;

(f) Shall submit to the Attorney General a proposed finding as to eligibility and a recommendation for the amount of the reward within 60 days of the date of referral from the Attorney General, unless good cause is shown for extending the time of review.

§ 13.6 Criteria for reward.

(a) Information provided by any person to the United States for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act must be original, and must concern the unlawful:

(1) introduction, manufacture or acquisition, or

(2) attempted introduction, manufacture or acquisition of, or

(3) export or attempt to export, or

(4) conspiracy to introduce, manufacture, acquire or export special nuclear material or atomic weapons, or

(5) loss, diversion or disposal of special nuclear material or atomic weapons.

(b) The amount of the reward shall depend on:

(1) the amount of material recovered or potentially recoverable, and the role the information played in the recovery, and

(2) the danger the material posed or poses to the common defense and security or public health and welfare, and

(3) the difficulty in ascertaining the information submitted to claim the reward, and the quality of the information, and

(4) any other considerations which the Attorney General or the intra-departmental committee deems necessary or helpful to the individual determination.

§ 13.7 Judicial review.

The decision of the Attorney General is final and conclusive and no court shall have power or jurisdiction to review it.

Dated: September 10, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-27016 Filed 9-22-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Review of Decisions of Forest Officers

AGENCY: Forest Service, USDA.

ACTION: Notice of Review of Existing Regulation; Request for Public Comment.

SUMMARY: The regulation governing administrative review procedures relating to the administration of National Forests and other lands under the administration of the Forest Service is being reviewed pursuant to E.O. 12291. The objective of the review is to streamline and simplify procedures and reduce costs for appellants and the Forest Service. A discussion paper is available which outlines changes which have been suggested. Public comments are requested.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: R. Max Peterson, Chief (1570), USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Phillip Haug, National Forest System, Systems Coordination, USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013, Telephone: (703) 235-1797.

SUPPLEMENTARY INFORMATION: 36 CFR 211.19 sets forth procedures by which individuals or groups may request review of administrative decisions by Forest Service officers. Since the 1977 publication of the regulation, numerous suggestions for change or amendment have been submitted. These range from ideas for minor correction to proposals for major revision. Proposals, if adopted, would affect many facets of the review process. There are proposals to:

—Increase efficiency in processing and handling reviews.

—Improve appellant, third party, and agency understanding of the review process.

—Reduce the number of Administrative Reviews.

—Change or consolidate the material to be submitted with the notice of appeal, and the handling of the responsive statement and comments on the responsive statement.

—Change opportunities and procedures for oral presentations.

—Change opportunities and procedures for intervention, consolidation, and multiple party reviews.

—Change opportunities and procedures for stays of decision pending resolution of appeal.

—Change opportunities and procedures for procedural reviews.

—Add an optional "fast-track" process.

A discussion paper summarizes over 200 suggestions for change into 62 specific proposals. As an initial step in the review of the existing regulation, the Forest Service is inviting comments on the proposals—their completeness, clarity, and relevance. Comments should be keyed to outline section and page number of the discussion paper. Suggestions for changes not identified in the discussion paper are also welcome.

A copy of the discussion paper may be obtained from: Phillip Haug, National Forest System Systems, Coordination, USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013, Telephone: (703) 235-1797.

Douglas R. Leisz,

Associate Chief.

September 17, 1981.

[FR Doc. 81-27676 Filed 9-22-81; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6141]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Insurance Administration, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Orland Park, Cook County	Marley Creek	About 100 feet downstream of 108th Avenue	*688
			Just downstream of Norfolk and Western Railway	*690
			Just upstream of Norfolk and Western Railway	*692
			About 2,800 feet upstream of 159th Avenue	*692
		South Fork Marley Creek	Just upstream of Norfolk and Western Railway	*691
			About 1,400 feet upstream of Norfolk and Western Railway.	*692
			About 8,000 feet upstream of Norfolk and Western Railway.	*701
			About 9,100 feet upstream of Norfolk and Western Railway.	*702
		Mill Creek	Just upstream of 131st Street	*668
			About 400 feet upstream of 131st Street	*671
			Just downstream of Norfolk and Western Railway	*672
			At 88th Avenue	*682

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tinley Creek	About 1,600 feet downstream of 82nd Avenue	*657
			About 100 feet upstream of Silver Lake Country Club Road.	*666
			About 500 feet upstream of Silver Lake Country Club Road.	*667
			About 700 feet upstream of Silver Lake Country Club Road.	*673
			Just upstream of Tee Brook Drive	*676
			About 100 feet downstream of Wheeler Drive	*682
			About 150 feet downstream of 159th Street	*686
			About 150 feet upstream of Laurel Drive	*699
			Just upstream of 88th Avenue	*700
		76th Avenue Ditch	At 159th Street	*706
			About 1,600 feet upstream of 159th Street	*709
Maps available for inspection at the Administrator's Office, Village Hall, 14415 Beacon Avenue, Orland Park, Illinois.				
Send comments to Honorable Melvin Doogan, Village President, village of Orland Park, Village Hall, 14415 Beacon Avenue, Orland Park, Illinois 60462.				
Oklahoma	City of Tulsa, Tulsa and Osage Counties	Arkansas River	Upstream of 51st Street (U.S. Highway 66, Interstate 44).	*626
			Upstream of Texas and Pacific Railroad (near 31st Street).	*630
			Just upstream of 23rd Street bridge	*631
			Just upstream of State Highway 97	*649
		Bird Creek	Just downstream of 56th Street north	*599
			Just downstream of U.S. Highway 75	*603
		Bird Creek Tributary	Just downstream of Mohawk Park Road	*600
			Just downstream of 36th Street north	*611
		Coal Creek (North Tulsa)	Just downstream of Atchison Topeka and Santa-Fe Railway.	*600
			Just downstream of Apache Street	*618
			Just upstream of Apache Road	*620
			Just downstream of Darlington Place	*638
		Coal Creek Tributary	Just upstream New Haven Avenue	*669
		Flat Rock Creek	Just upstream of Cherokee Expressway (U.S. Highway 75).	*604
			Just upstream of Texas and Pacific Railroad	*622
		Flat Rock Creek Tributary	Just downstream of Cherokee Expressway (U.S. Highway 75).	*603
		Dirty Butter Creek	Just downstream of 36th Street north	*621
			Just downstream of Texas and Pacific Railroad	*645
			Just downstream of Hartford Avenue	*652
		Dirty Butter Creek Tributary	Just downstream of Mohawk Boulevard	*631
			Just upstream of Mohawk Boulevard	*641
		Valley View Creek	Just downstream of 46th Street north	*625
			Just upstream of 64th Street north	*661
		Mingo Creek	Just upstream of 56th Street north	*591
			Just upstream of 46th Street north	*596
			Just upstream of 36th Street north	*611
			Just downstream Apache Road	*613
			Just upstream of Interstate Highway 244	*618
			Just upstream of 11th Street south	*628
			Just upstream of 41st Street south	*652
			Just upstream of Broken Arrow Expressway	*657
			Just downstream 51st Street south	*662
			Just upstream of 61st Street south	*690
		Douglas Creek	Upstream 83rd East Avenue	*615
			Just upstream of St. Louis San Francisco Railroad Spur.	*618
		Mill Creek	Just upstream of Memorial Boulevard	*645
			Just upstream of 73rd Avenue East	*660
			Just downstream of 11th Street at upstream end of underground conduit.	*695
		Jones Creek	Just upstream of Memorial Boulevard	*647
			Just downstream 69th Avenue East	*685
		Audobon Creek	Just upstream of 90th Avenue East	*645
			Just upstream of Skelly Drive (Interstate Highway 44)	*668
		Bell Creek	Just upstream of 37th Street south	*650
			Just downstream of 83rd Avenue East	*653
			Just upstream of 90th Avenue East	*660
			Just upstream of Broken Arrow Expressway	*667
		Bell Creek Tributary	Just upstream of 41st Street south	*661
			Just upstream of Missouri, Kansas and Texas Railroad	*667
		Fulton Creek	Just upstream of 34th Street south	*654
			Just downstream of 39th Street south	*665
		Alsuma Creek	Just upstream of 48th Place South	*661
			Just downstream of Missouri, Kansas and Texas Railroad.	*670
		Little Creek	Just downstream of Mingo Valley Expressway service road south bound.	*615
			Just upstream of Garnett Road	*617
		Quarry Creek	Just upstream of Apache Street	*633
			Just upstream of 129th Avenue East	*648
		Eagle Creek	Just downstream of St. Louis and San Francisco Railroad.	*620
			Just upstream of St. Louis & San Francisco Railroad	*629
			Just downstream of Pine Street	*647

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Cooley Creek	Approximate 300 feet upstream of Mingo Valley Expressway.	*630
			Just upstream of Garnett Road	*642
			Just upstream of 129th Avenue East	*670
			Just upstream of Interstate Highway 1-44	*675
			Just upstream of Admall Dam	*683
		Cooley Creek Tributary	Just upstream of state Highway 1-44	*678
			Just upstream of 4th Place south	*685
			Just downstream of 11th Street south	*704
			Just upstream of 15th Street south	*730
		Tupelo Creek	Just downstream of 102nd Avenue East	*627
			Just upstream of Mingo Valley Expressway	*633
			Just upstream of 11th Street south	*645
			Just upstream of Interstate Highway 1-44	*650
			Just upstream of 17th Street south	*661
		Tupelo Creek Tributary	Just upstream of 119th Avenue East	*665
			Just upstream of 121st Avenue East	*670
		Brook Hollow Creek	Just upstream of Mingo Valley Expressway	*652
			Just upstream of 129th Avenue East	*694
			Just upstream of Garnett Road	*661
			Just upstream of 28th Street south	*710
		Brook Hollow Creek Tributary	Just downstream of Garnett Road	*661
			Just upstream of 121st Avenue East	*679
		Sugar Creek	Just upstream of Mingo Valley Expressway	*651
			Just upstream of Garnett Road	*664
			Just downstream of 41st Street south	*670
		South Park Creek	Just upstream of Mingo Valley Expressway	*658
			Just upstream of Garett Road	*666
		Ford Creek	Just downstream of intersection of Garnett Road and 51st Street south.	*668
			Just upstream of 129th Avenue East	*695
			Just upstream of Broken Arrow Expressway	*708
		Catfish Creek	Just downstream of 55th Street south	*670
		Spunky Creek Tributary A	Just upstream of 193rd Avenue East	*634
		Spunky Creek Tributary B	Just upstream of 193rd Avenue East	*628
			Just upstream of 177th Avenue East	*658
		Spunky Creek Tributary B-1	Just upstream of a low water crossing	*652
		Harlow Creek	Just upstream of Keystone Expressway (U.S. Highway 64).	*661
		Vensel Creek	Just downstream of 101st Street	*622
			Just upstream of Harvard Avenue	*647
			Approximately 100 feet upstream of 83rd Street	*677
		Fred Creek	Just downstream of 81st Street	*623
			Just upstream of Evanston Avenue	*655
			Just upstream of Harvard Avenue	*680
		Joe Creek	Just downstream of 71st Street	*622
			Just upstream of 61st Street	*634
			Just upstream of 51st Street	*655
		South Fork Joe Creek	Just upstream of Harvard Avenue	*664
			Just downstream of Marion Street	*682
			Just upstream of New haven Avenue	*690
			Just downstream of Pittsburgh Avenue	*697
		Little Joe Creek	Just upstream of Harvard Avenue	*658
			Just upstream of New Haven Avenue	*670
			Just upstream of Yale Avenue	*689
			Just downstream of Hudson Avenue	*700
		South Fork Little Joe Creek	Just upstream of Yale Avenue	*695
		North Fork Little Joe Creek	Just downstream of Yale Avenue	*690
		East Branch Joe Creek	Just upstream of 41st Street south	*688
			Just upstream of 38th Street south	*694
		West Branch Joe Creek	Just upstream of 49th Street	*664
			Just downstream of 31st Street	*724
		Crow Creek	Just downstream of Peona Avenue	*644
			Just upstream of 31st Avenue	*659
		Hagar Creek	Just upstream of 91st Street	*628
			Just upstream of the Elwood Avenue crossing north of 81st Street.	*639
		Mooser Creek	Just upstream of Texas and Pacific Railroad	*627
			Just upstream of U.S. Highway 75 (Okmulgee Expressway).	*643
			Just upstream of 33rd Avenue West	*699
		Mooser Creek Tributary	Just upstream of 57th Street extended	*670
			Downstream of 61st Street	*678
		Cherry Creek (West Tulsa)	Approximately 250 feet upstream of 37th Place	*633
		Red Fork Creek	Just upstream of Union Avenue	*642
			Just downstream of Yukon Avenue	*646
		Nickel Creek	Just upstream of 91st Street	*634
		West Branch Halkey Creek	Just upstream of Garnett Road	*674
			Just downstream of Mingo Road	*694
		Little Halkey Creek	Just upstream of Memorial Drive	*693
			Just upstream of Sewage Plant Access Road	*720
		Little Halkey Creek Tributary	Downstream of 72nd Avenue East	*721

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fry Ditch No. 2	Just upstream of 101st Street	*664
			Just downstream of Sheridan Avenue	*686
			Just upstream of 91st Street	*711
Maps available for inspection at City Engineer's Office, City Hall, 200 Civic Center, Room 514, Tulsa, Oklahoma 74103.				
Send comments to Mayor James Inhofe or Charles Hardt, City Engineer, City Hall, 200 Civic Center, Room 514, Tulsa, Oklahoma 74103.				
Texas	City of Alvin, Brazona County	Mustang Bayou	Just upstream of South Street	*41
			Just upstream of Second Street	*45
		Shallow Flooding (Sheet Flow)	At the intersection of Friendswood Road and Derrant Road.	#2
			Southwest of the intersection of State Highway 6 and 2nd Street.	#1
			At the intersection of Verhalen Road and Stansel Drive.	#1
			On the right side, along County Road 2403, approximately 1 mile south of the intersection of State Highway 35 and County Road 2403.	#3
Maps available for inspection at City Secretary's Office, City Hall, 216 West Scaly Street, Alvin, Texas 77511.				
Send comments to Mayor Allen Gray or Mr. William E. Wolff, City Manager, City Hall, 216 West Scaly Street, Alvin, Texas 77511.				
Texas	City of Hillcrest, village, Brazona County	Mustang Bayou	Just upstream of Widwing Drive extended	*35
			Approximately 450 feet upstream of Hillcrest Drive extended.	*36
Maps available for inspection at City Secretary's Home, Number 3, Palm Circle, Hillcrest Village, Texas 77511.				
Send comments to Mayor John T. Thiem or Grace Collins, City Secretary, City Hall, P.O. Box 1172, Alvin, Texas 77511.				
Texas	Town of Refugio, Refugio County	Mission River	Confluence of Tributary A	*39
		Tributary B	Approximately 100 feet downstream of U.S. Highway 77.	*43
			Just upstream of U.S. Highway 77	*47
			Approximately 80 feet downstream of Swift Street (Corporate Limits).	*53
Maps available for inspection at City Secretary's Office, City Hall, 613 Commerce Street, Refugio, Texas 78377.				
Send comments to Mayor Judy Williamson or Ms. Lillian Linney, City Secretary, City Hall, P.O. Drawer Z, Refugio, Texas 78377.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27628 Filed 9-22-81; 8:45 a.m.]

BILLING CODE 6718-03-M

44 CFR 205

[Docket 205-SUB D-1]

Disaster Assistance: Individual and Family Grant Programs

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: FEMA is proposing revisions to the Individual and Family Grant (IFG) program regulations under section 408 of the Disaster Relief Act of 1974, which provides for grants to States to make grants to individuals and families who, as a result of a major disaster are unable to meet disaster related needs. The regulation specifies eligibility criteria for individuals, eligible categories of assistance, the requirements placed upon States for administering the grants procedures for obtaining the grants, and fiscal provisions.

Significant differences from the existing regulations include:

Elimination of the Governor's certifications upon requesting the program. They are replaced by an expression of intent to implement the program. This expression represents the Governor's agreement to certain of the former certifications.

(2) New requirements for compliance with flood insurance legislation and floodplain management guidance have been added.

(3) The categories of assistance have been expanded.

DATE: Comments are due on or before November 23, 1981.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Sarah L. Wise, Office of Individual Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, DC 20472, (202) 634-7900).

SUPPLEMENTARY INFORMATION: One option which was considered for inclusion in these regulations was limited home repairs (LHR). FEMA has been using a combination of the Temporary Housing Assistance program (section 404 of the Act) and the IFG program funding authority to provide assistance to families who required such repairs to make their damaged home habitable quickly for use as temporary housing while permanent repairs were being made with other funds. FEMA has studied the impact on both programs and is now tentatively planning to incorporate a provision in the regulations implementing section 404 which will permit funds to be provided to temporary housing applicants for minimal repairs. This action will negate the need for inclusion of LHR in this rule.

FEMA has determined that there will be no significant impact on the environment caused by implementation of these proposed regulations. An environmental assessment resulting in a finding of no significant impact has been prepared in accordance with 44 CFR

10.9(e), and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508). Copies of this assessment may be inspected or obtained at the Office of Individual Assistance, at the address stated above. An environmental impact statement will not be prepared.

It has been determined that this regulation is procedural in nature, and that the changes from the existing regulation will have little, if any, impact on costs and, thus, this is not a major rule.

Also, as the regulation is applicable only to States, or to individuals or families, it is not applicable to small entities. Thus, it is certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities, and an initial regulatory impact analysis will not be prepared.

Interested persons may participate in this proposed rulemaking by submitting written comments to the address listed above. All comments received will be taken into consideration, and will also be available for inspection at the Office of the Rules Docket Clerk, FEMA, at the above address.

This rule implements section 408 of the Disaster Relief Act of 1974 and is issued under authority in section 601 of that Act.

PART 205—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 93-288)

Accordingly, it is proposed to amend subchapter D of Chapter 1 of Title 44 Code of Federal Regulations by adding to Part 205 a new section 205.54 as follows:

§ 205.54 Individual and family grant programs.

(a) *General.* The Governor may request that a Federal grant be made to a State for the purpose of such State making grants to individuals or families who, as a result of a major disaster, are unable to meet disaster related necessary expenses or serious needs. The total Federal grant under this section will be equal to 75 percent of the actual cost of meeting necessary expenses or serious needs of individuals and families, plus State administrative expenses not to exceed 3 percent of the Federal grant (see computation of State administrative expenses in paragraph (i)(1) of this section). The total Federal grant is made only on condition that the remaining 25 percent of the actual cost of meeting individuals' or families' necessary expenses or serious needs is paid from funds made available by the State. With respect to any one major disaster, an individual or family may not receive a grant or grants under this section totaling more than $5,000, including both the Federal and State shares. The Governor or his/her designee is responsible for the administration of the grant program.

(b) *Purpose.* The grant program is intended to provide funds to individuals or families to permit them to meet those disaster-related necessary expenses or serious needs for which assistance from other means is either unavailable or inadequate. Meeting those expenses and needs as expeditously as possible will require States to make an early commitment of personnel and resources. In addition, States are encouraged to award grants to individuals and families prior to the availability of assistance from other means. The grant program is not intended to indemnify disaster losses or to permit purchase of items or services which may generally be characterized as nonessential, luxury, or decorative.

(c) *Definitions used in this section.*

(1) "Necessary expense" means the cost of an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury, or adverse condition.

(2) "Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

(3) "Family" means a social unit living together and comprised of a husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter, or a dependent descendant of a son or daughter.

(4) "Individual" means a person who is not a member of a family, as defined in paragraph (c)(3) of this section.

(5) "Assistance from other means" means assistance, including monetary or in-kind contributions, from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(6) "Owner-occupied" means that the residence is occupied by: the legal owner; a person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence, and pays no rent; or a person who has lifetime occupany rights in the residence with formal title vested in another.

(d) *National eligibility criteria.* In administering the IFG program, a State shall determine the eligibility of an individual or family in accordance with the following criteria:

(1) *General.* (i) To qualify for a grant under this section, an individual or family representative must:

(A) make application to all applicable available governmental disaster assistance programs for assistance to meet a necessary expense or serious need (see exeption in paragraph (d)(1)(iii)), and be determined not qualified for such assistance, or demonstrate that the assistance received does not satisfy the total necessary expense or serious need;

(B) not have previously received or refused assistance from other means for the specific necessary expense or serious need, or portion thereof, for which application is made; and

(C) certify to refund to the State that part of the grant for which assistance from other means is received, or which is not spent as identified in the grant award document.

(ii) Individuals or families who incur a necessary expense or serious need in the major disaster areas may be eligible for assistance under this section without regard to their alienage, their residency in the major disaster area, or their residency within the State in which the major disaster has been declared.

(iii) Individuals or families are ineligible for disaster loan assistance from the Small Business Administration (SBA), and need not apply for such assistance, if they certify that they:

(A) suffered only personal property damage;

(B) are unemployed; and

(C) derive more than 50 percent of their income from welfare or social security payments.

(iv) Farmers, ranchers, and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the SBA for home or personal property loan assistance, and obtain a denial of such assistance from either agency before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are denied such assistance because they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

(v) Where a facility serves more than one individual or family, an owner-occupant whose primary residence is served by the facility may be eligible for a proportionate share of the cost of jointly repairing or providing such a facility. The owner-occupant may

combine his/her grant funds with funds made available by the other individuals or families if the owner of the facility agrees to execute a joint-use agreement (with no cost or charges involved), or if joint ownership of the facility is agreed to.

(vi) The Flood Disaster Protection Act of 1973, Pub. L. 93-234, as amended, imposes certain restirctions on approval of Federal financial assistance for acquisition and construction purposes. Subpart K of these regulations implements Pub. L. 93-234 for FEMA assistance generally. This paragraph refines those requirements for the IFG program. To the extent that this paragraph is inconsistent with Subpart K, this paragraph applies.

(A) For the purposes of this paragraph, "financial assistance for acquisition or construction purposes" means a grant to an individual or family to repair, replace, or rebuild a home, and/or to purchase or repair insurable contents. However, the term does not include grants related to nonflood damage.

(B) A State may not make a grant for acquisition or construction purposes where the structure to which the grant assistance relates is located in a designated special flood hazard area which has been identified by the Director for at least one year as flood-prone, unless the community in which the structure is located is participating in the National Flood Insurance Program (NFIP). However, if a community qualifies for and enters the NFIP during the six-month period described in 44 CFR 205.253(a)(3)(i), the Governor's Authorized Representative (GAR) may request a time extension (see paragraph (k)(1) (ii) and (iii) of this section) from the Regional Director for the purpose of accepting and processing grant applications in those communities. The Regional Director or Associate Director, as appropriate (see paragraph (k)(2) of this section), may approve the State's request if those governmental disaster assistance programs which were available during the original application period are now available to the grant applicants.

(C) (*1*) The State may not make a grant for acquisition or construction purposes where the structure to which the grant assistance relates is located in a designated special flood hazard area in which the sale of flood insurance is available under the NFIP unless the individual or family agrees to purchase and maintain an adqeuate flood insurance policy. An adequate policy, for purposes of the IFG program, means a three-year policy under the NFIP, or a similar policy, which provides coverage for at least the maximum grant authorized by law for any individual or family. The amount required to purchase the above coverage is considered a necessary expense for those individuals or families who are required to obtain flood insurance (see paragraph (d)(2)(vii) of this section). If the same premium will provide more than the required coverage, the higher coverage should be obtained. There are no further requirements on an individual or family to renew the three-year policy, since the Associate Director has determined that such purchase complies with the requirements of the Flood Disaster Protection Act of 1973. Nevertheless, the State should encourage such individuals or families to protect themselves by renewing their insurance periodically.

(*2*) Individuals and families who are required to buy flood insurance must provide proof of purchase to the State.

(D) A State may not make a grant for acquisiton or construction purposes where an applicant who is required to apply to SBA or FmHA in accordance with paragraph (d)(1)(i)(A) of this section is denied loan assistance by those agencies:

(*1*) because of failure to have obtained and/or maintained a flood insurance policy required as a condition of previous loan assistance; or

(*2*) in the instance of non-flood damage, because flood insurance is not available due to the community's non-participation in the NFIP.

The provisions of paragraph (d)(1)(iii) of this section will not be used to determine any applicant ineligible for SBA disaster loan assistance in these instances.

(vii) In order to comply with the President's Executive Orders on Floodplain Management (EO 11988) and Protection of Wetlands (EO 11990), the State must implement the IFG program in accordance with FEMA regulations 44 CFR Part 9. That part specifies which IFG program actions require a floodplain management decision-making process before a grant may be made, and also specifies the steps to follow in the decision-making process. Should the State determine that an individual or family is otherwise eligible for grant assistance, the State shall accomplish the necessary steps in accordance with that section, and request the Regional Director to make a final floodplain management determination.

(2) *Eligible categories.* Assistance under this section shall be made available to meet necessary expenses or serious needs by providing essential items or services in the following categories:

(i) *Housing.* With respect to primary residences (including mobile homes) which are owner-occupied at the time of the disaster, grants may be authorized to:

(A) repair, replace, or rebuild;

(B) provide access;

(C) clean or make sanitary;

(D) remove debris from such residences. Debris removal is limited to the minimum required to remove health or safety hazards, or protect against additional damage to the residence;

(E) provide or take minimum protective measures required to protect such residences against the immediate threat of damage; and

(F) develop a site for, tow, set up, connect, and/or reconnect a mobile home.

(ii) Personal property such as:

(A) clothing;

(B) household items, furnishings, or applicances. If a predisaster renter receives a grant for household items, furnishings, or appliances, and these items are an integral part of a mobile home or other furnished unit, the predisaster renter may apply the funds awarded for these specific items toward the purchase of the furnished unit, and toward mobile home site development, towing, set-up, connecting and/or reconnecting;

(C) tools, specialized or protective clothing, and equipment essential to or a condition of a wage earner's employment;

(D) repairing, cleaning or sanitizing any eligible personal property item; and

(E) moving and storing to prevent or reduce damage.

(iii) *Transportation.* Grants may be authorized to provide public transportation. When public transportation is unavailable or inadequate, grants for private transportation may be provided.

(iv) Medical or dental expenses.

(v) *Funeral expenses.* Grants may include funeral and burial (and/or cremation) expenses.

(vi) *Flood insurance premium.* The cost of the initial flood insurance premium to meet the requirements of paragraph (d)(1)(vi)(C).

(vii) Minimization measures required by owner-occupants to: comply with the provisions of 44 CFR Part 9 (Floodplain Management and Protection of Wetlands); enable them to receive assistance from other means; and enable them to comply with a community's floodplain management regulations.

(viii) *Cost for estimates required for eligibility determinations under the IFG program.* A grant in this category may

not exceed the customary charges for such services in the disaster area.

(ix) *Food.* Grants for food may be authorized when assistance from other means (such as the food stamp program, the food commodity program, and other government-funded feeding programs) is unavailable, and the applicant's normal food supply sources, such as subsistence farming, hunting or fishing activities or stored food, are unavailable as a result of the disaster.

(x) *Other.* A State may determine that other necessary expenses and serious needs are eligible for grant assistance. If such a determination is made, the State must summarize the facts of the case and throughly document its finding of eligibility. Should the State require technical assistance in making a determination of eligibility, it may provide a factual summary to the Regional Director and request guidance. The Associate Director also may determine that other necessary expenses and serious needs are eligible for grant assistance. Following such a determination, the Associate Director shall advise the State, through the Regional Director, and provide the necessary program guidance.

(3) *Ineligible categories.* Assistance under this section shall not be made available for any item or service in the following categories:

(i) Business losses, including farm businesses and self-employment;

(ii) Improvements or additions to real or personal property, except those required to comply with paragraph (d)(2)(viii) of this section;

(iii) Landscaping;

(iv) Real or personal property used exclusively for recreation; and

(v) Financial obligations incurred prior to the disaster.

(e) *State administrative plan.* (1) The State shall develop a plan for the administration of the IFG program that includes, as a minimum, the items listed below:

(i) Assignment of grant program responsibilities to State officials or agencies.

(ii) Procedures for:

(A) notifying potential grant applicants of the availability of the program, to include the publication of application deadlines, pertinent program descriptions, and further program information on the requirements which must be met by the applicant in order to receive assistance;

(B) accepting applications at Disaster Assistance Centers and subsequently at State-established local application centers;

(C) establishing local application centers after the closing of Disaster Assistance Centers;

(D) verifying necessary expenses and serious needs;

(E) determining applicant eligibility and grant amounts by a State employee or panel of State employees, and notifying applicants of the State's decision;

(F) determining the requirement for flood insurance;

(G) preventing duplication of benefits between grant assistance and assistance from other means;

(H) at the applicant's request, reconsidering the State's determinations;

(I) processing applicant appeals, recognizing that the State has final authority. Such procedures must provide for:

(1) the receipt of oral or written evidence from the appellant or representative,

(2) a determination on the record, and

(3) a decision by an impartial person or board;

(J) disbursing grants in a timely manner;

(K) by a statistical sample (no less than a 3% sample), verifying that grant funds are meeting needs identified by applicants, and that the conditions of the grant award, especially regarding floodplain management and flood insurance, are being observed by grant recipients;

(L) recovering grant funds obtained fraudently, expended for unauthorized items or services, expended for items for which assistance is received from other means, not expended as of the date the State requests reimbursement, or authorized for acquisition or construction purposes where proof of purchase of flood insurance is not provided to the State;

(M) conducting a State audit;

(N) reporting to the Regional Director, and to the Federal Coordinating Officer as required; and

(O) reviewing and updating the plan.

(iii) National eligibility criteria as defined in paragraph (d) of this section.

(iv) Provisions for compliance with Section 311 of the Act, Nondiscrimination in Disaster Assistance, and Section 317 of the Act, Criminal and Civil Penalties.

(v) Pertinent time limitations for accepting applications, grant award activities, and administrative activities.

(vi) Provisions for specifically identifying, in the accounts of the State, all Federal and State funds committed to each grant program, and provisions for ensuring the immediate return, upon discovery, of all excess advances of Federal funds.

(2) The Governor or his/her designee may request the Regional Director to provide technical assistance in the preparation of an administrative plan to implement this program.

(3) The Regional Director shall review the State administrative plan in each disaster for which assistance under this section is requested, and may defer approval until the plan meets the requirements of these regulations and current policy guidance.

(4) The State shall make its approved administrative plan part of the State emergency plan, as described in Section 205.4 of these regulations.

(f) *State initiation of the IFG program.* To make assistance under this section available to disaster victims, the Governor must, either in the request to the President for a major disaster declaration or by separate letter to the Regional Director, express his/her intention to implement the program. This expression of intent must include an estimate of the size and cost of the program. In addition, this expression of intent represents the Governor's agreement to the following:

(1) That the program is needed to satisfy necessary expenses and serious needs of disaster victims which cannot otherwise be met;

(2) That the State will pay its 25 percent share of all grants to individuals and families;

(3) That the State will return immediately upon discovery advanced Federal funds that exceed actual requirements;

(4) To implement an administrative plan as identified in paragraph (e) of this section;

(5) To implement the grant program throughout the area designated as eligible for assistance by the Associate Director; and

(6) To maintain close coordination with and provide reports to the Regional Director.

(g) *Approval of funds.* (1) The Regional Director may approve Federal assistance under this section upon his/her determination that:

(i) the Governor has indicated his/her intention to implement the program in accordance with paragraph (f) of this section; and

(ii) the State administrative plan meets the requirements of these regulations and current policy guidance.

(2) The Regional Director may approve Federal assistance based on his/her estimate of the amount required to meet the necessary expenses and serious needs of disaster-affected

individuals and families which cannot be met through assistance from other means.

(h) *Advance of funds.* (1) The GAR shall submit requests, and the Regional Director may authorize advances of funds, for the Federal share of grants under this section.

(2) The Regional Director may also authorize advances of funds for the State share of grants under this section if the State is unable immediately to pay its 25 percent share.

(i) The Governor shall make the initial request to the Regional Director for an advance of the State share. The request shall include:

(A) a certification that the State is unable immediately to pay its 25 percent share;

(B) a statement of the specific actions taken or to be taken to overcome the inability to provide the State share;

(C) a certification that the State will repay this advance when it is able, and the date for this repayment; and

(D) an estimate of the total amount needed to meet the State's 25 percent share.

(ii) The GAR may submit to the Regional Director subsequent requests for advances of the State share.

(3) The Regional Director may recover any advance of the State share not repaid by the date established in accordance with paragraph (h)(2)(i)(C) of this section, or any excess advance of the Federal share not refunded within 30 days after completion of the Federal audit (or State audit in those programs where no Federal audit is conducted), in accordance with 44 CFR Part 11, Subpart C, including the offset of Federal funds to which the State would otherwise be entitled.

(4) The Regional Director may withhold advances under this section if the State has failed to repay an advance of its share in a previous IFG program in accordance with the date in paragraph (h)(2)(i)(C), or has failed to repay previous excess advances of Federal funds after completion of the Federal audit (or State audit in those programs where no Federal audit is conducted).

(5) Any interest on an excess advance of the Federal and/or State share(s) earned from the date of completion of the Federal audit (or State audit in those programs where no Federal audit is conducted) to the date of the return of the excess advance must be remitted to the U.S. Treasury.

(i) *Reimbursement to the State.* (1) The Regional Director shall approve reimbursement to the State of the Federal share of eligible costs on the basis of a voucher filed by the State and supported by a State audit. Costs that are eligible for reimbursement include 75 percent of the cost of meeting necessary expenses or serious needs of individuals and families, and expenses incurred in administering the grant program. The maximum amount of State administrative expenses that is eligible for reimbursement is computed by dividing the eligible Federal cost of meeting necessary expenses or serious needs of individuals and families by .97, and subtracting the eligible Federal cost of meeting such expenses or needs from the quotient.

(2) If a State requests reimbursement for a grant that is improperly or inadequately documented, or that does not conform to the State administrative plan, the Regional Director shall suspend the claim.

(3) The State may request reimbursement for a grant that has not yet been expended by the grant recipient. The State shall justify the non-expenditure, including the steps being taken to eliminate it. If the Regional Director determines that the justification is inadequate, he/she shall suspend the claim.

(4) The State may request reimbursement for a grant that was made on the basis of fraudulent information, that was misapplied by the grant recipient, that duplicates assistance from other means, or that was authorized for acquisition or construction where proof of purchase of flood insurance was not provided to the State. If the State has taken the action required by its administrative plan to recover the grant funds, but has been unable to do so, the Regional Director may approve the claim.

(j) *Audits.* The State shall audit each grant program in accordance with audit guidelines provided by the Regional Director. All claims are subject to Federal audit.

(k) *Time limitations.* (1) In the administration of the IFG program:

(i) The Governor shall indicate his/her intention to implement the IFG program no later than seven days following the day on which the major disaster was declared and in the manner set forth in paragraph (f) of this section;

(ii) The State shall accept applications from individuals or families for a period of 60 days following the declaration date, and for a minimum of 30 days thereafter when the State determines that extenuating circumstances beyond the applicants' control (such as, but not limited to, hospitalization, illness, or inaccessibility to application centers) prevented them from applying in a timely manner;

(iii) The State shall complete all grant award activity, including eligibility determinations, disbursements, and disposition of appeals, within 180 days following the declaration date. The Regional Director shall suspend all grant awards disbursed after the specified completion date; and

(iv) The State shall complete all administration activities and submit final reports, State audit, and vouchers to the Regional Director within 90 days of the completion of all grant award activity.

(2) The GAR may submit a request with appropriate justification for the extension of any time limitation. The Regional Director may approve the request for a period not to exceed 90 days. The Associate Director may approve any request for a further extension of the time limitations.

(l) *Appeals.* (1) The State may appeal to the Regional Director any Federal action under paragraphs (g) through (k) of this section. An appeal shall be made in writing within 30 days of the date of the Federal action. The Regional Director shall review the material submitted, conduct an investigation if appropriate, and, not later than 15 days following receipt of the appeal, notify the State of his/her decision in writing.

(2) The State may further appeal the Regional Director's decision to the Associate Director. This appeal shall be made in writing within 15 days of the Regional Director's decision. Action by the Associate Director is final.

(m) *Exemptions from garnishment.* All proceeds received or receivable under the IFG program shall be exempt from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver. No rights under this provision are assignable or transferable. The above exemptions will not apply to the requirement imposed by paragraph (e)(1)(ii)(L) of this section.

(n) *Exceptions for the Combined Application and Verification Process (CAVP).* The CAVP is a consolidated system for processing applications for the disaster home/personal property loan program under SBA, the temporary housing program under section 205.52 of these regulations, and the IFG program under this section. The Federal Coordinating Officer will be responsible for accepting and verifying applications for these three programs. When CAVP is being used, the following paragraphs of this section are modified or suspended: paragraphs (e)(1)(ii) (A), (B), (C) and (D) are suspended, and paragraph (k)(1)(ii) is modified to read: "The FCO shall . . ." in lieu of "The State shall . . ."

Dated: May 20, 1981.

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-27631 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-02-M

Notices

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Canal Place-Phase II; Vieux Carre National Historic Landmark District; Availability of Comments

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and § 800.6(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties," a Panel of the Council met on September 1-2, 1981, to consider the proposal of the city of New Orleans to use Urban Development Action Grant funds to assist in the construction of Canal Place-Phase II, a project within the Vieux Carre National Historic Landmark District. It has been determined that this undertaking would have an adverse effect on the Vieux Carre. At that meeting the Panel of the Council adopted comments which have been transmitted to the Mayor of the city of New Orleans.

This notice, pursuant to 36 CFR 800.6(d)(5), is to advise interested parties that copies of these comments are available upon request from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3974, Attention: John J. Cullinane.

Dated: September 17, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-27592 Filed 9-22-81; 8:45 am]
BILLING CODE 4310-10-M

CIVIL AERONAUTICS BOARD

[Docket No. 38748]

Capitol International Airways, Inc; Violations of Part 250; Reassignment of Enforcement Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 17, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-27663 Filed 9-22-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 38746]

Capitol International Airways, Inc.; Violations of Part 250; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 7, 1981 at 10:00 A.M. (local time) in Room "D", Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

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

John M. Vittone,
Administrative Law Judge.

[FR Doc. 81-27664 Filed 9-22-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 37554; Order 81-9-120]

Establishment of the Standard Foreign Fare Level

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of September 1981.

Order

The International Air Transport Competition Act (IATCA), P.L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and Order 81-7-61 established the currently effective SFFL applicable through September 30, 1981.

The SFFL for travel commencing October 1, 1981, will be established for a two-month period, and, alternatively, for a four-month period—October through January. The two-month SFFL is required by statute. The four-month SFFL represents a continuation of our policy to provide carriers an additional option recognizing that a longer effectiveness perod may be better suited to the sometimes complex procedures involved in international fare-setting.

In preliminarily calculating the SFFL for the period commencing October 1, we have projected nonfuel costs, based on the year ended June 30, 1981, and we have adjusted fuel prices to reflect the experienced rate of fuel cost escalation. The four-month average of April through July, 1981, fuel costs provide the following rates of escalation: —1.43 cents per gallon for the Atlantic entity; —.29 cents per gallon in the Latin American entity; and —.16 cents per gallon in the Pacific. The resulting fuel projections would be 108.71, 105.42, 116.59, and 107.28, 105.13, 116.43 cents per gallon in the Atlantic, Latin American and Pacific entities for the two and four month intervals, respectively. Examination of the monthly and weekly fuel prices submitted to the Board by the carriers, however, indicate to us that the recent reductions in fuel prices have moderated, though prices may continue to decline. Because any substantial rate of decrease projected forward would be speculative, given the volatility of oil markets, and because of our desire to minimize regulatory lag in increasingly competitive international markets, we have decided to use the latest actual fuel prices in the final calculations as the best current projection of future prices. Of course, internationally, we examine costs every two months permitting us to monitor closely fuel prices over the ensuing months and, if necessary, we will revise the SFFL should the actual fuel prices fluctuate significantly, either up or down, from our projection. In the absence of compelling reasons to do otherwise we are continuing our policy of relying on annual data in the computation of nonfuel cost escalation rates. As we have stated before, twelve-month data are usually more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances annual data provide a preferable base.

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

Four-Month SFFL

In establishing the SFFL for the four-month period commencing October 1, 1981, we have projected nonfuel costs, based on the year ended June 30, 1981, and we have adjusted fuel prices to reflect the latest fuel cost changes. Our calculations measure inflation from January, 1, 1981, to December 1, 1981, the midpoint of the October–January projection period, for the three rate making entities: Atlantic, Latin America and Pacific. The resulting projections for fuel prices are 113.72 cents in the Atlantic; 106.44 cents in Latin America; and 117.15 cents in the Pacific at December 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 39.80 percent in the Atlantic, 32.36 percent in Latin America, and 29.62 percent in the Pacific over the October 1, 1979, level. (See Appendix B.) This results in an increase over the June 1, 1981, fares of 3.79 percent in the Atlantic, 3.90 percent in the Pacific, and a reduction of 4.09 percent in Latin America.

Two-Month SFFL

As above, our calculations, based on the year ended June 30, 1981, measure inflation from January 1, 1981, to November 1, 1981, the midpoint of the October-November projection period, for the three rate making entities. The rates of escalation for fuel are the same. Based on our calculations, we find the projected cost adjustment factor to be 38.43 percent in the Atlantic; 31.50 percent in Latin America; and 28.86 percent in the Pacific, resulting in an increase over August 1, 1981, of 1.30 percent in the Pacific and reductions of 1.48 percent and 6.49 percent, in the Atlantic and Latin America, respectively.

Carriers should note that we will issue a revised two-month SFFL effective December 1, but those implementing the four-month projection may not take the December 1, revision.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective October 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

	Four month	Two month
Atlantic	1.3980	1.3843
Latin America	1.3236	1.3150
Pacific	1.2962	1.2886

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[2]

Secretary.

[FR Doc. 81-27661 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-121]

Fitness Determination of Slocum Air, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-121, Order to Show Cause.

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

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 6, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-121.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-121 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-121 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

[2] All Members concurred.

By the Civil Aeronautics Board: September 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27662 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33363, etc.]

General Air Transport, Inc.; Reassignment of Proceeding

Former Large Irregular Air Service Investigation Docket 33363; Applications of General Air Transport, Inc., Dockets 38637, 38638, 38639.

This proceeding, insofar as it involves the applications of General Air Transport, Inc., Dockets 38637, 38638, and 38639, has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 17, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-27666 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39049]

Transamerica Airlines, Inc.; Part 252 Enforcement Proceeding; Reassignment of Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

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

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-27665 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Tubeless Tire Valves From West Germany, No. A-428-002; Preliminary Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at not less than fair value.

SUMMARY: We have preliminarily determined that tubeless tire valves from West Germany are not being sold in the United States at less than fair value. We investigated EHA

Ventilfabrik, the only known West German exporter of this merchandise to the United States during the period of investigation. Our comparisions found only one sale at margin (0.01 percent), which is *de minimis*. The weighted average margin over all sales investigated was 0.000006 percent which is also *de minimis*.

Interested parties are invited to submit oral or written views concerning this determination. Unless we extend this investigation, we will make our final determination on or before December 7, 1981.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202 377-1766).

SUPPLMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with section 733(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(b)) (the "Act"), we preliminarily determine that there is no reasonable basis to believe that tubeless tire valves from West Germany are being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Case History

On April 8, 1981, we received a petition in proper form from Nylo-Flex Manufacturing Company, Inc., of Mobile, Alabama. The petition alleged that tubeless tire valves from West Germany are being sold in the United States at less than fair value, and that such sales are materially injuring a U.S. industry.

After conducting a summary review of the allegations in the petition, we decided a formal investigation was warranted.

Therefore, we notified the U.S. International Trade Commission of our decision, and on April 27, 1981, we initiated an antidumping investigation (46 FR 23510).

The ITC preliminarily found that there was a reasonable indication that the imports are materially injuring or threatening to materially injure a U.S. industry. The ITC's determination was published on June 3, 1981 (46 FR 29794).

Scope of the Investigation

A tubeless tire valve consists of a machined brass stem with rubber molded around it, containing a core that allows air to pass through in one direction only. Most often used when mounting or replacing tires on automobiles and light trucks, it is currently classified under item 692.3288 of the Tariff Schedules of the United States Annotated. The valves in our investigation are two models identified by the industry's parts numbers: TR-413 and TR-418. They make up 88 percent of the valves West Germany exports to the United States.

This investigation covers sales made between November 1, 1980, and April 30, 1981. Our investigation was limited to EHA Ventilfabrik of Muhlheim, a. M. ("EHA"), the sole West German exporter of the subject merchandise.

Methodology

In order to determine whether or not this product is being sold at less than fair value, we compared its purchase price with its foreign market value.

Purchase Price

We used purchase price as defined in section 772(b) of the Act, because the price to the unrelated customer was agreed to prior to importation of the subject merchandise. We calculated purchase price from the duty-paid, delivered price charged to the unrelated U.S. purchasers. We deducted transportation costs insurance, handling, U.S. duty, and Customs clearance costs from all sales. Cash discounts and commissions were also deducted where applicable. Commissions were calculated as a percentage of the sales price less transportation costs, in keeping with the method used by EHA to determine commissions. No other adjustments were claimed or made.

Foreign Market Value

We used home market sales as the basis for foreign market value, as defined in section 773(a)(1)(A) of the Act. Since all of EHA's exports to the U.S. of valves subject to this investigation were sold in the replacement market, and we found adequate sales of such valves in the West German replacement market, we examined only these sales in our comparisons. Our investigation of other sales is continuing in order to ensure that no comparable sales of these valves occurred outside the replacement market.

We deducted transportation costs, insurance, handling, commissions, and cash discounts on all sales from the home market delivered price to find foreign market value. We calculated exchange rates in accordance with § 353.56(a)(1), Commerce Regulations (19 CFR 353.56(a)(1)).

Results

We compared U.S. sales and home market sales and found only one sale at margin. This margin was 0.01 percent, which is *de minimis*. The weighted average margin over all sales investigated was 0.000006 percent, which is also *de minimis* and results in a preliminary determination of no sales at less than fair value.

Verification

In accordance with section 776(a) of the Act, we verified all the information we have relied on in making this preliminary determination. We used traditional verification procedures, including on-site inspections of the manufacturer's operations and examination of accounting records and randomly selected documents containing relevant information.

Public Comment

If requested, we will hold a public hearing in accordance with 19 CFR 353.47, to afford interested parties an opportunity to comment orally on this preliminary determination. All requests for a hearing must be submitted, on or before October 5, 1981, to the Deputy Assistant Secretary for Import Administration, Room 2800, at the address shown above. They should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary on or before October 5, 1981.

Any written views must be filed in accordance with the instructions contained in § 353.46(a), Commerce Regulations (19 CFR 353.46(a)), at the above address, on or before October 23, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-27531 Filed 9-22-81; 8:45 am]
BILLING CODE 3510-25-M

Perchlorethylene From Belgium; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene

from Belgium. The review covers the only known exporter of this merchandise to the United States, Solvay & CIE, and the period May 1, 1980 through April 30, 1981. The review disclosed no shipments to the U.S. of this merchandise from Belgium during this period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits equal to the calculated margin on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CANTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 5, 1980 the Department published in the Federal Register (45 FR 80570) the final results of the first administrative review of the antidumping finding perchorethylene from Belgium (44 FR 29045-6, May 19, 1979). The Department announced in the Federal Register of March 16, 1981 (46 FR 16921) its intent to conduct the next administrative review by the end of May, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review of the finding on perchlorethylene from Belgium.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothes, but is also used in other applications such as vapor degreasing of metals.

Perchorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Belgian producer or exporter of perchlorethylene to the United States. That firm is Solvay & CIE. The review covers the period May 1, 1980 through April 30, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 150 percent of the entered value, based on the weighted-average margin on the last known shipments, that is, those included in the original fair value investigation, shall be required on all shipments of perchlorethylene from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 16, 1981.

[FR Doc. 81-27647 Filed 9-22-81; 8:45am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Belgium; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On June 8, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Belgium. The review was limited to the only know exporter, Fabelta Zwijnaarde N.V., and to the period January 1, 1978 through November 30, 1980. Interested parties were given an opportunity to submit written comments on these preliminary results. No comments were received.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4273/2657).

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1978 an antidumping finding with respect to viscose rayon staple fiber from Belgium was published in the Federal Register as Treasury Decision 78-469 (43 FR 55240). On June 8, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (46 FR 30374). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 in the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Belgian exporter of viscose rayon staple fiber to the United States. That firm is Fabelta Zwijnaarde N.V. The review covered the period January 1, 1978 through November 30, 1980.

Final Results of the Review

The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There are no known shipments to the United States during this time period and no known unliquidated entries.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based upon the most recent margin, that is 57.6 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of November 1982.

This administrative review and notice are in accordance with section 751 (a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27650 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

Polyvinyl Chloride Sheet and Film From Taiwan; Final Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On June 26, 1981, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke in part the antidumping finding on polyvinyl chloride sheet and film from Taiwan. The review covered the 56 known manufacturers and exporters for various periods through May 31, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. We received comments from four exporters but, after analysis, made no changes in our weighted-average margins as stated in the preliminary results. However, after verification of previously received information from one of the exporters, we calculated a new weighted-average margin for that exporter. The margins remain unchanged for the other 55 exporters.

The determination to revoke in part the antidumping finding with respect to Nan Ya Plastics Corporation will be covered in a subsequent notice.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5222/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1978, a dumping finding with respect to polyvinyl chloride ("PVC") sheet and film from Taiwan was published in the Federal Register as Treasury Decision 78-219 (43 FR 28457). On June 26, 1981, the Department of Commerce ("the Department") published in the Federal Register a notice of "Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke in Part" (46 FR 33065-6). The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of unsupported, flexible, calendered polyvinyl chloride sheet, film, and strips, over 6 inches in width and over 18 inches in length, and at least 0.002 inch but not over 0.020 inch in thickness, currently classifiable under item number 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the 55 known manufacturers and exporters and one transhipper of polyvinyl chloride sheet and film to the United States. They are listed below, together with the period of review for each manufacturer or exporter. The Department was unable to locate Brave Dragon Industry Ltd. and the manufacturer of the merchandise exported by Fuji Industries Co. (Taiwan), Ltd. in time to complete its review of these companies. Therefore, for appraisement purposes they will be covered in a subsequent review. For these two firms the percentages below will be used for cash deposit purposes only.

Analysis of Comments Received

(1) *Comment:* Several exporters argued that the "best evidence available" should not be used for all exporters who did not respond to the questionnaire. They believe more time should now be given for response so the Department can further investigate such firms.

Position: The Department concludes that adequate time was given each exporter to respond to the questionnaire. The majority of the exporters did respond on a timely basis.

(2) *Comment:* One exporter argued that in computing foreign market value weghted-average prices should have been used instead of individual prices.

Position: The Department believes that the prices of the sales examined for determining the foreign market value did not vary to such an extent that a weighted-average of the sales should be used under the authority of § 353.20(a) of the Commerce Regulations.

(3) *Comment:* One exporter believed that an adjustment should be allowed in determining foreign market value for advertising and sales promotion expenses which involved advertising in technical magazines.

Position: The Department disallowed the advertising in technical magazines because it was not directly related to the sales of PVC sheet and film in the home market.

(4) *Comment:* Cathay Plastics Industry Co., Ltd. again requested revocation of the finding with regard to its exports.

Position: Since sales at less than fair value have been found for Cathay during the past two years we are denying this application for revocation.

Final Results of the Review

As a result of comments submitted by these exporters, we made no adjustments to the margins cited in the preliminary results. However, after verification of previously submitted information from one of the exporters we calculated a new weighted-average margin for that exporter. The margins in the preliminary review remain unchanged for the other 55 exporters.

We therefore determine that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Asiam International Inc	10/1/78-5/31/80	11.37
BL & GY International Co., Ltd	7/1/78-5/31/80	0
Brave Dragon Industry Ltd	9/1/78-5/31/80	5.9
Bueno Manufacturing Co	5/1/79-5/31/80	[1]5.9
Calcco Industries Inc	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Cathay Plastic Industry, Co., Ltd	10/7/77-8/31/78	.79
	9/1/78-6/30/79	.62
	7/1/79-9/30/79	.82
	10/1/79-5/31/80	.004
Chong Houng Corp	10/1/79-5/31/80	0
Chia Shiu Enterprise Co., Ltd	7/1/78-5/31/80	0
Chion YW Enterprises Corp	7/1/78-5/31/80	11.37
Chu Kong Enterprises	9/1/78-5/31/80	5.9
Collins Co	1/1/79-5/31/80	5.9
Digest International Development Corp	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Dirkcon Inc	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Essex Sporting Goods	4/1/79-5/31/80	5.9
Fair Enterprises Corp	8/1/79-5/31/80	0
Fashion Plastics Fabricating Co., Ltd	9/1/78-5/31/80	5.9
Formosa Shoes Industry	10/7/77-5/31/80	11.37
Foremost Worldwide (Taiwan) Co., Ltd	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Fuji Industries Co., (Taiwan) Ltd	10/7/77-5/31/80	5.9
Gets & Co	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
G. Goily International Corp	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Goss Plastic Film Corp	10/1/79-5/31/80	0
Haney Enterprising Co., Ltd	9/1/78-5/31/80	11.37
Heyward & Co., Ltd	9/1/78-10/6/79	0
	10/7/79-5/31/80	[1]0
Holdcheer Corp., Ltd	7/1/78-5/31/80	0
Hotsun Industrial Corp	7/1/78-5/31/80	5.9
Interbond, Ltd	8/1/79-5/31/80	[1]5.9
Jamecio Corp	9/1/78-10/6/79	0
	10/7/79-5/31/80	11.37
Jiffy Trading Co., Ltd	10/1/79-5/31/80	[1]0
Jump International Corp	9/1/78-10/6/79	0
	10/7/79-5/31/80	[1]0
K.E. & Kingstone Co	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Key Song International Co., Ltd	9/1/78-5/31/80	11.37
Le Yang Inc	10/1/79-5/31/80	0
Long Joy Enterprises Co., Ltd	9/1/78-5/31/80	5.9
Lot Heng (PVC Co.) Ltd	10/7/77-5/31/80	11.37
Nan Lung Plastics Co., Ltd	10/7/77-5/31/80	11.37
Nan Ya Plastics Corp	10/1/79-5/31/80	0
Nippon Industries Inc	9/1/78-10/6/79	0
	10/7/79-5/31/80	0

Manufacturer/exporter	Time period	Margin (percent)
Odin Industrial Co., Ltd	10/7/77-5/31/80	11.37
Paulko Enterprises	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Phoenix Enterprises Inc	9/1/78-10/6/79	0
	10/7/79-5/31/80	11.37
Progress Plastics Co., Ltd	9/1/79-5/31/80	11.37
Richard Soong & Co., Ltd	9/1/79-5/31/80	11.37
San Ching Plastics	9/1/78-5/31/80	11.37
San Jing Enterprises Corp	9/1/79-5/31/80	[1]5.9
Sequence Co., Ltd	4/1/79-5/31/80	[1]0
St. Solid Co., Ltd	9/1/79-5/31/80	[1]5.9
Taiwan Eva Industrial Co., Ltd	1/1/79-5/31/80	5.9
Taiwan Upholstery Furniture Export Supplies, Ltd	9/1/78-10/6/79	0
	10/7/79-5/31/80	11.37
Tarner Enterprises Co	9/1/78-10/6/79	0
	10/7/79-5/31/80	11.37
Team Worldwide Corporation	9/1/78-10/6/79	0
	10/7/79-5/31/80	0
Union Industries Ltd	9/1/79-5/31/80	11.37
Wen Fung Industrial Co. Ltd	4/22/79-5/31/80	5.9
Yen Shan Plastic Co., Ltd	5/1/79-5/31/80	11.37
Yung Chieh Enterprise Co., Ltd	10/7/77-5/31/80	11.37
Yunloon Enterprises Co., Ltd	7/1/78-5/31/80	11.37

[1]No shipments during period.

The determination to revoke in part the Antidumping finding with respect to Nan Ya Plastics Corporation will be covered in a subsequent notice.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, if applicable, on all entries by these firms with purchase dated during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based on the most recent of the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Because the weighted average margin for Cathay Plastics is *de minimis*, the Department shall not require a cash deposit on its shipments. For any shipment from a new ex porter not covered in this administative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period. These deposit requirements, and the waiver for Cathay Plastics, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Leonard M. Shambon,

Director, Office of Compliance.

September 16, 1981.

[FR Doc. 81-27648 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From the European Communities; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On June 25, 1981, the Department of Commerce published in the Federal Register a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to sugar from the European Communities. The review is based upon information for the period July 1, 1979, through June 30, 1980. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 3.5¢ per pound of sugar and proposed that rate be used for cash deposit of estimated countervailing duties. Interested parties were invited to comment on this decision. Upon review and analysis of all comments received, the Department determines that a cash deposit of 3.5¢ per pound of sugar shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 31, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-53, was published in the Federal Register (43 FR 33237). The notice stated that the Department of the Treasury had determined that exports of sugar from the European Communities ("the EC") benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On June 25, 1981, the Department of Commerce ("the Department") published in the Federal Register a notice of the preliminary results of its administrative review of that countervailing duty order (46 FR 32924). In the notice, we stated that the estimated subsidy in effect during the period of review was 3.5 cents per pound and that this rate would be used as the estimated duty deposit rate on any entries until completion of the next administrative review. Interested parties were invited to comment.

Scope of the Review

Imports covered by this review are sugar from the EC, which consisted of Belgium, Demark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, and the United Kingdom during our review period. Sugar is currently classifiable under item 155.20 and 155.30 of the Tariff Schedules of the United States. The review is based on information for the period from July 1, 1979 through June 30, 1980. The coutervailable program cited in the final determination is restitution payments made under the guidance and guarantee fund which in turn is operated under the Common Agricultural Policy ("CAP") of the EC. On January 1, 1981, Greece became a member of the EC and was simultaneously covered by the CAP as it applies to sugar; therefore, our instructions regarding suspension of liquidation and deposit of estimated countervailing duty apply to sugar from Greece as of that date.

Analysis of Comments Received

Certain domestic parties objected to the use of 3.5 cents per pound for the future estimated duty deposit rate. They argued that recent changes in the level of EC sugar export restitution payments necessitated a higher duty deposit rate.

After reviewing these comments, we have decided that no change should be made to the estimated duty deposit rate as published in the preliminary review notice. Export restitution payments on sugar are adjusted constantly to reflect the movement in world market sugar prices. For example, during the period of the review, export restitution payments varied from 0 to 19.2 cents per pound. Because of the constantly changing nature of export restitution payment levels, the Department believes that the choice of a future duty deposit rate in this case based simply on the rate in effect when the results of our review are published is an inappropriate barometer of anticipated subsidy payments. The rate calculated by the Department is based upon the weighted average subsidy given to all sugar exported from

the EC during the review period. We believe that it forms a more credible basis for estimating the average subsidy levels which can be anticipated for the succeeding period.

Final Results of the Review

As a result of our review, we determine that sugar from the EC has benefitted from a net subsidy of 3.5¢ per pound for the period July 1, 1979 through June 30, 1980. There are no known unliqidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or before June 30, 1980. As required by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties in the amount of 3.5¢ per pound shall be required on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement and the suspension of liquidation previously ordered shall remain in effect until further notice. The Department intends to complete the next administrative review by the end of July, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27646 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Levels of Restraint for Certain Wool and Man-Made Fiber Textile Products from the People's Republic of China

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Establishing a specific ceiling of 250,000 dozen for wool sweaters in Category 445/446, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

(2) Reducing the level of restraint for man-made fiber sweaters in Category 645/646 by 50,000 dozen to 516,500 dozen for the twelve-month period which began on January 1, 1981.

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

SUMMARY: On September 21, 1981, the Governments of the United States and the People's Republic of China exchanged notes amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980 between the two governments to establish, among other things, a specific ceiling of 250,000 dozen for wool textile products in Category 445/446 for the agreement year which began on January 1, 1981, but including the proviso that the percentage increase of 5 percent for swing shall not apply to the category during the 1981 agreement period. It was further agreed that the level of restraint for man-made fiber sweaters in Category 645/646 shall be reduced to 516,500 dozen during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: September 24, 1981.

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

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the Federal Register (45 FR 80234) a letter dated November 28, 1980 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, or wool textile products in Category 445/446 and man-made fiber textile products in Category 645/646 in excess of the designated levels of restraint during the twelve-month period which began on January 1, 1981. The letter also cancels and supersedes the directive of January 14, 1981 (46 FR 5033), which established a level of restraint of 183,706 dozen for wool textile products in Category 445/446 during the period which began on October 19, 1980 and extends through January 16, 1982.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,

Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on January 14, 1981 by the Chairman of the Committee for the Implementation of Textile Agreements which established a level of restraint for wool textile products in Category 445/446 from the People's Republic of China during the period which began on October 19, 1980 and extends through January 16, 1982. It also amends, but does not cancel, the directive issued to you on November 28, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, 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 24, 1981 and for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, exported from the People's Republic of China on and after January 1, 1981, in excess of 250,000 dozen.[1]

You are further directed, effective on September 24, 1981 and for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, to reduce the level of restraint established in the directive of November 28, 1980 for man-made fiber textile products in Category 645/646 to 516,500 dozen.[1]

Textile products in Category 445/446 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 445/446 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.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile

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

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,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-27826 Filed 9-22-81; 10:14 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement; Binary Chemical Munitions Program

ACTION: Notice of Filing of Draft Programmatic Environmental Statement for Binary Chemical Munitions Program.

FOR FURTHER INFORMATION CONTACT: CPT Steven R. Bennett, Ecology Branch, Environmental Technology Division, Chemical Systems Laboratory, Aberdeen Proving Ground, MD 21010; telephone (301) 671-2586/3564.

Notice—On November 13, 1980, the Department of the Army published a Notice of Intent (NOI) in the Federal Register that information was being gathered to prepare an Environmental Impact Statement (EIS) for the construction of a 155mm GB-2 binary munition production facility. The Federal Register notice also announced the intent to gather environmental information to produce a Programmatic Environmental Impact Statement for the binary chemical munitions program.

Subsequent to a public scoping meeting held on December 8, 1980, at White Hall, Arkansas, an Environmental Assessment (EA) was prepared which concluded that no significant environmental impacts would occur with regard to the 155mm facility (Phase I). A Finding of No Significant Impact (FONSI) and withdrawal of the Notice of Intent to prepare an EIS for the Phase I facility was announced in the Federal Register on July 9, 1981. This announcement also stated that the Programmatic Environmental Impact Statement (PEIS), announced on November 13, 1980, was under preparation.

The Department of the Army on September 18, 1981, provided the Environmental Protection Agency (EPA) a Draft PEIS concerning the planned binary chemical muntions modernization program. The Draft PEIS evaluates the environmental impacts associated with the construction and operation of an Integrated Binary Production Facility. Copies of this Draft PEIS are being forwarded to concerned Federal, state and local agencies.

Interested organizations or individuals may review the PEIS at: Public Affairs Office, Pine Bluff Arsenal, Pine Bluff, Arkansas 71611; Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland 21010; and at the Army Environmental Office (DAEN-ZCE), Room 1E676, Pentagon, Department of the Army, Washington, DC 20310. In addition, limited copies are available for single-copy requests from the Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland. Comments on the Draft PEIS should be directed to Captain Bennett at the address shown above.

Dated: September 17, 1981.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health, OASA (IL&MF).

[FR Doc. 81-27582 Filed 9-22-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Sandoz, Inc.; Notice of Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations* (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces its intention to grant to Sandoz, Inc., a corporation of the State of Delaware, a revocable, terminable, nonassignable, limited exclusive license for a period of seven years under Government-owned United States Patent Number 4,166,112 issued August 28, 1979, entitled "Mosquito Larvae Control Using a Bacterial Larvicide", and United States Patent Number 4,187,290 issued February 5, 1980, entitled "Carrier and Dispersal Mechanism for a Microorganic Larvicide", and United States Patent Number 4,206,281 issued June 3, 1980, entitled "Method of Isolating a Spore-Forming Mosquito Larvicide".

This license will be granted unless within 60 days from the publication of this notice an application for a license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to practical application within a reasonable period under a license, or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which have established that it would not be in the interests of the Federal Government or the public to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217, within 60 days of the publication of this notice. Also, copies of the patents may be obtained for fifty cents ($.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Towers No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone number (202) 696-4005.

Dated: September 18, 1981.

F. N. Otfie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-27576 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-AE-M

Long Range Planning Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Long Range Planning Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on October 20, 1981, from 8:30 a.m. to 5:00 p.m., at 2000 N. Beauregard St., Alexandria, Virginia. All sessions will be closed to the public.

The agenda for the meeting will consist of discussions involving force structure plans and manpower limitations related to technical advances in weapons systems. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Captain J. C. McLaurin, USN, Program Planner, CNO Long Range Planning Group, 2000 North Beauregard Street, Room 568,

Alexandria, VA 22311, Phone (202) 694-8422.

Dated: September 18, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-27577 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 3 November 1981; Tuesday, 10 November 1981; Tuesday, 17 November 1981; and Tuesday, 24 November 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that he data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

M. S. Healy,

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

September 17, 1981.

[FR Doc. 81-27604 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the full Council of the National Advisory Council on Indian Education and Reauthorization hearing of the Legislative, Rules and Regulations Committee of the Council. This also describes the functions of the Council. Notice of meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: October 9, 1981, 9 a.m. to 5 p.m.; October 10, 1981, 9 a.m. to 5 p.m.; and October 11, 1981, 9 a.m. to 5 p.m. Reauthorization Hearing: October 12, 1981, 9 a.m. to 5 p.m.

ADDRESS: Full Council Meeting: Hilton Hotel-Portland, 921 S.W. Sixth Avenue, Portland, Oregon 97204 (503/226-1611). The meeting rooms will be the Galleria Room for October 9th and the Council Suite for October 10th and 11th. The Reauthorization Hearing: Travelodge Tower at the Coliseum, 1441 N.E. Second Avenue, Portland, Oregon 97232 (503/233-2401). The hearing room will be the Cascade Room for October 12th.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term

"Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The full Council meeting will be open to the public. This meeting will be held at the Hilton Hotel-Portland, 921 S.W. Sixth Avenue, Portland, Oregon 97204 (503/336-1611).

The proposed agenda includes:

(1) Executive Director's Report.
(2) Action on previous meeting minutes.
(3) Committee discussions and reports.
(4) Review of NACIE FY 1982 Budget.
(5) Plans for future NACIE activities.
(6) Regular Council Business.
(7) Public Testimony.

The Reauthorization hearing will be open to the public. This hearing will be held at the Travelodge Tower at the Coliseum, 1441 N.E. Second Avenue, Portland, Oregon 97232 (503/233-2401).

The proposed agenda includes:

Preliminary public hearing on the reauthorization of the Indian Education Act, Pub. L. 912-318.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Suite 326, Washington, D.C. 20004.

Dated: September 18, 1981.

Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-27678 Filed 9-22-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Perta Oil Marketing Corp., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date July 1, 1981.

COMMENTS: On or before October 23, 1981.

ADDRESS:
Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, (415) 764-7038.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Perta Oil Marketing Corporation ("Perta"), of Beverly Hills, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Perta, with its home office located in Beverly Hills, California, is a firm engaged in the reselling and retailing of refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Perta, the Office of Enforcement, ERA, and Perta entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order settles allegations brought by the Office of Enforcement regarding Perta's operations as a reseller and retailer of refined petroleum products during the period August, 1973 through January 28, 1981 (the "audit period").

2. The Office of Enforcement alleged that Perta violated the petroleum price regulations, specifically those found at 10 CFR Part 212, Subpart F (and their predecessors) during the audit period.

3. Perta denies the Office of Enforcement's allegations.

4. The terms of the Consent Order require that Perta refund $250,000, which includes principal and interest through June 30, 1981, plus further interest accruing from July 1, 1981 until the date of payment. Payment shall be made on or before February 28, 1982.

Of the total sum, $60,720 plus interest thereon accruing from July 1, 1981 to the date of payment shall be paid directly to Pacific Gas and Electric.

The balance of $189,280, plus applicable interest thereon from July 1, 1981 to the date of payment, shall be paid to the DOE. The refund to the DOE is to be paid to the Assistant Administrator for Enforcement, Economic Regulatory Administration, for distribution in a just and equitable manner in accordance with applicable laws and regulations.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Perta agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $250,000 plus interest thereon. Of this amount, $189,280 plus interest thereon will be paid by certified check to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount paid to it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I (a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount paid to DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification

to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for making the proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should idenfify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Perta Oil Marketing corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on or before October 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 4th day of September 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-27587 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

Tiger Oil Co., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 11, 1981. Comments by: October 23, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105, telephone (415) 974-7038.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Tiger Oil Company of Yakima, Washington. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Tiger Oil Company (Tiger), with its home office located in Yakima, Washington, is a firm engaged in the sales of motor gasoline, and is subject to the Mandatory Petroleum Allocation Regulations at 10 C.F.R., Part 211. To resolve certain civil actions which could be brought by the offcie of Enforcement of the Economic Regulatory Administration as a result of its audit of Tiger, the Office of Enforcement, ERA, and Tiger entered into a Consent Order, the significant terms of which are as follows:

1. In certain months during the period March 1 through December 31, 1979, when Tiger's allocation fraction was equal to or less than 1.0, Tiger failed to allocate certain customers their full allocation entitlement of motor gasoline. In addition, during this same period Tiger diverted significantly more than 30 per cent of the motor gasoline entitlement from a leased station at 1st and Walnut Street through Tiger's other company owned/operated stations, without requesting or receiving the approval of ERA.

2. The violations set forth in I.1. above are contrary to 10 CFR §§211.9, 211.10, and 211.106 of the Mandatory Petroluem Allocation Regulations.

3. Tiger neither admits nor denies the liabilities set forth in I.1.

4. In settlement of certain alleged violations set forth in paragraph I.1. above, within 15 days of the effective date of this Consent Order Tiger agrees to pay $4,200 in lost rental income, which includes principal plus interest, to the lessor of the 1st and Walnut Street Station for the volume of motor gasoline diverted by Tiger from that station through Tiger's other company owned/operated stations. Tiger also agrees to pay $4,000, which includes principal and interest, to DOE within 15 days of the effective date of this Consent Order.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Tiger agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office Enforcement, ERA, arising out of the transactions with independent wholesale purchaser/reseller accounts as specified in I.1 above, the sum of $4,200 to the lessor of the Walnut Creek Station, and $4,000 to the U.S. Department of Energy, both amounts to be paid on or before May 26, 1981.

Refunded overcharges paid to DOE will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Office of Enforcement, ERA, Room 1944, 915 Second Avenue, Seattle, WA 98174. These funds will then be delivered to the Assistant Administrator for Enforcement, ERA, and will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts paid to it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing systems, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount paid to DOE should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written

notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbuning the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 974-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Tiger Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on or before October 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, CA, on the 31st day of August 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-27586 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Biomass Panel Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and Time: October 6-7, 1981, 9:00 a.m. to 5:00 p.m.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-431, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Working session to review *draft* Biomass Energy Report.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 17, 1981.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 81-27585 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RA81-72-000]

Beacon Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

September 17, 1981.

Take notice that Beacon Oil Company on September 11, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 2, 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 October 2, 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, SW., 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. 81-27682 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-84-000]

Central Illinois Public Service Co.; Application

September 17, 1981.

Take notice that on September 8, 1981, Central Illinois Public Service Company (Applicant) filed an Application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue from time to time unsecured promissory notes and commercial paper in an aggregate maximum principal amount not exceeding $120,000,000 outstanding at any time with final maturities of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the Application should on or before October 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with 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 a proceeding. Persons wishing to participate as a party in a hearing must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27683 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5228-000]

Charles J. Spinetta; Application for Preliminary Permit

September 17, 1981.

Take notice that Charles J. Spinetta (Applicant) filed on August 11, 1981, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5228 to be known as the Deer Creek Reservoir Power Project located on Deer Creek in Nevada 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. Charles J. Spinetta, P.O. Box 451, Plymouth, California 95669.

Project Description—The proposed project would consist of: (1) A 400-foot long, 184-foot high existing Nevada Irrigation District's concrete arch dam; (2) a reservoir with a usable storage capacity of 1,400 acre-feet; (3) existing (upper) outlet works, comprising a 36-foot diameter pipe and manually operated slide gates; (4) a 4-foot diameter, 950-foot long penstock connecting the upper outlet works with; (5) a powerhouse to contain a single generating unit with a rated capacity of 900 kW, discharging into Deer Creek; and (6) a 3,400-foot long, 12-kV transmission line to extend from the powerhouse to an existing line. The average annual energy output is estimated to be 4.5 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 24 months during which it would conduct engineering, environmental, and economic feasibility studies, and 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 application for an FERC license is $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 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, protests, or petitions to intervene must be received on or before November 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. 81-27634 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-57-000]

City of Tampa; Application for Commission Certification of Qualifying Status as a Small Power Production Facility

September 16, 1981.

On August 12, 1981, the City of Tampa of Tampa, Florida, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a 45 megawatt biomass facility located at the above address. The primary fuel is municipal solid waste. There are no other such facilities located at the same site and the applicant plans no usage of natural gas, oil, or coal. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed on or before October 23, 1981, and must be served on the applicant. 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. 81-27623 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5288-000]

County of Essex and Village of Keeseville; Application for Preliminary Permit

September 17, 1981.

Take notice that the County of Essex and Village of Keeseville (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5288 to be known as the Ausable Project located on the Ausable River in the Town of Keeseville, Essex and Clinton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would consist of: (1) A 150-foot long, 8-foot high dam (material yet to be determined); (2) a reservoir with little or no storage capacity with a normal water surface elevation of 403.0 feet M.S.L.; (3) a 6-foot diameter, 250-foot long penstock; (4) a powerhouse containing turbine-generators with a total rated capacity of up to 900 kW; (5) a transmission line; and (6) appurtenant facilities. The project would generate up to 4,550,000 kWh annually. The proposed project would be located at approximately the same location as a former hydroelectric project which has almost entirely disintegrated. The site is owned by the Village of Keeseville. Energy produced at the project would be

sold to New York State Electric & Gas Company or local municipalities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whehter to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 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. 81-27685 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5080-000]

Donnie McFadden, d.b.a. Buckeye Land Company; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 17, 1981.

Take notice that on July 17, 1981, Donnie McFadden, d.b.a. Buckeye Land Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5080) would be located on Billingsley Creek in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mr. D. William Block, c/o J-U-B Engineers, Inc., 800 Falls Avenue, Suite 1, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) Rehabilitation of an existing 11.6-foot high concrete diversion dam; (2) an 11.6-foot high, 3-foot wide headworks; (3) a 180-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 156 kW; (5) a tailrace discharging into an existing 3-acre pond; and (6) a 200-foot long, 12.5-kV transmission line interconnecting with an existing Idaho Power Company transmission line. The Applicant estimates that the average annual energy output would be 0.813 million kWh.

Purpose of Project—The power generated by this project would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho State Clearinghouse are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 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. 81-27686 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-83-000]

Gulf States Utilities Co.; Application

September 17, 1981.

Take notice that on September 8, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, requesting authorization to enter into negotiations in connection with the issuance of up $100,000,000 of First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 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. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27687 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5225-000]

Harold T. Barrett, Jr.; Application for Preliminary Permit

September 17, 1981.

Take notice that Harold T. Barrett, Jr. (Applicant) filed on August 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5225 known as the Tallassee Shoals Hydropower Project near Athens, Georgia, located on Middle Oconee River, in Clarke and Jackson Counties, Georgia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Harold T. Barrett, Jr., 35525 Piedmont Road, N.E., Five Piedmont Center, Suite 320, Atlanta, Georgia 30305.

Project Description—The existing project would consist of: (1) The rehabilitation of the existing breached dam, the dam is approximately 65 feet long and 25 feet high; (2) rehabilitation of the existing penstocks, powerhouse, turbines, and tailrace; (3) reinstatement of the 100-acre reservoir, with a gross storage capacity of approximately 1,000 acre feet; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.5 MW and the annual energy generation to be 7.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, is issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 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 protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 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 Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 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. 81-27683 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-559]

Kansas Power and Light Co; Order Granting Motion To Collect Interim Settlement Rates

Issued: September 15, 1981.

On July 31, 1981, Kansas Power and Light Company (KPL) filed a motion seeking Commission authorization to collect interim rates contained in a settlement agreement between KPL and its rural electric cooperative (REC) customers, pending action by the Commission on the offer of settlement. The settlement offer was filed by KPL on August 3, 1981. KPL seeks permission to collect the settlement rates, subject to refund, in lieu of the rates originally filed in this docket, as of the first billing

date following Commission approval of KPL's motion. KPL states that the company and the REC cooperatives have further agreed that in the event the Commission ultimately rejects the offer of settlement, KPL will recover any difference between the filed rates and the interim rates.

The originally filed rates became effective, subject to refund, on February 27, 1981. The settlement rates, in turn, represent a reduction in requested revenues. According to KPL, the purpose of the instant motion is to give the REC customers the benefit of the lower settlement rates immediately while reducing KPL's refund liability. Under the circumstances presented, particularly the concurrence of the REC customers in KPL's motion, we find that good cause exists to grant the motion.

Pursuant to § 35.1(e) of the Commission's regulations, we shall permit KPL to collect the rates contained in its offer of settlement from the REC customers, subject to refund, from the first billing date following this order until such time as the Commission acts on the offer of settlement filed by KPL. This order shall be without prejudice to our subsequent determination with respect to the merits of the offer of settlement.

The Commission orders -

(A) The motion filed on July 31, 1981, by KPL for permission to collect interim settlement rates in lieu of the rates originally filed in this docket is hereby granted. KPL is authorized to collect, subject to refund, the rates for the REC cooperatives contained in its motion and offer of settlement from the first billing date following this order until the Commission acts on the offer of settlement. In the event the settlement is rejected by the Commission, KPL will be permitted to recover the difference between the filed rates and the interim rates for the period involved.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27699 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5000-000]

Lawrence R. Taft; Application for Preliminary Permit

September 17, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5000 to be known as the Dustin Hydro Project located on the Black River in Oneida County in Boonville, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036, and Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would consist of existing facilities including: (1) Kayuta Lake Dam, a concrete gravity structure 200 feet long and 18 feet high owned by the New York State Department of Transportation; (2) Kayuta Lake, a reservoir with a surface area of about 400 acres and storage capacity of 5,600 acre-feet at spillway crest elevation 1143.0 feet m.s.l., (3) at the southeast (left) abutment of the dam, an outlet control structure consisting of four 3-foot diameter butterfly valves; discharging through (4) four 15-foot long steel conduits proposed for use as penstock(s); (5) a trailrace; and new project works consisting of (6) a powerhouse constructed immediately below the southeast abutment and containing turbine-generator(s) rated at 500 kW; (7) transmission and electrical facilities; and (8) other appurtenances. Applicant estimates annual generation would average 2,500,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation or another public utility servicing nearby areas.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 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. 81-27689 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5013-001]

Modesto Irrigation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project

No. 5013 to the known as the Grouse Creek Humboldt Power Project located on Grouse Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of two facilities. The Upper Facility would consist of: (1) A 5-foot high by 31-foot long diversion structure on the East Fork Grouse Creek; (2) a 7,200-foot long diversion conduit; (3) a 5-foot high by 13-foot long diversion structure on the Grouse Creek; (4) a 1,200-foot long diversion conduit; (5) a 1,300-foot long, 36-inch diameter steel penstock; (6) a powerhouse with an installed capacity of 1 MW; and (7) a 1.5-mile long, 12-kV transmission line to connect to the Lower Facility. The Lower Facility would consist of: (1) a 5-foot high by 96-foot long diversion structure on the Grouse Creek; (2) a 10,200-foot long diversion structure; (3) an 800-foot long, 36-inch diameter penstock; (4) a powerhouse with an installed capacity of 2.4 MW; and (5) a 0.5-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction or foundation exploration would be required to conduct the feasibility studies.

Competing Applications—This application was filed as a competing application to the Grouse Creek, Humboldt County Project No. 4419 filed on March 25, 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 to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 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, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27690 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5009-001]

Modesto Irrigation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5009 to be known as the Horse Linto Creek Project located on Horse Linto Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of three facilities. The Upper Facility would consist of: (1) A 5-foot high by 20-foot long diversion structure on East Fork Horse Linto Creek; (2) a 3,000-foot long diversion conduit; (3) a 5-foot high by 80-foot long diversion structure on Horse Linto Creek; (4) a 7,200-foot long diversion conduit; (5) a 1,000-foot long, 36-inch diameter steel penstock; (6) a powerhouse with an installed capacity of 4.5 MW; and (7) a 1.5-mile long 12-kV transmission line to connect the powerhouse to the Middle Facility. The Middle Facility would consist of: (1) A 5-foot high by 80-foot long diversion structure; (2) an 8,300-foot long diversion conduit; (3) a 900-foot long, 36-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 3 MW; and (5) a 1-mile long, 12-kV transmission line to connect the powerhouse to the Lower Facility. The Lower Facility would consist of: (1) A 5-foot high by 45-foot long diversion structure; (2) a 4,500-foot long diversion conduit; (3) a 1,50-foot long, 28-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 2.05 MW; and (5) a 6-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project and to prepare an FERC license application. No new road construction or foundation exploration would be required to conduct the feasibility studies.

Competing Applications—This application was filed as a competing application to the Horse Linto Creek, Humboldt Project No. 4417 filed on March 25, 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, protests, or petitions to intervene must be received on or before November 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 Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27691 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-392-000]

Pennsylvania Power and Light Co.; Order Granting Motion To Collect Interim Rates

Issued: September 17, 1981.

On August 6, 1981, Pennsylvania Power and Light Company (PP&L) filed a motion requesting that the Commission issue an order permitting PP&L to defer the collection of increased rates which have been accepted for filing with respect to its wholesale customers. On March 31, 1981, PP&L tendered for filing proposed changes in the rates for these customers. By order issued on May 29, 1981, the Commission conditionally accepted PP&L's filing and suspended the rates for five months. By a subsequent order issued on July 24, 1981, the Commission modified the May 29 order by suspending the rates for a period of one day from sixty days after April 10, 1981, to become effective as of June 11, 1981, subject to refund.

In its motion, PP&L states that the parties have engaged in settlement negotiations and have reached an agreement in principle. According to PP&L, as part of the settlement, the company and the customers have agreed that PP&L should continue to charge the rates and charges on file with the Commission and in effect prior to and as of March 31, 1981, until the Commission acts on the settlement. The parties further have agreed in principle that the increased settlement rates will be effective on and after August 9, 1981, but that the increase will not be collected until after the Commission's order on the settlement is issued. At that time, any under-collections will be recovered through a surcharge.

PP&L requests that the Commission modify its July 24 order to reflect this agreement. PP&L asserts that such modification is necessary in order to (1) maintain the *status quo* while the parties reduce to writing their agreement, and (2) avoid any violation of the filed rate doctrine.[1] Finally, PP&L states that Citizens Electric Company of Lewisburg, Pennsylvania supports the company's motion and that the Commission staff does not oppose the motion.

On August 11, 1981, the remaining customers of PP&L who are intervenors in the proceeding[2] filed an answer to PP&L's motion in which they state that they concur in the objectives of the motion.

Discussion

We believe that the reasons advanced by PP&L constitute good cause to grant the motion. Moreover, none of the parties or the staff has objected to the motion. Therefore, we shall modify our July 24 order as requested by PP&L.

By modifying the July 24 order, we do not intend to express any opinion as to the merits of any settlement proposal submitted to the Commission for consideration.

The Commission orders:

(A) Ordering Paragraph (B) of the Commission's order issued on July 24, 1981, in this docket is hereby vacated and replaced by the following language:

Ordering Paragraph (B) of the Commission's order of May 29, 1981, in this docket is hereby vacated and replaced by the following language: "PP&L's rates tendered for filing on March 31, 1981, are accepted for filing and are suspended for a period of one day from sixty days after April 10, 1981, to become effective as of June 11, 1981, subject to refund; provided however, that PP&L may continue to collect from its customers those rates and charges on file and in effect as of March 31, 1981, until the Commission issues its order on the the settlement agreement to be filed in this proceeding; and provided further, that PP&L may collect through the imposition of a surcharge any undercollections (*i.e.* the difference between rates and charges on file and in effect as of March 31, 1981, and the rates ultimately approved in this docket) from and after August 9, 1981, until the date of the Commission's order on the settlement agreement."

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27692 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[1] *See, Arkansas Louisiana Gas Co.* v. *Hall*, —— U.S. —— (July 2, 1981); *Montana-Dakota Utilities Company* v. *North Western Public Service Company*, 341 U.S. 246 (1951).

[2] The Boroughs of Watsontown, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Olyphant, Hatfield, and Quakertown, Pennsylvania.

[Project No. 5202-000]

Public Utility District No. 1 of Jefferson County, Washington; Application for Preliminary Permit

September 17, 1981.

Take notice that the Public Utility District No. 1 of Jefferson County, Washington (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 7981(a)-825(r)] for Project No. 5202 to be known as the Big Quilcene Hydroelectric Project located on Big Quilcene River in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. R. Kint, Manager, Public Utility Distrcit No. 1 of Jefferson County, Washington, Jefferson County Courthouse, Jefferson and Cass Streets, Port Townsend, Washington 98368 with a copy to: Mr. Robert H. Campbell, Roberts & Shefelman, 4100 Seafirst Fifth Avenue Plaza, 800-5th Avenue, Seattle, Washington 98104.

Project Description—The proposed project would consist of: (1) The existing city of Port Townsend's 8-foot high by 40-foot long rock-filled, wood crib diversion structure; (2) a 4.5-mile long, 6-foot diameter pipeline; (3) a 2,400-foot long penstock; (4) a powerhouse with an installed capacity of 10 MW; (5) a tailrace channel; and (6) about 1.5 miles to 3.5 miles of transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The

Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the project.

Competing Applications—This application was filed as a competing application to the Big Quilcene Hydroelectric Project No. 4575 filed on April 22, 1981, by Crown Zellerbach under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 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, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy or any petition to intervene must also be served upon each representative of the Applicant specified in the first prargraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-27693 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5055-000]

Richard E. Akin; Application for Exemption of Small Conduit Hydroelectric Facility

September 17, 1981.

Take notice that on July 2, 1981, Richard E. Akin (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Akin Power Plant Project (FERC Project No. 5055) would be located on Hangtown Creek in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. Jack F. Hannaford, Sierra Hydrotech, P.O. Box 169, Placerville, California 95667.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Project Description—The proposed project would consist of: (1) A 6-foot high concrete-masonry diversion structure; (2) a 963-foot long, 18-inch diameter steel penstock; (3) a powerhouse with total installed capacity of 165 kW; and (4) a 1,200-foot long transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 0.38 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-27694 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5267-000]

Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5267 to be known as the Grindstone and Board Creeks in Tehama County, California. The application is on file with the Commission and is availble for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Resources, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) Eight-foot high diversion structures across Grindstone and Board Creeks; (2) Two 1.7-mile long merging diversion conduits, leading to; (3) a 2,100-foot long, 48-inch diameter penstock; (4) a powerhouse containing generating facilities with a total rated capacity of 6,400 kW; and (5) appurtenant facilities. The estimated average annual energy output is 23.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $80,000 and $140,000.

Competing Applications—This application was filed as a competing application to the Grindstone and Board Creek, Tehama Project No. 4387 filed on March 20, 1981, by the 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, protests, or petition to intervene must be received on or before October 19, 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 Hyrdopower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27695 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI66-536-000, et al.]

Texaco Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

September 16, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 2, 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 propsoed abandonment is required by the public covenience 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 ft³	Pressure base
CI66-536-000, D, Nov. 25, 1977	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Columbia Gulf Transmission Company, Parcperdue Field, Vermilion Parish, Louisiana.	(1)	
CI81-434-001 C, Sept. 1, 1981	Mobile Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corp., High Island Block A-442 Field, South Addition, Federal Offshore, Texas.	(2)	14.73
CI81-480-000, B, Aug. 24, 1981	Burk Gas Corp., 800 Oil & Gas Building, Wichita Falls, Texas 76301.	Northern Natural Gas Company, Ellis Ranch (Cleveland), Ochiltree County, Texas.	(3)	
CI81-481-000, A, Aug. 26, 1981	Fin-Oil, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Blocks A-563 and A-564, High Island Area, Offshore, Texas.	(4)	14.65
CI81-482-000, A, Aug. 31, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, Mustang Island Block 758, Offshore Texas.	(5)	14.65
CI81-483-000, A, Aug. 31, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipeline Corp., Judice Field, Lafayette Parish, Louisiana.	(6)	15.025
CI81-484-000, A, Aug. 31, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Texas Eastern Transmission Corporation West, Cameron Block 261, Offshore Louisiana.	(7)	15.025

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI81-485-000, A, Sept. 3, 1981	Odeco Oil & Gas Company and Ocean Oil & Gas Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Columbia Gas Transmission Corporation, Ship Shoal Block 248 "D" Platform and 247 "F" Platform, in the Gulf of Mexico Offshore Louisiana (Federal Domain).	(8)	15.025
CI81-486-000, A, Sept. 3, 1981	Odeco Oil & Gas Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Michigan Wisconsin Pipe Line Company, Eugene Island Block 26, in the Gulf of Mexico, Offshore Louisiana (Federal Domain).	(9)	15.025
CI81-487-000, E, Sept. 4, 1981 [10]	Monsanto Company, (Succ. in interest to 1973 Great Basins Exploration and Development Program), 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Colorado Interstate Gas Company, Sections 17, 20 and 29, Township 23 South, Range 34 East, Lea County, New Mexico.	(11)	14.65
CI81-488-000, (CI75-339), B, Aug. 31, 1981.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corporation, Sorrento Field, Ascension Parish, Louisiana.	(12)	
CI81-489-000, A, Sept. 4, 1981	Sun Oil Company (Delaware), P.O. Box 20, Dallas, Texas 75221.	Locust Ridge Gas Company, Lake Maryde and Chambloo Field, Tensas Parish, Louisiana.	(13)	15.025
CI81-490-000, A, Sept. 4, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Eugene Island Block 242 and 243, Offshore Louisiana.	(14)	15.025
CI81-491-000, A, Sept. 4, 1981	Columbia Gas Development Corporation,[16] P.O. Box 1350, 1700 West Loop South, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Half of Block 144 and the North Half of Block 159, Vermilion Area, Offshore Louisiana.	(15)	15.025

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[1] Leases have expired or have been released in that the available supply of gas has depleted to the extent that the wells have been plugged and abandoned.
[2] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d).
[3] Release of a portion of the gas from the gas well on the property to be used exclusively for engine fuel in pumping water well for irrigation purposes.
[4] Applicant is filing under Gas Purchase and Sales Agreement dated July 24, 1981.
[5] Applicant agrees to accept a Certificate at the rates prescribed by the NGPA.
[6] Applicant is filing under Interim Rollover Agreement dated June 24, 1981, and is filing to cover its own interest which was previously covered under a certificate issued to Perry R. Bass, in Docket No. CI61-714.
[7] Applicant is filing under Gas Purchase and Sales Agreement dated April 20, 1981.
[8] Applicant is filing under Gas Purchase and Sales Agreement dated April 10, 1981.
[9] Applicant is filing under Gas Purchase Contract dated May 18, 1981.
[10] By Assignment effective September 2, 1980, J. C. Williamson and Max E. Curry assigned their interest in the acreage to Monsanto and others. The sale by Great Basins to CIG from the acreage was authorized pursuant to Great Basins small producer certificate issued Febraury 24, 1977 in Docket No. CS75-149.
[11] Applicant is filing under Gas Purchas Contract dated September 26, 1974 as amended April 1, 1981, Assignment dated February 23, 1981 and Farmout Agreement dated July 23, 1980.
[12] Sun's leases have been sold by Assignment dated May 15, 1979.
[13] Applicant is filing under Contract January 1, 1981.
[14] Applicant is filing under Gas Purchase Contract dated August 17, 1981.
[15] Applicant is filing under Gas Purchase and Sales Agreement dated June 23, 1981.
[16] Applicant and Purchaser are affiliated.

[FR Doc. 81-27700 Filed 9-22-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5248-000]

West Slope Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5-MW Capacity

September 17, 1981.

Take notice that On August 18, 1981, West Slope Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 180 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5248) would be located on Whisky Creek, in Madera County, California. Correspondence with the Applicant should be directed to: John S. Hansen, President, West Slope Power Company, 59880 Cascadel Drive North, North Fork, California 93643.

Project Description—The proposed project would consist of: (1) A 3.5-foot high diversion structure; (2) a 5-foot by 3-foot rectangular cross-section inlet structure; (3) a 24-inch diameter, 3,400-foot long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 1,800 kW; and (5) a 2,200-foot long, 12-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 5.3 million kWh.

Purpose of Project—The project energy would be sold to Pacific Gas & Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested, however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 2, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 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. 81-27698 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5250-000]

West Slope Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5-MW Capacity

September 17, 1981.

Take notice that on August 18, 1981, West Slope Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5250) would be located on Whisky Creek, in Madera County, California. Correspondence with the Applicant should be directed to: John S. Hansen, President, West Slope Power Company, 59880 Cascadel Drive North, North Fork, California 93643.

Project Description—The proposed project would consist of: (1) A 2-foot high diversion structure; (2) a 4-foot by 3-foot rectangular cross-section inlet structure; (3) an 18-inch diameter, 9,400-foot long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 2,400 kW; and (5) a 1,500-foot long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 6.7 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act general comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will ot be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before October 30, 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 Hyrdopower 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. 81-27697 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Closing of Regional Offices

Notice is hereby given that the regional operations of the Office of Hearings and Appeals will terminate on September 25, 1981. As of that date, all cases pending in the five Regional Centers (located in New York, Atlanta, Chicago, Dallas and San Francisco) and the five Satellite Offices (located in Boston, Philadelphia, Kansas City, Denver and Seattle) will be transferred for analysis and decision to the National Office of Hearings and Appeals. Effective immediately, all submissions which were previously required to be filed with the regional offices, including submissions in connection with pending cases and Appeals, Applications for Exception, and Objections to Proposed Remedial Orders, shall be filed with the National Office of Hearings and

Appeals, 2000 M St., NW., Washington, D.C. 20461.

For further information, contact Richard W. Dugan, Associate Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, Phone: (202) 653-3126.

Dated: September 16, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-27588 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59063; TSH-FRL-1937-6]

Alkyl Glucoside; Test Marketing Exemption Application

September 15, 1981.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 24, 1981. Persons should submit written comments on the applications no later than October 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street, SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and october 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 8, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59063]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-33

Close of Review Period. October 24, 1981

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Greater than $500 million

Manufacturing site—Southeast Atlantic region

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl glucoside.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a surfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Supplied as 70% aqueous solution.

Appearance—Light to dark brown liquid, mild fatty odor

Viscosity—1350 cps @ 25° C (Brookfield)

Specific Gravity—1.16 @ 16° C

pH—7.5 (1% aqueous solution)

Toxicity Data. No data were submitted.

Environmental Test Data.

The Biological Oxygen Demand (BOD_5), Chemical Oxygen Demand (COD), and Total Organic Carbon (TOC) were determined for a sample of an alkyl glucoside surfactant:

For the sample as received (70% solution), the test values are:

BOD_5—436,065 mg/l
COD—1,700,000 mg/l
TOC—338,000 mg/l
BOD_5/COD—0.26
A sample of the concentrated glucoside:
BOD_5—622,950 mg/l
COD—2,428,571 mg/l
TOC—482,857 mg/l
BOD_5/COD—0.26
The BOD_5 was determined using an unacclimated municipal sewage sludge seed. The submitter states that use of acclimated seed would probably greatly improve the BOD_5 and the prospects for extensive biodegradation of aklyl glucosides in a municipal treatment system would appear excellent.

Exposure. The manufacturer states that at a customer's site some workers may have skin exposure for a maximum of 8 hr/day, 100 day/yr.

Environmental Release/Disposal. The submitter states that one customer may release between 1,000 and 10,000 kg/yr of the substance to water.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27639 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

[AD-FRL 1920-2]

Ambient Air Monitoring Reference and Equivalent Methods; Reference Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255), has designated another reference method for the measurement of ambient concentrations of carbon monoxide. The new reference method is an automated method (analyzer) which utilizes a measurement principle based in non-dispersive infared spectrometry. The method is:

RFCA-0981-054, "Thermo Electron Model 48 Gas Filter Correlation Ambient CO Analyzer," operated on the 0-50 ppm range, with a time constant setting of 30 seconds, and with or without any of the following options:

48-001 Particulate Filter
48-002 19 Inch Rack Mountable Configuration
48-003 Remote Activation of Zero and Span
48-010 Internal Zero Air Package
48-488 GPIB (General Purpose Interface Bus) IEEE-488

This method is available from Thermo Electron Corporation, 108 South Street, Hopkinton, Massachusetts 01748.

A notice of receipt of application for this method appeared in the Federal Register, Volume 46, July 28, 1981, page 38577.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method.

The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference of equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above. Technical questions concerning the method should be directed to the manufacturer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional reference method that is acceptable for use by states and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979) or other applications where use of a reference method is required.

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

Andrew P. Jovanovich,

Assistant Administrator for Research and Development.

August 18, 1981.

[FR Doc. 81-27644 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-26-M

[OPTS-51317; TSH-FRL-1937-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nine PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-437, 81-438, 81-439, 81-440, 81-441, 81-442, 81-443, 81-444, and 81-445, November 7, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51317]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-437	George Bagley	(202-426-2601)	E-210.
81-438	Rachel Diamond	(202-426-2601)	E-222.
81-439	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-440	Rachel Diamond	(202-426-2601)	E-222.
81-441	Mary Cushmac	(202-426-0503)	E-229.
81-442	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-443	Mary Cushmac	(202-426-0503)	E-229.
81-444	Carne Berlin	(202-426-8815)	E-222.
81-445	Rose Allison	(202-426-8815)	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-437

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polynitro polyhalo alkyl aniline.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—141-142°
Soluble in acetone and alcohol.
Insoluble in water.

Toxicity Data.

Oral toxicity LD_{50} (rat)—>500 mg/kg.
Oral toxicity LD_{50} (dog)—>2 g/kg.
Dermal toxicity LD_{50} (rabbit)—Slight irritant.
Occular irritation (ratbit)—Slight irritant.
Inhalation toxicity LC_{50} (rat)—>0.43 mg/L.
Ames Salmonella—Non-mutagenic.

Exposure. The manufacturer states that 2 workers may experience dermal and inhalation exposure 3 hrs/day, 6 days/yr.

Environmental Release/Disposal. The manufacturer states that disposal will be by destruction.

PMN 81-438

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Morton Chemical, 2 N. Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted arylamino anthraquinone derivatives.

Use. The manufacturer states that the PMN substance will be used as a colorant for fibrous sheet structures.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,500
2nd year	3,000	13,000
3rd year	3,000	13,000

Physical/Chemical Properties.

Vapor pressure—$<10^{-2}$ torr
Density—1.0 gram/cubic centimeter
Solubility in water—10^{-4} gram/liter
Pour point—−50° F
Boiling sublimation point—>200° C

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—Non-toxic
Acute dermal toxicity LD_{50} (rabbits)—2.0 g/kg
Primary dermal irritation—Non-irritating
Acute eye irritation (rabbits)—Practically non-irritating
Guinea pig sensitization study—Non-sensitive
Biocompatibility and human patch tests—Non-irritating

Exposure. The manufacturer states that during manufacture and processing a total of 35 workers may experience dermal exposure 13 hrs/day, 1,27 days/yr. Exposure may occur during liquid separation, filtration, drumming, sample analysis, filling and emptying drums, and removal of dyed fibrous sheet structures from the dyeing process.

Environmental Release/Disposal. the manufacturer states that less than 10 kg/yr of the chemical substance may be released to water 2 hrs/day, 9 days/yr. Less than 10 kg/yr may also be released to air. Disposal will be to a publicly owned treatment works (POTW).

PMN 81-439

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $5,000,000
Manufacturing site—Mid-Atlantic and East North Central region
Standard Industrial Classification code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyd resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Amber liquid
Solvent—Xylene and butyl carbitol
Percent non-volatile by weight—58.6
Percent non-volatile by volume—59.0
Specific gravity—0.98
Specific gravity (NV)—1.002
Viscosity @ 25° C—Z−(G.H.)
Boiling point—362° F
Vapor pressure—1.10 mm/kg @ 68° F
Vapor density—5.5
Solubility in water—Negligible
Flash point (closed sup)—131° F
Flammability limits—0.9−5.9 percent

Toxicity Data. The manufacturer states that acute and mutagenicity toxicologic data on the class of alkyd resins of which this new substance is a part, demonstrate that they possess minimal, if any, health hazards.

Exposure. The manufacturer states that use will involve exposure to chemical industry employees approximately once a month with very low potential for dermal contact.

Environmental Release/Disposal. the manufacturer states that the substance will be used in a contained use that will release more than 50 but less than 5,000 kg/yr to the environment as solid waste.

PMN 81-440

Close of Review Period. December 7, 1981.

Manufacturer's identity. Morton Chemical, 2 N. Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted 1,4-bis arylamino anthraquinone.

Use. The manufacturer states that the PMN substance will be used as a colorant for fibrous sheet structures.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,500
2nd year	3,000	13,000
3rd year	3,000	13,000

Physical/Chemical Properties.

Vapor pressure—$<10^{-2}$ toor
Density—1.0 grams/cubic centimeter
Solubility in water—10^{-4} gram/liter
Pour point— −50°F

Boiling sublimation point—>200°C
Toxicity Data.
Acute oral toxicity LD_{50} (rats)—Non-toxic
Acute dermal toxicity LD_{50}—2.0 g/kg
Primary dermal irritation—Non-irritating
Acute eye irritation—Practically non-irritating
Guinea pig sensitization study—Non-sensitive
biocompatibility and human patch tests—Non-irritating

Exposure. The manufacturer states that during manufacture and processing a total of 35 workers may experience dermal exposure 13 hrs/day, 121 days/yr. Exposure may occur during liquid separation, filtration, drumming, sample analysis, filling and emptying drums, and removal of dyed fibrous sheet structures from the dyeing process.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the chemical substance may be released to water 2 hrs/day, 7 days/yr. Less than 10 kg/yr may also be released to air. Disposal will be to a POTW.

PMN 81-441

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Mixed mono and dialkyldithio-thiadiazales.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.
Flash point—>200°C
Density #/Gallon—9.26
Appearance—Yellow brown liquid
Toxicity Data.
Acute oral toxicity LD_{50} (rat)—>10,000 mg/kg
Acute dermal toxicity LD_{50} (rabbits)—>2,000 mg/kg
Primary skin irritation (Draize)—1.3/8.0
Primary eye irritation (Draize)—0.0/11.0
Acute inhalation LC_{50} (rat)—>2.75 mg/1

Exposure. The manufacturer states that during manufacture and disposal 4 workers may have skin and inhalation exposure for 1.5 hrs/day, 179 days/yr during drum filling and filter clean out. Exposure levels will average at 1-10 parts per million (ppm) and peak at 10-20 ppm.

Environmental Release/Disposal. The manufacturer states that less than 0-100 kg/yr of vapor will be released to air and slight accidental spilling to water during drumming for 1.5 hrs/day, 179 days/yr. 100-1,000 kg/yr of used filter media will be released to land. Spilled material will be collected and sent to a waste water treatment facility. Disposal of used filter material will be in a licensed commercial landfill. Vented material will be sent to a vapor/liquids recovery and a DEA (Diethanol amine) scrubber.

PMN 81-442

Close of Review Period. December 7, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Benzyl ester.

Use. Claimed confidential business information.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1 year	10	100
2 years	10	1,000
3 years	100	2,000

Physical/Chemical Properties.
Appearance—Pale to light yellow liquid
Refractive Index @ 25°C—1.478-1.486
Specific gravity @ 25°C—0.970-0990
Flash point (closed cup method)—Above 100°F
Solubility in water—Slightly soluble
Melting range—N/A
Optical rotation—N/A
Shelf life—Estimated 1 yr.
Toxicity Data.
Acute oral toxicity LD_{50} (rats)—Males—3.8 gm/kg; Females—3.2 gm/kg
Acute dermal toxicity LD_{50} (rabbits)—>2.0 gm/kg
Primary skin irritation (rabbits)—Non-irritant
Primary eye irritation (rabbits)—Non-irritant
Repeated insult patch test/photosensitization study in human subjects—Non-irritant

Exposure. The importer states that during use 2 workers will experience inhalation exposure <1 hr/day, 20 days/yr. Exposure level will peak at 1-10 ppm. No disposal problems are anticipated.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air <1 hr/day, <20 days/yr.

PMN 81-443

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual Sales—Between $10,000,000 and $99,999,999
Manufacturing site—Middle Atlantic region
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly[(amino alkyl)alkylene oxide].

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN indicates that the substance will be used in an open use that will release less than 5,000 kg/yr to the environment. Use will involve non-chemical industry employee exposure once or twice a week, with potential eye or skin contact. The majority of release will be to landfill.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 3 workers will experience dermal and oral exposure from drumming operations for 8 hrs/day, 15 days/yr. Exposure levels averaging and peaking at 10-100 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water 10 hrs/day, 15 days/yr. Less than 10 kg/yr will be released to land. Disposal will be to a Joint Meeting Sewer Treatment Plant.

PMN 81-444

Close of Review Period. December 7, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500 million
Manufacturing site—Mid-Atlantic region
Standard Industrial Classification Code—2865

Specific Chemical Identity. Claimed confidential busines information. Generic name provided: Substituted heterocyclicphenyl-azo dye.

Use. The manufacturer states that the PMN substance will be used as a dye for textile fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	250
2d year	600	1,000
3d year	1,000	5,000

Physical/Chemical Properties.
Appearance—Deep, red liquid, characteristic odor
ph—7.5-8.5
Biodegradability (static method) Soluble in water—50-100 percent (photometry)
Toxicity Data.
Oral toxicity LD_{50} (rat)5 g/kg
Skin irritation (rabit)—Slightly irritating
Eye irritation (rabbit—Slightly irritating

Exposure. The importer states that 60 workers may experience dermal exposure during processing, use, and disposal 5 hrs/day, 120 days/yr. Exposure could occur while weighing the dye before mixing a printing paste, while transferring the printing paste to the print machine, and while inspecting the printed fabric.

Environmental Release/Disposal. The importer states that from 100-1,000 kg/yr may be released to water 2 hrs/day, 120 days/yr via POTW. Disposal of dyed fabric waste will be by incineration.

PMN 81-445

Close of Review Period. December 7, 1981.

Importer's Identity. The Sherwin-Williams Company, Chemicals Division, P.O. Box 6520, Cleveland, OH 44101.

Specific Chemical Identity. Polyglycidyl-*m*-xylenediamine.

Use. The importer states that the PMN substance will be used as an intermediate for resins.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,000
2nd year	1,500	5,000
3rd year	5,000	20,000

Physical/Chemical Properties.
Specific gravity—1.147
Solubility (water)—Insoluble
Frequency point—Viscosity increases on cooling; no crystallization
Vapor pressure—<0.1 mm/kg @ 170°C
Percent volatiles—0.3–0.7
Appearance—Light yellow liquid
Flash point (Pensky-Mortens) 190°C
Chemical Reactivity/Compatibility—Amines, acids (produces an exothermic reaction in presence of amines
Toxicity Data.
Acute oral toxicity LD_{50} (rat)—730 mg/kg (male); 630 mg/kg (female)
Primary dermal irritation (rabbit)—Moderate irritant
Ames Salmonella—Mutagenic
Exposure. The importer states that during the processing of the new chemical substance, one worker may experience dermal exposure for one hour or less, 30 days/yr.
Environmental Release/Disposal. The importer states that no release of this material is expected.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27635 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51318; TSH-FRL-1937-7]

Certain Chemicals; Premanufacture Notices

September 15, 1981.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eight PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–446 and 81–450, November 7, 1981. PMN 81–447 and 81–449, November 8, 1981. PMN 81–451, 81–452, 81–453, and 81–454, November 9, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51318]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-446	Rachel Diamond	(202-426-2601)	E-222
81-447	Wendy Cleland-Hamnett	(202-426-0503)	E-229
81-449	June Thompson	(202-426-6000)	E-529E
81-450	Rachel Diamond	(202-426-2601)	E-222
81-451	Rose Allison	(202-426-8815)	E-222
81-452	Rose Allison	(202-426-8815)	E-222
81-453	Rose Allison	(202-426-8815)	E-222
81-454	Rose Allison	(202-426-8815)	E-222

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-446

Close of Review Period. December 7, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polydimethylsiloxane, alkyl and terpenyl substituted.
Use. The manufacturer states that the PMN substance will be used in a silicone coating polymer.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—>600°F.
Density—0.98 gm/ml.
Vapor pressure—Negligible @ 25°C.
Solubility (water)—negligible.
Octanol/water partition coefficient—Miscible in octanol/immiscible in water (estimate).
Viscosity—700–3,000 cps @ 20°C.

Toxicity data

Oral toxicity $LD_{50}T1$ (RAT)—5.2 GM/KG.
Skin irritation (rabbit)—Non-irritant.
Eye irritation (rabbit)—Non-irritant.
Exposure. The manufacturer states that during manufacture and testing workers could experience dermal exposure.
Environmental Release/Disposal. The manufacturer states that no release to the environment is expected. Material will be disposed of by incineration.

PMN 81-447

Close of Review Period. December 8, 1981.
Importer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—$100,000,000–$499,999,999.
Manufacturing site—Mid-Atlantic region.
Standard Industrial Classification Code—2891.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester based urethane.
Use. The importer states that the PMN substance will be used as an adhesive.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	30,000
2d year	10,000	60,000
3d year	20,000	120,000

Physical/Chemical Properties. No data were submitted.
Toxicity Data. No data were submitted.
Exposure. The importer states that the product will initially be sold to 15 customers. No further data is available.
Environmental Release/Disposal. The importer states that waste product and containers should be disposed of in accordance with Resource Conservation Recovery Act (RCRA) standards.

PMN 81-449

Close of Review Period. December 8, 1981.
Manufacturer's Identity. ABCOR, Inc., 850 Main Street, Wilmington, DE 01887.
Specific Chemical Identity. Claimed confidential business information. Generic name provided. Fluoro methacrylate copolymer.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. No data were submitted.
Toxicity Data. No data were submitted.
Exposure. The manufacturer states that the new chemical substance is not volatile, nor soluble in water; therefore, no exposure value can be ascribed to it.
Environmental Release/Disposal. The manufacturer states that due to its non-volatile and non-soluble nature, the new substance will not be released. Disposal will be by usual plant ventilation and aqueous discharge into a publicly owned treatment works (POTW).
Close of Review Period. December 7, 1981.
Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Standard Industrial Classification Code—28
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Di(aryl) polyhalosemi-metal.
Use. The manufacturer states that the PMN substance will be used as a catalyst in industrial use.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Brown viscous syrupy liquid.
Density—1.19 qm/ml @ 20°C.
Vapor pressure—Negligible.

Water solubility—Negligible.
Viscosity—500–1,000 cps @ 20°C (estimate).

Toxicity Data

Acute oral toxicity LD_{50} (rat)—500–5,000 mg/kg.
Acute dermal toxicity LD_{50} (rabbit)—2,000 mg/kg.
Primary skin irritation (rabbit)—Not an irritant.
Primary eye irritation (rabbit)—Primary irritant.
Ames Salmonella—Non-mutagenic.
DNA repair:
POL A+ No effect observed.
POL A− No effect observed.
In vitro point mutation—Mutants without enzyme activation were recorded.
In vivo cytogenetics—No abnormal chromosome forms were detected.
Mammalian cell transformation with and without enzyme activation—Not a mutagen nor a carcinogen.
Exposure. The manufacturer states that during manufacture and testing workers could experience dermal exposure.
Environmental Release/Disposal. The manufacturer states that no release to the environment is expected Material will be disposed of by incineration.

PMN 81–451

Close of Review Period. December 9, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. Claimed confidential business information.
Toxicity Data. Claimed confidential business information.
Exposure. Claimed confidential business information.
Environmental Release/Disposal. Claimed confidential business information.

PMN 81–452

Close of Review Period. December 9, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. Claimed confidential business information.
Toxicity Date. Claimed confidential business information.
Exposure. Claimed confidential business information.
Environmental Release/Disposal. Claimed confidential business information.

PMN 81–453

Close of Review Period. December 9, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. Claimed confidential business information.
Toxicity Data. Claimed confidential business information.
Exposure. Claimed confidential business information.
Environmental Release/Disposal. Claimed confidential business information.

PMN 81–454

Close of Review Period. December 9, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed Confidential business information. Generic name provided: Modified phenolic novoak resin.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. Claimed confidential business information.
Toxicity Data. Claimed confidential business information.
Exposure. Claimed confidential business information.
Environmental Release/Disposal. Claimed confidential business information.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27640 Filed 9-22-81; 8:45 am]
BILLING CODE 6560-31-M

[PF-237; PH-FRL-1937-8]

Certain Pesticide Chemicals; Pesticide and Additive Petitions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain food items and raw agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-237]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain food items and raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition

FAP IH5310. Monsanto Co., 1101 17th St., NW., Washington, DC 20036. Proposes amending 21 CFR 193.235 by establishing a regulation permitting residues of the herbicide glyphosate [*N*—(phosphonomethyl)glycine] and its metabolite aminomethyl phosophonic acid in or on the commodities tea at 1.0 part per million (ppm) and instant tea at 4.0 ppm. (PM-25, Robert J. Taylor, 703-557-7066).

PP 1F2534. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.274 by establishing tolerances for the combined residues of the herbicide propanil (3',4'-dichloropionanilide) and its methabolites (calculated as 3',4'-dichloropropionanilide) in or on the raw agricultural commodities barley (grain) at 0.2 ppm; barley (straw at 0.75 ppm; oats (grain) at 0.2 ppm; and oats (straw) at 0.75 ppm. The proposed analytical method for determining residues is gas chromatography using electron capture detector. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2538. Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108. Proposes amending 40 CFR 180.356 by establishing tolerances for residues of the herbicide norflurazon [4—chloro-5-(methylamino)-2-alpha,alpha,alpha-trifluoro-m-tolyl)-3(2*H*)-pyridazinone] and its desmethyl methabolite [4-chloro-5-amino-2-(alpha,alpha,alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone in or on the raw agricultural commodities soybean seed at 0.1 ppm and soybean forage and hay at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM-23, Richard F. Mountfort 703-557-7070)

PP 1F2536. Shell Oil Co., Suite 200, 1025 Connecticut Avenue.NW, Washington, DC 20036. Proposes amending 40 CFR 180.379 by establishing a tolerance for residues of the insecticide cyano (3-phenoxphenyl) methyl-4-chloro-alpha-(methylethyl) benzeneacetate in or on the raw agricultural commodity cabbage at 10 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 17, Franklin D.R. Gee, 703-557-7028).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27641 Filed 9-22-81; 8:45 am]

BILLING CODE 6460-32-M

[PF-239; PH-FRL-1938-1]

Certain Pesticide Chemicals; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a feed additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-239]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2545. 3M/Agricultural Products Project, 3M Center, Building 223-6 SE, St. Paul, MN 55144. Proposes amending 40 CFR 180.386 by establishing a tolerance for the residues of the herbicide mefludide (*N*-[2,4-dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) derived from application of the diethanolamine or potassium salt and calculated as the free acid, in or on the raw agricultural commodity soybeans at 0.01 part per million (ppm). The proposed analytical method for determining residues is gas chromatography with an electron detector. (PM-25, Robert Taylor, 557-7066).

PP 1F2549. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.381 by establishing tolerances for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities cherries, figs, and pears at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM-23, Richard Mountfort, 557-7070).

PP 1F2560. Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Rd, Bethany, CT 06525. Proposes amending 40 CFR 180, by establishing a tolerance for the residues of the harvest growth regulant 2,3-dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide in or on the raw agricultural commodities cottonseed at 0.5 ppm and potatoes at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM-25, Robert Taylor, 557-7066).

FAP 1H5317. Uniroyal Chemical. Proposes amending 21 CFR 561 by establishing a regulation permitting residues of the harvest growth regulant 2,3-dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide in or on the commodity cottonseed hulls at 0.7 ppm. (PM-25, Robert Taylor, 557-7066).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27642 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59064; TSH-FRL-1937-3]

Di(Aryl)Polyhalosemi-Metal; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of one application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by October 24, 1981. Persons should submit written comments on the applications no later than October 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street, SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—

Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 8, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59064]" Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-34

Close of Review Period. October 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Di(Aryl)polyhalosemi-metal.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a catalyst in an industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. The chemical is a viscous, syrupy fluid at room temperature.

Density—1.19 gm/ml.
Vapor pressure—Negligible.
Water solubility—Negligible.
Viscosity—800-1,000 cps @ 20°C.

Toxicity Data

Oral toxicity LD_{50} (rat)—500-5,000 mg/kg.
Dermal toxicity LD_{50} (rabbit)—<2,000 mg/kg.
Primary eye irritation (rabbit)—Mild irritant (grade range 15-25/110).
Primary skin irritation (rabbit)—Not a skin irritant.

Mutagenicity Screening

Salmonella Microsomal Assay

TA 1537 without enzyme activation—Positive.
TA 1535 with enzyme activation—Positive.
TA 1538—Negative.
TA 98—Negative.
TA 100—Negative.

DNA Repair

POL A——No effects observed.
POL A—No effects observed.
In-Vitro point mutation BALB/3T3 cells—Cytotoxic, dose related mutants without enzyme activation were recorded.
In-vivo cytogenetics—No abnormal chromosome forms were detected.
Mammalian cell transformation with enzyme activation—Not a mutagen nor a carcinogen.
Mammalian cell transformation without enzyme activation—Not a mutagen nor a carcinogen.

Exposure. The submitter states that some workers may have skin exposure during manufacture and quality control testing.

Environmental Release/Disposal. The manufacturer states that material for incineration is transferred by drum to an on-site incinerator.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27638 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-73B; PH-FRL-1937-5]

Mobay Chemical Corp.; Filing of Pesticide Petition; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice amends pesticide petition 7F1951, submitted by Mobay Chemical Corp., proposing to establish tolerances for the combined residues of the insecticide mesurol, [3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on certain raw agricultural commodities.

ADDRESS: Written comments and inquiries should be directed to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments and inquiries may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-73B]" and the petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of June 30, 1977 (42 FR 33363) that Mobay Chemical Corp., Chemagro Agricultural Div., PO Box 4913, Kansas City, MO 64120, had submitted a pesticide petition (PP 7F1951) to EPA proposing that 40 CFR 180.320 be amended by establishing tolerances for the combined residues of the insecticide mesurol [3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural

commodities artichokes at 0.1 part per million (ppm); beans (lima) at 0.1 ppm; beans (snap) at 1.0 ppm; cabbage at 20 ppm; cauliflower at 5.0 ppm; strawberries at 7.0 ppm; and tomatoes at 0.5 ppm.

A correction documents to this notice published in the Federal Register of July 25, 1977 (42 FR 37847) added the raw agricultural commodities broccoli at 2.0 ppm and brussels sprouts at 1.0 ppm.

Mobay Chemical Corp. has submitted a revised section F of the petition proposing that the tolerances be increased for artichokes from 0.1 ppm to 0.2 ppm; beans (lima) from 0.1 ppm to 0.2 ppm; cauliflower from 5.0 ppm to 7.0 ppm, and tomatoes from 0.5 to 1.0 ppm. Mobay also proposes that a tolerance be established for bean vines and hay at 1.0 ppm.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27638 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-32-M

[A-3-FRL 1933-5]

Memorandum of Understanding for the Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and the State of West Virginia have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD program. Through the MOU, the State of West Virginia will receive and process PSD permits; however, EPA Region III will retain full authority and responsibility to issue or deny PSD permits.

EFFECTIVE DATE: September 23, 1981.

The Regional Administrator finds good cause for making this MOU effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), 215/597-8186 or FTS 597-8186

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn: Carl G. Beard, 204/348-3286 or FTS 885-3286

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at 215/597-8186 or FTS 597-8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III, and the Chairman of the West Virginia Air Pollution Control Commission have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in West Virginia will be submitted directly to the State of West Virginia for processing. Aside from these processing activities, EPA Region III will retain full authority and responsibility for the PSD program in the State of West Virginia. Processing activities include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsibility to issue and/or deny PSD permits.

The MOU will become effective as of September 23, 1981. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administratve change and not one of substantive content.

Under Executive Order 12291, EPA must also judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major." This action only provides for the implementation of an administrative change in PSD permit processing, and does not change any existing regulatory requirement.

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

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the State of West Virginia should be submitted to the State of West Virginia agency at the following address:

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311

(42 U.S.C. 7601(a)(1))

Dated: August 28, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-27643 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-38-M

[PF-198A; PH-FRL-1937-4]

Shell Oil Co.; Feed Additive Petition; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice amends a feed additive petition (FAP OH 5268) permitting residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(l-methylethyl) benzeneacetate in or on soybean hulls.

ADDRESS: Written comments or inquires to: Franklin D. R. Gee, Production Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of August 15, 1980 (45 FR 54426) that Shell Oil Co., Suite 200, 1025 Connecticut Ave., Washington, D.C. 20036, had submitted a feed additive petition (FAP OH 5268) proposing that 21 CFR Part 561 be amended by permitting residues of the Insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(l-methylethyl) benzeneacetate in or on soybean hulls at 0.1 ppm.

Shell Oil Co. has submitted a revised section F petition proposing that the tolerance be increased from 0.1 ppm to 1.0 ppm.

(Sec. 408(d)(1) 68 Stat. 512, (U.S.C. 135)

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27637 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL-1938-3]

Fuels and Fuel Additives; Waiver Application; Ethyl Corp.; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction, and Extension of Comment Period.

SUMMARY: An inadvertent error appeared in EPA's Federal Register notice (46 FR 35180, July 7, 1981) of a submission by the Ethyl Corporation (Ethyl) of an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act. The notice stated that Ethyl's application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of

up to 1/64 of a gram per gallon of unleaded gasoline. This was an error because of the omission of the phrase, "of manganese". The correct statement is that Ethyl's application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 of a gram of manganese per gallon of unleaded gasoline. This error appears three times in the notice (46 FR 35180).

The original Federal Register notice is changed by the insertion of the phrase, "of manganese" after the word "gram" in three places: (1) Line 9 of the summary, (2) the third line from the bottom of column 2, and (3) the third line of columnm 3.

Also, in order to allow time for interested parties to consider this correction, the comment period is hereby extended to October 23, 1981. This extension of the comment period does not affect the final date for granting or denying a waiver. That date is still November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Gelman, Environmental Scientist, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, Washington, D.C. 20460, (202) 382-2635.

Dated: September 15, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-27711 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-33-M

[OPTS-59060A; TSH-FRL-1940-4]

Poly(Ester)-Co-Poly(Ether); Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-29) under section 5 of the Toxic Substances Control Act (TSCA) on August 19, 1981. Notice of receipt of the application was published in the Federal Register of September 2, 1981 (46 FR 44045). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 19, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and (5)(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-29. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is poly(ester)-co-poly(ether), and it will be used in textile fibers. A maximum of 8,800 pounds will be manufactured for test market purposes, during a test marketing period not to exceed one year. During manufacture and processing, one worker will be dermally exposed for a total of 356 hours. During industrial use, one worker will be dermally exposed for a total of 440 hours. A notice published in the Federal Register of September 2, 1981 (46 FR 44045) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-29, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. The substance will be manufactured in a closed system. No significant health concerns were identified for the TME substance. Consumer exposure to the new substance will be through the skin and will be minimal. Dermal testing has shown the substance to be nonirritating and nonsensitizing. No significant environmental concerns were identified, and environmental release of the substance will be low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 8,800 pounds described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-27679 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL HOME LOAN BANK BOARD

Perpetual Savings and Loan Association, Rapid City, South Dakota; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Perpetual Savings and Loan Association, Rapid City, South Dakota, effective September 14, 1981.

Dated: September 18, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-27680 Filed 9-22-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Capital Bankshares Corp.; Formation of Bank Holding Company

Capital Bankshares Corporation, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Capital City Bank, Hapeville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 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 September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27594 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Elk Valley Bancshares, Inc.; Formation of Bank Holding Company

Elk Valley Bancshares, Inc., Fayetteville, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Peoples Bank of Elk Valley, Fayetteville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27595 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

First Ogallala Investment, Inc.; Formation of Bank Holding Company

First Ogallala Investment, Inc., Ogallala, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The First National Bank in Ogallala, Ogallala, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City, Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27596 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Ridgway Bancorp, Inc.; Formation of Bank Holding Company

Ridgway Bancorp, Inc., Ridgway, 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 at least 80 percent of the voting shares of Gallatin State Bank, Ridgway, 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27597 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Security Bancorp: Formation of Bank Holding Company

Security Bancorp, Stanton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Security State Bank Stanton, Iowa. 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 October 16, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27598 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Sun Banks of Florida, Inc.; Acquisition of Bank Holding Company

Sun Banks of Florida, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Century Banks, Inc., Fort Lauderdale, Florida. The factors that are considerd in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Subsidiaries of Sun Banks of Florida, Inc., Orlando, Florida, are also engaged in the following nonbank activities: insurance, data processing, and mortgage activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System Washington, D.C. 20551, to be received not later than October 16, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27599 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Sun Banks of Florida, Inc., Proposed Acquisition of Century Computer Services, Inc. and C.B.I. Insurance Agency, Inc.

Sun Banks of Florida, Inc., Orlando, Florida, 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 indirectly acquire voting shares of Century Computer Services, Inc., Fort Lauderdale, Florida, and C.B.I. Insurance Agency, Inc., Fort Lauderdale, Florida, through its proposed acquisition of Century Banks, Inc., Fort Lauderdale, Florida, ("Century Banks").

Applicant states that the proposed subsidiaries would engage in bookkeeping and data processing activities, and credit life and accident and health insurance activities, respectively. These activities would be performed from existing offices of Century Banks in Fort Lauderdale, Florida, and the geographic areas to be served are the banking markets for the banking subsidiaries of Century Banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

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 October 16, 1981.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27600 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

The Tokai Bank, Ltd.; Acquisition of Bank

The Tokai Bank Limited, Nagoya, Japan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of Tokai Financial Corporation, Los Angeles, California, thus indirectly acquiring 100 per cent, less directors' qualifying shares, of the successor by merger to Continental Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 16, 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 and 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27601 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Tokai Financial Corp., Formation of Bank Holding Company

Tokai Financial Corporation, Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Continental Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Tokai Financial Corporation, Los Angeles, California, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Continental Loan and Continental Thrift, both of Alhambra, California.

Applicant states that Continental Loan engages in making consumer loans secured by personal and real property. Continental Thrift is an industrial loan company engaged in making second trust deed real estate loans, lease financing and automobile dealer financing. These activities would be performed from offices of Applicant's subsidiaries in Alhambra, Upland, Laguna Hills and Rancho Mirage,

California, and the geographic areas to be served are Los Angeles and Orange Counties and the San Gabriel Valley, California. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than October 16, 1981.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27602 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Trust Co. of Georgia; Acquisition of Bank

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The Merchants and Farmers Bank of Milledgeville, Milledgeville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 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, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27603 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration, through its Agency Liaison Division personnel office, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies, and it amends our original notices in the Federal Register dated March 17, 1980, and May 20, 1980. Because of their small size, a Performance Review Board register has been established composed of members of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Francis B. Tenny, Executive Director, Japan-United States Friendship Commission.
Stephen L. Babcock, Executive Director, Administrative Conference of the United States.
Richard K. Berg, General Counsel, Administrative Conference of the United States.
Roger K. Lewis, Commissioner (Chairman), Navajo and Hopi Indian Relocation Commission.
Sandra L. Massetto, Commissioner, Navajo and Hopi Indian Relocation Commission.
Hawley Atkinson, Commissioner (Vice Chairman), Navajo and Hopi Indian Relocation Commission.
Leon H. Berger, Executive Director, Navajo and Hopi Indian Relocation Commission.
Walter R. Roberts, Executive Director, Board for International Broadcasting.
James Critchlow, Foreign Information Officer, Board for International Broadcasting.
Arthur D. Levin, Financial Manager, Board for International Broadcasting.
Anatole Shub, Foreign Information Officer, Board for International Broadcasting.
Theodore S. Farfaglia, Executive Director, United States Metric Board.
Stanley R. Parent, Deputy Executive Director/Director, Research, Coordination and Planning United States Metric Board.
John P. Donnelly, Public Information Officer, United States Metric Board.
John R. Twiss, Jr., Executive Director, Marine Mammal Commission.
Gerald D. Seinwill, Acting Director, U.S. Water Resources Council.
Frank H. Thomas, Assistant Director, Office of Policy, U.S. Water Resources Council.
Leila L. Botts, Chairman, Great Lakes Basin Commission, U.S. Water Resources Council.

FOR FURTHER INFORMATION CONTACT: Betty R. Bruce, Agency Liaison Division (202-472-9214); mailing address: General Services Administration (WXL), Washington, D.C. 20407.

Dated: September 14, 1981.

Walter V. Kallaur,

Regional Administrator, National Capital Region.

[FR Doc. 81-27633 Filed 9-22-81; 8:45 am]

BILLING CODE 6820-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Bodies; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of October 1981.

Mental Health Research Education Review Committee

October 9; 9:00 a.m.

Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open—October 9; 9:00 to 10:00 a.m.
Closed—Otherwise
Contact: Ms. Lu McNay, Room 9-101, Parklawn Building, 5600 Fishers Lane Rockville, Maryland 20857 (301) 443-3857

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the fields of biological sciences, the psychological sciences, and the applied behavioral sciences areas, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Alcohol Biomedical Research Review Committee

October 14–16; 9:00 a.m.

Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open—October 14; 9:00–11:00 a.m.
Closed—Otherwise
Contact: Harvey P. Stein, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106
Purpose: The Committee is charged with the initial review of applications for assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review
Agenda: From 9:00–11:00 a.m., October 14, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Basic Psychopharmacology and Neuropsychology Research Review Committee

October 15–17; 6:00 p.m.

Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 10910
Open—October 16; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Shirley Maltz, Room 9C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3944
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and/or activities in the fields of basic psychopharmacology and neuropsychology, and makes recommendations to the National Advisory Mental Health Council for final review
Agenda: From 9:00–10:00 a.m., October 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 9–463 (5 U.S.C. Appendix I)

Epidemiologic and Services Research Review Committee

October 19–22; 9:00 a.m.

Georgetown Hotel, Diplomat Room, 2121 P. Street, N.W., Washington, D.C. 20037
Open—October 20; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Shirley R. Margolis, Ph.D., Room 4–68 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research relating to mental health epidemiology, quantitative mental health services research, mental health services development, evaluation methodology, and knowledge transfer activities, and makes recommendations to the National Advisory Mental Health Council for final review
Agenda: From 9:00–10:00 a.m., October 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Psychosocial Research Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

October 19–23; 9:00 a.m.

Conference Room I, Parklawn Building, 5600 Fishers Lane, Rockvile, Maryland 20857
Open—October 19; 9:00–9:30 a.m.
Closed—Otherwise
Contact: Mr. Ron Gold, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review
Agenda: From 9:00–9:30 a.m., October 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Criminal and Violent Behavior Review Committee

October 21–23; 9:30 a.m.

Gramercy Inn, Parkview and Westview Rooms
1616 Rhode Island Avenue, N. W., Washington, D. C. 20036
Open—October 21; 9:00–10:30 a.m.
Closed—Otherwise
Contact: Mrs. Phyllis Pinzow, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4668
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental health for support of research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review
Agenda: From 9:00–10:30 a.m., October 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Clinical and Behavioral Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

October 26–30; 9:00 a.m.

Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockvile, Maryland 20857
Open—October 26; 9:00–9:30 a.m.
Closed—Otherwise
Contact: Mr. Daniel Mintz, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review
Agenda: From 9:00–9:30 a.m., October 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Biomedical Research Review committee

October 26–30; 9:00 a.m.

Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—October 26; 9:00–9:30 a.m.
Closed—Otherwise
Contact: Alan A. Schreier, Ph.D., Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620

Purpose: The Committee is charged with the ini Mental Health for support of activities in the fields of treatment development and assessment, and makes recommendations the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Treatment Development and Assessment Research Review Committee

October 28–30; 9:00 a.m.

Holiday Inn
8777 Georgia Avenue, Silver Spring, Maryland 20910
Open—October 28, 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Pamela J. Mitchell, Room 4–68, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities in the fields of treatment development and assessment, and makes recommendations the National Advisory Mental Health Council for final review
Agenda: From 9:00–10:00 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Alcohol Psychosocial Research Review Committee

October 28–30; 9:00 a.m.

Holiday Inn
8120 Wisconsin Avenue, Bethesda, Maryland 20014
Open—October 28; 9:00–11:00 a.m.
Closed—Otherwise
Contact: James C. Teegarden, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106
Purpose: The Committee is charged with the initial review of applications for assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review
Agenda: From 9:00–11:00 a.m., October 28, the meeting will be open for discussion of administrative reports, announcements, and program developements. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the Public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Research Scientist Development Review Committee

October 29–30; 9:00 a.m.

Gramercy Inn, Westview Room 209
1616 Rhode Island Avenue, N. W., Washington D.C. 20036
Open—October 29; 9:00–11:00 a.m.
Closed—Otherwise
Contact: Ms. Diana Souder, Room 9–97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4844
Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for the support of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals engaged full time in reasearch and related activities relevant to mental health, and makes recommendations to the National Advisory Mental Health Council for final review
Agenda: From 9:00–9:30 a.m., October 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the Public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Ms. Iris O'Brien, Acting Committee Management Officer, Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106. NIDA: Ms. Lucy Stevens, Committee Management Officer, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620. NIMH: Ms. Helen Garrett, Committee Management Officer, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333.

Dated: September 18, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–27855 Filed 9–22–81; 8:45 am]
BILLING CODE 4110–88–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Dr. Riley McClelland, School of Forestry, University of Montana, Missoula, Montana 59812.

The applicant requests a permit to take (capture) bald eagles at Glacier Bay National Park and the Blackfoot River in Montana to conduct the following scientific techniques for enhancement of survival: (1) Banding, (2) marking, (3) blood-sampling, and (4) radio-telemetry.

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 file number PRT 2–2552. Interested persons may comment on this application on or before October 23, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 18, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–27839 Filed 9–22–81; 8:45 am]
BILLING CODE 4310–55–M

Denver Wildlife Research Center; Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take West Indian manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act (16 U.S.C. 1537), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18) and Endangered Species (50 CFR Part 17).

1. Applicant:

a. Name: Chief, Marine Mammal Section.

b. Address: Denver Wildlife Research Center, USFWS, Washington, D.C.

2. Type of permit: Marine Mammal and Endangered Species.

3. Name and number of animals: West Indian manatee (*Trichechus manatus*) about 75 in the wild and about 15 in captivity.

4. Type of Activity: (a) radiotagging and tetracycline marking studies of manatees, (b) attach peduncle tags to tame and free-ranging animals, (c) tail-

notch free-ranging, tame manatees, (d) freeze-brand injured and rescued manatees, (e) carry out nonharmful studies on rehabilitating animals, (f) collect dead and injured animals, and (g) export specimens from salvaged animals.

5. Location of Activity: Southeastern U.S. and Puerto Rico.

6. Period of Activity: October, 1981 through October 1984.

The purpose of the proposed research is to secure important information on manatee movements and reproductive biology in order to develop sound management plans necessary to help recover the species.

Concurrent with the publication of this notice in the Federal Register the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-8430. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, on or before October 23, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road Arlington, Virginia.

Dated: September 16, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-27660 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Aminoil USA, Inc.; Development and Production Plan; 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 Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1198, Block 66, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-27652 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-31-M

Gulf Oil Exploration and Production Co.; Development and Production Plan; 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 Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3177, Block 163, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-27651 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[INT FEIS 81-44]

Southern Rio Grande Planning Area; Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a Final Environmental Impact Statement (FEIS) on a proposed livestock grazing management program for the Southern Rio Grande Planning Area of the Las Cruces District in Southwestern New Mecixo (Dona Ana, Sierra, Luna, Socorro, and Otero Counties). This program would allocate forage to livestock and big game, determine levels of livestock grazing management, identify needed support facilities, outline a general implementation schedule, list standard operating procedures, and discuss the interrelationships with the other programs in the area.

FOR FURTHER INFORMATION CONTACT: Ed Webb, EIS Team Leader, P.O. Box 1420, Las Cruces, New Mexico 88004 Telephone: (505) 524-3603 or FTS 572-0209.

SUPPLEMENTARY INFORMATION: Copies of the FEIS are available at the Las Cruces District Office, 1705 North Valley

Drive, P.O. Box 1420, Las Cruces, New Mexico 88004. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico and public and university libraries in Las Cruces, Alamogordo, Truth or Consequences, Deming, Silver City, and Albuquerque, New Mexico and El Paso, Texas.

Dated: September 14, 1981.

Robert E. Wilber,

Acting State Director, New Mexico.

[FR Doc. 81-27649 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

California, South Sierra Foothills Planning Area; Intent To Prepare a Management Framework Plan Update and Revision

The Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an update and amendment of a management framework plan (MFP) to facilitate the identification of issues and preparation of the grazing environmental impact statement for the South Sierra Foothills Planning Area (SSF) which is a Category "D" Transition MFP

The SSF Planning Area is located in the eastern portion of Tulare and Kern Counties in the Bakersfield District, Caliente Resource Area, California, and is concerned with public lands therein.

Livestock grazing; water quality and watershed protection; access to public lands; special land and resource use needs; unauthorized resource use; recreation and wilderness use; and purchase, lease and/or exchange of public lands are the items to be addressed.

An interdisciplinary team (IDT) will consist of specialists in the disciplines of range, soils, watershed, realty, recreation, wildlife, minerals, cultural resources, economics and ecology for this effort.

Public opportunities for input and comment will be announced through media, direct mail, telephone and personal contact. The option of public meetings will be held open in case sufficient public interest is expressed.

The times, dates and locations of any public meetings will be announced through the media, direct mail, and/or Federal Register notice when dates and schedules are identified.

To obtain copies of the South Sierra Foothills Management Framework Plan update and revision and for further information contact: Glenn A. Carpenter, Caliente Resource Area Manager, Bureau of Land Management, 1430 Truxtun Avenue, Room 456, Bakersfield, CA 93301, Telephone (805) 861-4236.

Garold W. Lamb,

Associate District Manager.

[FR Doc. 81-24901 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Notice of Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that meetings of the Eugene District Advisory Council will be held on November 24, and if needed, December 1, 1981.

Both meetings will be held at 9:00 a.m. Pacific Standard Time in Room 227 in the Federal Building at 211 E. 7th, Eugene, Oregon.

Both meetings will cover a single agenda. The primary topic to be covered at the two sessions is further progress on the District's Management Framework Plan (MFP), including a presentation of a draft preferred land use alternative.

The Council will also discuss subjects for its future attention and make arrangements for the next meeting.

The meetings are open to the public and interested persons may make statements to the Council between 11:30 a.m. and 12:00 a.m. on December 1, or file written statements for the Council's consideration. To assure that adequate time is allotted for statements, those wishing to make oral statements should notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon, 97401, by November 24, 1981. Depending on the number of persons wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and be available for public inspection and production (during regular business hours) by 30 days following the second session.

Dated: September 11, 1981.

Dwight L. Patton,

District Manager.

[FR Doc. 81-27571 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 81-39]

New York Outer Continental Shelf; Notice of Availability of Draft Environmental Impact Statement and of Intent To Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale of No. 52

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Draft Environmental Impact Statement (EIS) relating to a proposed Outer Continental Shelf oil and gas lease sale of 540 tracts of submerged Federal land off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

Single copies of the draft statement can be obtained from the Offices of the Manager, New York Outer Continental Shelf Office, 26 Federal Plaza, Federal Building, Suite 32-120, New York, New York 10278, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the Draft Environmental Impact Statement will also be available for review in the following public libraries:

New York Public Library, 5th Avenue & 42nd Street, New York, New York 10018
Suffolk Cooperative Library System, 627 N. Sunrise Service Road, P.O. Box 1872, Bellport, New York 11713
Atlantic City Free Public Library, Illinois & Pacific Avenues, Atlantic City, New Jersey 08401
Nassau Library System, Reference Division, 900 Jerusalem Avenue, Uniondale, New York 11553
Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey 08608
Providence Public Library, 150 Empire Street, Providence, Rhode Island 02903
Newport Public Library, Aquidneck Park, Newport, Rhode Island 02840
Christian Science Monitor, 1 Norway Street, Boston, Massachusetts 02115
Rehoboth Beach Public Library, Municipal Center, Rehoboth Avenue, Rehoboth Beach, Delaware 19971
Lithgow Library, 1 Winthrop Street, Augusta, Maine 04330
Albany Public Library, Harmans Bleecker Bldg., 19 Dove Street, Albany, New York 12210
Provincetown Public Library, 33 Commercial Street, Provincetown, Massachusetts 02657
Fall River Public Library, 104 North Main Street, Fall River, Massachusetts 02720
Bridgeport Public Library, 925 Broad Street, Bridgeport, Connecticut 06603
Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753
Public Library, 105 45th Street, Sea Isle City, New Jersey 08243

Enoch Pratt Free Library, 400 Cathedral Street, Baltimore, Maryland 21201
Monmouth County Library, 25 Broad Street, Freehold, New Jersey 07723
Boston Public Library, Copley Square, Boston, Massachusetts 02117
Free Library of Philadelphia, Logan Circle, Philadelphia, Pennsylvania 19141
Concord Public Library, 45 Green Street, Concord, New Hampshire 03301
Portland Public Library, 619 Congress Street, Portland, Maine 04101
Hartford Public Library, 500 Main Street, Hartford, Connecticut 06103
Falmouth Public Library, Main Street, Falmouth, Massachusetts 02540
Free Public Library of Elizabeth, 11 South Broad Street, Elizabeth, New Jersey 07202
New Haven Free Public Library, 133 Elm Street, New Haven, Connecticut 06510
Atlantic County Library, Surrogate Building, Mays Landing, New Jersey 08330
Public Library, 639 Washington Street, Cape May, New Jersey 08204
Norfolk Public Library System, 301 S. City Hall Avenue, Norfolk, Virginia 23510
East Brunswick Public Library, 2 Jean Walling Civic Center, East Brunswick, New Jersey 03816
New Jersey State Library, P.O. 1898, Trenton, New Jersey 08625
Eastern Shore Area Library, 122–126 South Division, Salisbury, Maryland 21801
Wilmington Institute Free Library, and Newcastle County Free Library, 10th & Market Streets, Wilmington, Delaware 19801

In accordance with 43 CFR 3314.1, public hearings will be held in November for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the statement will be accepted until November 23, 1981, and should be sent to the Manager, New York OCS Office, at the above listed address.

After the public hearings are held and comments are received and considered, a final environmental statement will be prepared.

Arnold E. Petty,
Acting Associate Director, Bureau of Land Management.

Approved: September 17, 1981.

Bruce Blanchard,
Director, Environmental Project Review.

[FR Doc. 81-27575 Filed 9-22-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

[DES 81-41]

U.S. 101 Bypass Humboldt and Del Norte Counties, California; Availability of the Draft Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a draft environmental impact statement for the proposed U.S. 101 Bypass. The environmental impact statement analyzes various methods for resolving the conflict between park visitor traffic and commercial traffic on the existing two-lane section of U.S. 101 within Prairie Greek Redwood State Park. The 13 alternatives evaluated in the document include no action, seven alternatives (including the preferred alignment) with alignments east of the state park, two alternatives on the west side of the state park, and three alternatives along the existing alignment.

A limited number of copies of the document are available upon request to Superintendent, Redwood National Park.

Public reading copies are available for review at the following locations: Office of Public Affairs, National Park Service, 18th and C Streets, NW., Washington, D.C. 20240, (Telephone 707–464–6101); Superintendent, Redwood National Park, Drawer N, 1111 Second Street, Crescent City, California 95531, (Telephone 707–464–6101); Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102, (Telephone 415–556–5750).

Comments on the draft environmental impact statement are invited from all interested parties and should be forwarded to the Superintendent, Redwood National Park within sixty days of the date of this notice.

Dated: June 25, 1981.

Norma Cox,
Acting Regional Director, Western Region, National Park Service.

[FR Doc. 81-27681 Filed 9-22-81; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-DES 81-40]

Minidoka Powerplant Rehabilitation and Enlargement; Minidoka Project, Idaho-Wyoming; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed rehabilitation and enlargement of the Minidoka Powerplant that would provide increased power generation, fish and wildlife enhancement, outdoor recreation, and historical resource preservation at the existing Minidoka Powerplant on the Snake River in south-central Idaho. Written comments may be submitted to the Regional Director by December 17, 1981.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, 18th & C Streets, NW., Room 7622, Washington, DC 20240, Telephone: (202) 343–4991
Division of Management Support, General Services, Library Branch, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019
Regional Director, Bureau of Reclamation, Box 043—550 West Fort Street, Boise, ID 83724, Telephone: (208) 384–1207
Minidoka Project Office, Bureau of Reclamation, 1359 Hansen Avenue, Box 549, Burley, ID 83318, Telephone: (208) 678–0461

Single copies of the statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

September 18, 1981.

Bruce Blanchard,
Director, Environmental Project Review.

[FR Doc. 81-27593 Filed 9-22-81; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

September 18, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C.

No. 43935, Southwestern Freight Bureau, Agent, (No. B–135), annual volume rates on ethylene dichloride, in tank cars, carload minimum weight 200,000 pounds per car, between Geismar, LA and Carney's Point (Deepwater) and Deepwater (Carney's Point), NJ, in Supplement 21 to its tariff ICC SWFB 4616–A, effective September 22, 1981. Grounds for relief: Market Competition and Improved Equipment Utilization.

This application was received by the Commission's Suspension Board on September 10, 1981. This precluded the Board from publishing the requested relief in the Federal Register in order to give interested parties an opportunity to protest.

By action of September 17, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and O'Malley, concluded to grant the requested relief in 94th Supplemental Long-and-Short-Haul Order No. 20392, subject to the proviso that the authority will expire 30 days from September 17, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27622 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-96]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened over 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 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 153459 (republication), filed January 2, 1981, published in the Federal Register issue of February 9, 1981, and republished this issue. Applicant: WILLIAM P. MEEHAN, d.b.a. MEEHAN ARMORED COURIER SERVICE, 10 Nate Wipple Highway, Cumberland, RI 20864. Representative: William P. Meehan, 926 Mendon Rd., Cumberland, RI 02864. An Order of the Commission, Division 1, decided July 2, 1981, and served July 17, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *precious metals*, between points in Providence County, RI, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, and New York, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-27626 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 167]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 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 732 (Sub-21)X, filed September 8, 1981. Applicant: ALBINA TRANSFER CO., INC., 4320 N Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-No. 15 certificate to broaden (1) its commodity descriptions from calcium carbide to "chemicals and related products"; (2) its territorial scope from Portland, OR to points in Multnomah, Washington and Clackamas Counties, OR and Clark County, WA; and (3) change one-way authority to radial authority.

MC 20992 (Sub-65)X, filed September 4, 1981. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 19, 20, 21, 29, 32, 39, 40, 41, 42, 43, 45F, 46F, 48F, 53F, 54F, 55F, 56F, 58F, 59F, 60F, 61F, 62F, and 63F certificates to (A) broaden the commodity descriptions as follows: from silos, silo parts, silo fillers, precast concrete products, castings, etc., to "clay, concrete, glass or stone products" in the lead, and Sub-Nos. 40 and 46F Part (1) (a) and (b); from agricultural machinery, implements, ensilage cutters, hammer mills, portable feed grinders, coal stokers, feed mill chassis, bean pickers, farm machinery, dairy milking equipment, barn and feedlot machinery, self-propelled vehicles, irrigation systems, etc., to "machinery", in the lead and Sub-Nos. 20, 21, 29, 41, 42, and 48F; from farm wagons, to "transportation equipment", in the lead; from trailers, agricultual implements, and parts, etc., agricultural equipment, recreational equipment, and parts and attachments, to "transportation equipment and machinery", in Sub-Nos. 32 and 62F; from oil storage tanks, truck compartment tanks, bulk milk tanks, pumps, and iron and steel articles, to "metal products", in Sub-Nos. 15, 21, 45F, 56F, 58F, and 61F; from wood forage boxes, self-unloading metal parts kits, and farm wagons, to "lumber and wood products, metal products, and transportation equipment", in Sub-No. 19; from garage doors, and materials, equipment, and supplies, etc., to "building materials", in Sub-No. 39; from irrigation systems and pipe, and materials, equipment, and supplies, etc., to "machinery and metal products", in Sub-No. 43; (B) remove: "commodities of unusual value, commodities in bulk, in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading" restrictions in the lead and Sub-Nos. 15, 21, 32, 42, 43, 45F, 48F, 53F, 54F, 55F, 60F, 62F, and 63F; the plantsite restrictions in the lead and Sub-Nos. 20, 29, 32, 39, 40, 41, 48F, 53F, 54F, 56F, 58F, and 61F; the Alaska, Hawaii, Wisconsin and South Dakota restrictions in Subs 29, 32, 40, 42, 45F, 46F, 48F, 53F, 55F, 59F, 60F, 62F, and 63F; the "originating at and destined to" restrictions in Subs 20, 29, 32, 39, 40, 41, 42, 45F, 46F, 48F, 54F, 56F, 58F, 59F, 60F and 61F; the "joinder" restriction in Sub

21; and the "lumber and lumber products" restriction in Sub 32; (c) replace townships and cities with county-wide authority as follows: Stanton, Lucas, Cody, and Springfield Townships, WI, with Dunn and St. Croix Counties, WI, in the lead; West Bend, WI with Washington County, WI, in the lead and Sub-Nos. 53F; Chippewa Falls, WI with Chippewa County, WI, and Green Isle, MN with Sibley County, MN, in the lead; Clear Lake, WI with Polk County, WI, in the lead and Sub-No. 21; Glenwood City, WI with St. Croix County, WI, in Sub-No. 19; Appleton, WI with Outagamie County, WI, in Sub-Nos. 20, 41 and 48F; Washington, MO with Franklin County, MO, and Boyceville, WI, with Dunn County, WI, in Sub-No. 21; Madison, SD, with Lake County, SD, in Sub-Nos. 29 and 53F; Madison, WI with Dane County, WI, in Sub-No. 32; Woodville, WI with St. Croix County, WI, in Sub-No. 39; Menomonie, WI, with Dunn County, WI, and Maiden Rock, WI with Pierce County, WI, in Sub-No. 40; Jackson, MN with Jackson County, MN in Sub-No. 42; Elk Point, SD, with Union County, SD, in Sub-No. 43; Barron, WI with Barron County, WI, in Sub-No. 45F; and Franklin, PA with Venango County, PA, in Sub-No. 56F; and (D) change one-way to radial authority in all of the above authority except Sub-Nos. 42, 54F, 60F, 62F, and 63F.

MC 75627 (Sub-5)X, filed April 8, 1981, published in the Federal Register of April 29, 1981, and republished as follows: Applicant: PERILLO MOTOR LINES, INC., 499 Central Avenue, New Providence, NJ 07974. Representative: Grace A. Perillo (same as applicant). As is pertinent here, applicant seeks to broaden (1) territorial descriptions in its lead and Sub-No. 4 certificates by replacing city-wide with county-wide authority as follows: (a) Union, NJ, to Essex, Morris, and Union Counties, NJ, in Sub-No. 4, (b) Wilmington and Dover, DE, to Kent and Newcastle Counties, DE, and Newark, Perth Amboy, Elizabeth, Trenton, Hammonton, Edgewater, Atlantic City, and Camden, NJ, to Atlantic, Bergen, Burlington, Camden, Gloucester, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union Counties, NJ, and Philadelphia, Delaware, Montgomery, and Bucks Counties, PA, in Sub-No. 4, (c) Newark, NJ, to Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, NJ, and Manhattan, Bronx, Brooklyn, Staten Island, and Queens Boroughs, NY, in its lead, and (d) Bayonne, Beverly, and Camden, NJ, to Essex, Hudson, Middlesex, Union, Camden, Burlington, and Gloucester Counties, NJ, and Philadelphia, Montgomery, Bucks, and Delaware Counties, PA, in Sub-No. 4; and (2) Commodity descriptions from (a) electrical equipment to, in part, instruments and photographic goods and transportation equipment in Sub-No. 1, and (b) electrical equipment to, in part, instruments and photographic goods, transportation equipment, rubber and plastic products, and clay, concrete, glass, or stone products in Sub-No. 4. The purpose of this republication is to reflect applicant's original requests and to request comments from interested parties.

MC 119577 (Sub-30)X, filed September 4, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-No. 2, 6, 11, 13, 14, 17, 19, 20, 23, 25F, 26F and 28F certificates to: (1) broaden commodity descriptions (a) from brick and/or tile, drain tile, cement, etc., to "clay, concrete, glass or stone products" in the lead and Sub-Nos. 6, 13, and 23; (b) from canned goods to "food and related products" in the lead; (c) from scrap paper and rags to "waste or scrap materials" in the lead; (d) from fertilizer and dry fertilizer to "chemicals and related products" in the lead and Sub-No. 2; (e) from salt, diammonium phosphate, silica sand, etc., to "ores and minerals" in Sub-Nos. 2, 14, 17, 19, 20, and 26; and (f) from iron and steel articles to "metal products" in Sub-Nos. 11, 25, and 28F; (2) remove bulk restrictions in Sub-Nos. 2, 11, 14, 23 and 26F; (3) remove restriction that salt be other than for human consumpton in Sub-No. 2; (4) delete "Mercer" restriction in Sub-No. 11; (5) remove "in tank or hopper-type vehicles" restriction in Sub-No. 23; (6) remove facilities limitations in Sub-Nos. 11, 14, 25F, 26F; 28F; (7) remove "originating at or destined to restrictions in Sub-Nos. 11, 14 and 26F; (8) replace city-wide authority with county-wide authority wherever they appear in each certificate as follows: Utica, Marseilles, Ottawa and Streator with LaSalle County IL, St. Anne with Kankakee County, IL, Crawfordsville with Montgomery County, IN; Hobart with Lake County, IN; Springfield with Sangamon County, IL, Brazil with Clay County, IN; Princeton and Depue with Bureau Counties, IL, Canton with Lewis County, MO; Hannibal with Marion and Ralls Counties, MO; St. Charles with St. Charles County, MO; Waukesha with Waukesha County, WI; Bedford with Lawrence County, IN; Bloomington with Monroe County, IN; Sparland with Marshall County, IL, Danville with Vermilion County, IL, Kokomo with Howard County, IN; Lafayette with Tippecanoe County, IN; Carol Stream with Du Page County, IL; Colfax with Livingston, and McLean Counties, IL; Riverdale and Niles with Cook County, IL, Des Moines with Polk County, IA; and Sterling and Rock Falls with Whiteside County, IL; and (9) authorize radial authority where only one-way authority exists.

MC 127579 (Sub-42)X, filed September 11, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Applicant seeks to remove restrictions in its MC-144713 Sub-Nos. 1F, 4F, 5F, 9, and 10F permits to (1) remove the in bulk restriction in Sub-Nos. 1F, 4F, 5F, 9, and 10F, (2) remove the restriction against the transportation of traffic from points in the St. Louis, MO -East St. Louis, IL, commercial zone to Memphis, TN, and points in its commercial zone, and points in Arkansas in Sub-No. 4F, and (3) broaden the territorial descriptions to between points in the U.S., under continuing contract(s) with named shippers in the above sub-numbers.

MC 134769 (Sub-7)X, filed September 9, 1981. Applicant: BILL BURTON & SONS, INC., P.O. Box 404, Newberry, MI 49868. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 4F, and 5F certificates to (1) change the commodity descriptions (a) from lumber, lumber products to "lumber and wood products" in the lead and Sub-Nos. 1F and 4F, and (b) from woodchips, bark, wood slabs, sawdust, and pulpwood to "forest products and lumber and wood products" in Sub-No. 5F; and (2) replace one-way operations with radial operations in each certificate.

MC 143555 (Sub-6)X, filed September 9, 1981. Applicant: RIVERSIDE TRANSPORTATION CO., INC., 1903 Canal Drive, Wilson, NC 27893. Representative: Robert B. Walker, 915 Pennsylvania Bldg., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity descriptions from lumber and landscape timbers to "lumber and wood products"; (2) remove facilities limitations at and replace Lewiston, Plymouth, Jacksonville and Askin, NC, with Bertie, Washington, Onslow, and Craven Counties, NC; and (3) replace one-way with radial authority.

MC 145029 (Sub-1)X, filed September 8, 1981. Applicant: DE WITT TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057. Representative: Michael R. Werner, 423 Edgewood, NJ 07666. Applicant seeks to remove restrictions from its lead permit to (1) broaden the commodity description from color cathode ray tubes and television sets, and materials, equipment and supplies used in the manufacture and distribution of television sets to "electrical machinery, equipment and supplies"; and materials, equipment and supplies used in the manufacture and distribution thereof"; (2) eliminate the restriction "except commodities in bulk"; and (3) broaden the territorial description to "between points in the United States", under continuing contracts(s) with a named shipper.

MC 145080 (Sub-1)X, filed September 10, 1981. Applicant: SEALED AIR TRUCKING, INC., Park 80 Plaza East, Saddle Brook, NJ 07662. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove restrictions in its lead permit to (1) change commodity description from polymeric products, and equipment, materials, and supplies used in the manufacture thereof, to "rubber and plastic products, and pulp, paper, and related products and materials, equipment, and supplies used in the manufacture thereof"; (2) remove "bulk" restrictions; (3) authorize service between points in the U.S. under contract(s) with a named shipper; and (4) eliminate "except AK and HI".

MC 148329 (Sub-4)X, filed September 9, 1981. Applicant: AOL EXPRESS, INC., 1011 6th Ave. S., Kent, WA 98031. Representative: Michael Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) change (a) Seattle and Takoma, WA to King, Pierce, Kitsap, Snohomish and Mason Counties, WA in Sub-No. 3F and (b) Anchorage, AK to Kenai, Peninsula and Matanuska-Susitna Boroughs, AK in Sub-Nos. 2F and 3F; (2) remove the facility limitation in Sub-No. 3F; (3) eliminate the restriction of household goods from the general commodities authority in Sub-No. 3F; and (4) remove the ex-water restruction in Sub-No. 2F.

MC 151611 (Sub-2)X, filed August 20, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Avenue, Port Hueneme, CA 93041. Representative: Ronald C. Chauvel, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from foundry supplies to ores and minerals; ordnance or accessories; chemicals related products; petroleum natural gas and their products; clay, concrete, glass or stone products; metal products; machinery; and waste or scrap materials not identified by industry producing.

[FR Doc. 81-27625 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifially noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-155

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 152634 (Sub-II-1TA), filed September 8, 1981. Applicant: ATLANTIC VAN LINES, INC., 1002 Wilso Dr., Baltimore, MD 21223. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: Office, business, and electronic data processing machinery, including materials, equipment and supplies,* between Baltimore, MD, on the one hand, and, on the other, pts. in MD, WV, VA, DE, DC, and PA for 270 days, under continuing contract(s) with Wang Laboratories, Inc., Tewksbury, MA. Supporting shipper(s): Wang Laboratories, Inc., 836 North St., Tewksbury, MA 01876.

MC 138438 (Sub-II-36TA), filed September 10, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 431A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Malt beverages,* between Fulton, NY and Eden, NC, and their respective commercial zones, on the one hand, and, on the other, points in MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Buck Distributing Company, Inc., P.O. Box 490, 4606 Largo Rd., Upper Marlboro, MD 20772.

MC 157839 (Sub-II-1TA), filed September 9, 1981. Applicant: CCW TRANSPORT, INC., 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Metal products,* between points in CT, DE, FL, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, TX, VT, VA, WV, WI and DC. Restricted to movements originating at or destined to facilities used by Cavexsa (USA) Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cavexsa (USA) Inc., 9535 S. Cottage Grove Ave., Chicago, IL 60628.

MC 150776 (Sub-II-4TA), filed September 8, 1981. Applicant: ALFRED DANIELS, INC., Route 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular: Explosives* between Vinton County, OH; Mason County, WV; Campbell County, TN; Hopkins County, KY; Ouachita County, AR; Williamson County, IL, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Austin Powder Company, 3735 Green Rd., Cleveland, OH 44122.

MC 135381 (Sub-II-2TA), filed September 3, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R. D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract:*

Irregular: *Lumber or wood products,* between points in SC, MD, WV, and PA, under continuing contract(s) with Koppers Company, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

Originally published in Federal Register of August 31, 1981.

MC 145282 (Sub-II-5TA), filed August 17, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick RD, Depew, NY 14043. *Building materials, metal products and materials, supplies and equipment used in the manufacture of distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI. Applicant intends to interline at all ports of entry on the U.S.-Canadian Border within the scope of this application. An underlying ETA seeks 120 days authority. Supporting shipper(s): U N Alloy Corp., Elizabeth, NJ, National Rolling Mills, Inc., Malvern, PA; Standard Pipe & Supply Co., Bala Cynwyd, PA. The purpose of this re-publication is to show the applicant will interline which was previously omitted in the first publication.

MC 138000 (Sub-II-37TA), filed September 8, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Materials, equipment and supplies used in the manufacture, sale and distribution of paint and paint products,* from points in and east of MN, IA, MO, AR and LA to Warren County, VA, for 270 days. Supporting shipper: E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 157419 (Sub-II-1TA), filed September 8, 1981. Applicant: James Hafer, d.b.a. HAFER TRUCKING, P.O. Box 92, Geneva, PA 16316. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Primary and fabricated metal products, and machinery,* from Grove City and Meadville, PA to points in the United States for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Sunbean Equipment Corporation, 180 Mercer Street, Meadville, PA 16335; Cooper Energy Services, Inc., 150 Lincoln Avenue, Grove City, PA 16127.

MC 142253 (Sub-II-1TA), filed September 10, 1981. Applicant: M & D LEASING, INC., d.b.a. YORK COMMERCIAL TRUCKING CO., 2200 Monroe Street, York, PA 17404. Representative: Steven W. Gardner, 3400 Peachtree Road, NE, Suite 1631, Atlanta, GA 30326. *General commodities (except classes A and B explosives and hazardous waste) restricted to traffic and prior or subsequent movement by rail TOFC or COFC* between points in PA, Hagerstown, MD, Baltimore, MD, and Alexandria, VA for 270 days. Supporting shipper: Norfolk and Western Railway, 8 N. Jefferson, Roanoke, VA 24042.

MC 141119 (Sub-II-1TA), filed September 8, 1981. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Plastic and plastic articles, and materials, equipment and supplies, used in their manufacture and distribution* between the facilities of Fabri-Form Co. at or near Byesville, OH, on the one hand, and, on the other, points in GA, IL, IN, KY, MI, MO, NY, PA and Omaha, NE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Fabri-Form Co., Byesville, OH 43723.

MC 146015 (Sub-II-27TA), filed September 8, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract carrier; Irregular steel and steel plates* between Detroit, MI, Chicago, IL, Cleveland, OH, Lake Marion, OH, Philadelphia, PA on the one hand, and, on the other, points in and east of WI, IA, MO, TN and MS under continuing contract with Nance Steel Sales, Inc. of Southfield, MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Nance Steel Sales, Inc., 15639 W. Ten Mile Rd., Southfield, MI 48037

MC 107012 (Sub-II-190TA), filed September 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Chemicals and related products* from Pasadena, TX to Linden, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dixie Chemical Company, Inc., 3635 W. Dallas, Houston, TX 77019.

MC 107012 (Sub-II-191TA), filed September 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are dealt in, or used by retail department stores,* from Ontario, CA to Newnan, GA; Fort Wayne, IN; Lawrence, KS; Canton, MI; Shakopee, MN; Sparks, NV; Warren, OH; Morrisville, PA; and Corsicana, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: K-Mart Corporation, 5600 E. Airport Drive, Ontario, CA 91761.

MC 124111 (Sub-II-16TA), filed September 3, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Black iron oxide* from Philadelphia, PA, including points in its Commercial Zone, to Columbus and Ravenna, OH for 270 days. Supporting shipper: Allen Refractories, 3320 Winchester Southern Rd., Canal Winchester, OH 43110.

MC 158102 (Sub-II-1TA), filed September 8, 1981. Applicant: TALBERT TRUCKING, INC., 554 Earl St., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Metal and metal articles as described in STCC Groups 33 and 34,* between pts. in WV on the one hand, and, on the other, points in AL, FL, IL, KY, LA, NC, SC, and TX for 270 days, under continuing contract(s) with McJunkin Corp., Charleston, WV. Supporting shipper(s): McJunkin Corp., P.O. Box 513, Charleston, WV 25322.

MC 136511 (Sub-II-13TA), filed September 8, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *General commodities (except Class A & B explosives and commodities in bulk in tank vehicles)* between Jackson County, OR on the one hand, and, on the other, points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Harry & David, subsidiary of Bear Creek Corp., P.O. Box 712, Medford, OR 97501; Jackson & Perkins Co., subsidiary of Bear Creek Corp., P.O. Box 1028, Medford, OR 97501.

MC 136511 (Sub-II-14TA), filed September 10, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Furniture and fixtures* between points in McMinn County, TN and points in Los Angeles County, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Athens Furniture,

Inc., subsidiary of Royal Crown Cola Co., P.O. Box 929, Athens, TN 37303.

MC 21866 (Sub-2-42TA), filed September 8, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Rubber and plastic products and materials, equipment and supplies used in the manufacture, sale and distribution of those products (except commodities in bulk) between Greenville, IL and Columbus, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carlisle Tire & Rubber Company, P.O. Box 99, Carlisle, PA 17013.

MC 135046 (Sub-II-3TA), filed September 8, 1981: Applicant: ARLINGTON J. WILLIAMS, 1398 S. DuPont Highway, Smyrna, DE 19977 Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Rubber or Miscellaneous Plastic products,* from Chicago and Yorkville, IL to Richmond, VA for 270 days. Supporting shipper: Consolidated Cigar Co., 600 Perdue Ave., Richmond, VA 23224.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357

MC 155314 (Sub-3-5TA), filed September 14, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Meat, meat products and meat by-products,* between Plant City, FL on the one hand, and, on the other, points in MI. Supporting shipper: Lykes Bros. Meat Company, P.O. Box 518, Plant City, FL 33566.

MC 16502 (Sub-3-1TA), filed September 14, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Phosphorus pentasulfide* from the facilities of Hooker Chemicals & Plastic Corp. at or near Columbus, MS, to Sauget, IL. Supporting shipper(s): Hooker Chemicals & Plastic Corp., P.O. Box 4289, Houston, TX 77210.

MC 145637 (Sub-3-5TA), filed September 14, 1981. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Cooling equipment, material, supplies and equipment used in the manufacture, sale and distribution of cooling equipment,* between Spartanburg, SC, on the one hand, and, on the other, points in CA, WA, and OR. Supporting Shipper(s): Beverage Air Co., A Division of Tannetics, Inc., P.O. Box 5932, Spartanburg, SC 29304.

MC 129537 (Sub-3-14TA), filed September 14, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tanpa, FL 33602. *(1) Such commodities as are dealt in by grocery and food business houses (except in bulk), and empty containers, and (2) materials, supplies and equipment used in the manufacture and distribution of the commodities in (1) above (except in bulk)* Between points in the U.S. (except AK and HI). Supporting shippers: Southland Frozen Foods, Inc. 305 E. Ohio St., P.O. Box 1000, Plant City, FL 33566; Citrus Central, P.O. Box 17774, Orlando, FL 32860.

MC 108676 (Sub-3-10TA), filed September 11, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same address as Applicant). *Glass and glass products* between points in Caldwell County, NC, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Lenoir Mirror Company, P.O. Box 1650, Lenoir, NC 28645.

MC 147222 (Sub-3-1TA), filed September 11, 1981. Applicant: UNITED TRAILER CARRIERS, INC., P.O. Box 1292, Brandon, FL 33511, Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Contract;* Irregular, *Trailers and semi-trailers,* from facilities of Miller Trailers, Inc., at or near Bradenton, FL to Atlanta, GA. Supporting shipper: Transamerica Transportation Services, Inc., 522 Fifth Avenue, New York, NY 10036.

MC 155170 (Sub-3-2TA), filed September 11, 1981. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainesville, Georgia 30503. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, Georgia 30338. *Such commodities used, sold, or dealt in by manufactueres and distributors of electrical products* between all points in the U.S. Restricted to traffic originating at, or destined to, the facilities of, or utilized by, Leece Neville, Division of Sheller-Globe Corporation. Supporting shipper: Leece Neville, Division of Sheller-Globe Corporation, 989 Athens Street, Gainesville, Georgia 30501.

MC 153679 (Sub-3-4TA), filed September 11, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 13th Street, Smyrna, TN. 37167. Representative: J. Greg Hardeman, 718 United American Bank Building, Nashville, TN. 37219. *Such commodities as are dealt in or used by wholesale grocery or grocery distribution warehouses* between points in Davidson, Bedford, Sumner and Maury Co., TN, on the one hand, and, points in NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, AL, MS, MI, GA, FL, SC, NC, VA, WV, MD, DE, DC, PA, NY, NJ, and CT, on the other. Supporting shippers: Bi-Rite Foods, Inc., 601 Armory Dr., Nashville, TN. 37202; C. B. Ragland Co., 2720 Eugenia Avenue, Nashville, TN; Charles C. Parks Co., 244 Eastland Avenue, Gallatin, TN, 37066; Jack M. Palmer Foods, Lane Parkway, Shelbyville, TN 37160.

MC 157302 (Sub-3-3TA), filed September 11, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Avenue, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *Metal products* between Beaver County, PA, and Stark County, OH, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS. Supporting shipper: Babcock & Wilcox Company, Tubular Products Group, P.O. Box 401, Beaver Falls, PA 15010.

MC 157804 (Sub-3-1TA), filed September 10, 1981. Applicant: GOLDCOAST, INC., 6570 SW 47th Ct., Ft. Lauderdale, FL 33314. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53rd St., Miami, FL 33166. *Scrap metal* between points in Dade and Broward Counties, FL, restricted to traffic having an immediately prior or subsequent movement in interstate or foreign commerce. Supporting shipper: Florida Fill, Inc., P.O. Box 560992, Miami, FL 33156.

MC 108633 (Sub-3-2TA), filed September 11, 1981. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Larry M. Treadaway, P.O. Box 800, Carrollton, GA 30117. *(1) Aluminum and aluminum articles; (2) copper and copper articles; (3) iron and steel and iron and steel articles; (4) metal containers; and (5) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named in (1) through (4) above,* between Hancock County, KY, and Jefferson County, KY, on the one hand, and, on the other, points in AL and GA. Supporting shippers: Southwire Corporation, P.O. Box 1000, Carrollton, GA 30117; Armstrong Container, 1166

Logan Circle, Atlanta, GA 30318; Southeastern Alloy, Inc., 1703 Spring Street, Smyrna, GA 30080; and Peachtree Trading, Inc., 1717 Spring Street, Smyrna, GA 30080.

MC 156778 (Sub-3-3TA), filed September 11, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161. *Contract carrier,* irregular routes: *Tires and the materials and supplies used in the manufacture, distribution, and sales thereof,* between points in TN on the one hand and points in WA, OR, CA, AZ, and CO on the other, under continuing contract(s) with Delta Tire Corp., Chattanooga, TN. Supporting Shipper: Delta Tire Corp., 2222 Polymer Dr., Chattanooga, TN. 37401.

MC 108676 (Sub-3-9TA), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Represenative: Michael S. Teets (same address as applicant). *Metal products* between the commercial zones of Atlanta, GA; Chicago, IL, Minneapolis-Saint Paul, MN; Saint Louis, MO-East Saint Louis, IL, and, Winston-Salem, NC, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting Shipper: Taracorp, 900 Ashby Street, NW, Atlanta, GA 30318.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-27627 Filed 9-22-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application; Notice

Correction

In FR Doc. 81-24571, published at page 42777, on Monday, August 24, 1981, on page 42783, in the first column, in the third paragraph, in the twelfth line "MN, NY, OH" should be corrected to "MN, MO, NY".

BILLING CODE 1505-01-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 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) 275-7326.

Volume No. OPI-263

Decided: September 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Forteir.

MC 85621 (Sub-13), filed September 8, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting *tobacco and tobacco products,* between Nashville, TN, on the one hand, and, on the other, points in AL.

MC 118270 (Sub-15), filed September 1, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 W. Rampo St., Mahwah, NJ 074320. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030, (717) 562-1202. Transporting *such commodities* as are dealt in by retail and wholesale grocery stores, (1) between points in Orleans, Monroe, Wayne, Livingston, Erie, Niagara, Wyoming, Genesee, Steuben and Allegany Counties, NY, on the one hand, and, on the other, points in Ulster County, NY, and (2) between points in Orleans, Monroe, Wayne, and Livingston Counties, NY, on the one hand, and, on the other, New York, NY, points in NJ, and points in Sullivan, Orange, Rockland, Westchester, Suffolk and Nassau Counties, NY.

MC 120761 (Sub-75), filed August 28, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *metal products,* between points in St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 123641 (Sub-6), filed September 4, 1981. Applicant: NORMAN GROSLAND, d.b.a. GROSLAND TRUCKING, P.O. Box 726, Marshfield, WI 54449. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (606) 256-7444. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 133841 (Sub-30), filed September 8, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *machinery,* between the

facilities used by Goslin-Birmingham, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140510 (Sub-3), filed September 8, 1981. Applicant: GLOBE MOVING & STORAGE, INC., 1007 Cedar St., Flint, MI 48504. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48993, (517) 482-2400. Transporing *household goods, store fixtures, and office furniture,* between points in MI. Condition: Issuance of a Certificate of Public Convenience and Necessity is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC-140510 (Sub-No. 1).

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC-140510 Sub No. 1 to a Certificate of Public Convenience and Necessity.

MC 143230 (Sub-6), filed September 8, 1981. Applicant: LUCK TRUCKING, INC., RR No. 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638-1301. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Kal Kan, Inc., of Vernon, CA.

MC 144080 (Sub-3), filed August 21, 1981. Applicant: ROBERT VERN PONTIUS, d.b.a. PONTIUS TRUCKING CO., 11640 Seola Beach Dr., S.W., Seattle, WA 98146. Representative: Jim Pitzer, 15 G. Grady Way, Suite 321, Renton, WA 98055 (206) 235-1111. Transporting (1) *culvert and pipe,* between points in Spokane County, WA, on the one hand, and, on the other, points in ID, MT, OR, and WA, (2) *iron and steel articles,* between points in AZ, CA, CO, ID, MT, NM, OR, UT, WA, and WY, (3) *fiberglass,* between points in CA and WA, on the one hand, and, on the other, points in CA, ID, MT, OR, UT, and WA, and (4) *machinery, building materials, metal products, and pressed wood products,* between points in AZ, CA, CO, ID, MT, NV, TX, UT, WA, and WY.

MC 146420 (Sub-5), filed September 4, 1981. Applicant: FRATE SERVICE, INC., Rural Route 1, East Peoria, IL 61611. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528-8476. Transporting *iron and steel* between points in Putnam County, IL on the one hand, and, on the other, points in MO and MI.

MC 148560 (Sub-4), filed August 27, 1981. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006, (201) 575-7700. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 151681 (Sub-1), filed September 9, 1981. Applicant: WREDCO, INC., County Club Road, Gillette, WY 82716. Representative: William R. Wright, II (same address as applicant), (307) 686-2907. Transporting *petroleum and petroleum products,* between Tulsa, OK, on the one hand, and, on the other, points in Big Horn, Campbell, Johnson, Natrona, Sheridan, and Washakie Counties, WY.

MC 154311, filed September 8, 1981. Applicant: P.C. TRANSPORT, INC., 2031 E. Bryan, Evansville Rd., Casper, WY 82601. Representative: Phillip M. Christopherson, 1739 South Mitchell, Casper, WY 82601, (307) 235-4621. Transporting *petroleum products between points* in the U.S., under continuing contract(s) with Emulsified Asphalt, of Evansille, WY, Valley Fuel, of Savery, WY, and Haiston Oil Company, of Scottsbluff, NE.

MC 157901, filed August 24, 1981. Applicant: EDWARD P. CASSINELLI, d.b.a. QUEENSLAND DISTRIBUTORS, 157 Clover Lane, Medford, OR 97501. Representative: Joe Harrison (same address as applicant), (503) 779-9300. Transporting *pulp, paper and related products,* between points in Alameda County, CA, on the one hand, and, on the other, points in AZ, NV, OR and WA.

MC 158141, filed September 8, 1981. Applicant: CARL F. SUHR AND DOROTHY M. SUHR, 583 N Military Rd., Winlock, WA 98596. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) *lumber and wood products,* (2) *building materials,* and (3) *farm supplies,* between points in OR, WA, ID and CA.

MC 158150, filed September 9, 1981. Applicant: BUS TICKETS, INC., 625 8th Avenue, New York, NY 10018. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004, (202) 737-1030. As a *broker* at New York, NY and Marlboro, NJ, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between points in the U.S.

Vol. No. OPI-265

Decided: September 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 29751 (Sub-2), filed September 1, 1981. Applicant: TERMINAL DELIVERY, INC., Crowe Point Rd., Lincoln, RI 02865. Representative: A. Joseph Mega, 175 Forbes St., East Providence, RI 02915, (401)-437-1481. Transporting *general commodities* (except classes A and B explosives), between points in RI, on the one hand, and, on the other, points in ME, NH, CT, MA, NY and NJ.

MC 123790 (Sub-8), filed September 4, 1981. Applicant: WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Road, Richmond, VA 23234. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Building, Washington, DC 20036, (202) 783-8131. Transporting *petroleum products,* between points in DE, MD, NC, PA, SC, TN, VA, WV, and DC.

MC 125000 (Sub-9), filed September 3, 1981. Applicant: CHARLES D. BALDWIN, d.b.a. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476-6391. Transporting (1) *metal products;* (2) *machinery;* (3) *rubber and plastic products;* (4) *concrete products;* (5) *commodities which because of their size or weight require the use of special handling or equipment;* and (6) *Mercer commodities,* between points in the U.S. in and west of LA, AR, MO, IA and MN.

MC 133591 (Sub-3), filed September 2, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus, Albert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *food and related products,* between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 135410 (Sub-128), filed August 27, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 138100 (Sub-5), filed August 31, 1981. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555,

Portland, OR 97258, (503) 227-1681. Transporting *building materials and equipment*, between points in OR, WA, CA, ID, NV, AZ, UT, CO, NM, WY, MT, ND, SD, KS, OK, TX, and NE.

MC 148730 (Sub-4), filed September 9, 1981. Applicant: THE CANDY EXPRESS, INC., 1600 E. Gregory, North Little Rock, AR 72114. Representative: Harry E. McDermott, Jr., 700 Union Life Building, Little Rock, AR 72201, (501) 374-3773. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Communications Supply Service Association, of Little Rock, AR.

MC 149440 (Sub-8), filed September 8, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224-3161. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and WI; and (2) between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and WI, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IA, KS, LA, ME, NM, MS, MO, MT, NE, NV, NH, MN, ND, OK, OR, SD, UT, VT, WA, WY and DC.

MC 150260 (Sub-1), filed September 4, 1981. Applicant: L. F. STARBIRD & SONS, INC., RR 2, Box 462, Hollis Center, ME 04042. Representative: John G. Freehan, 178 Middle Street, Portland, ME 04112, (207) 774-1486. Transporting *beer*, between the facilities of the Fallstaff Brewering Company in Ft. Wayne, IN, on the one hand, and, on the other, points in Cumberland County, ME.

MC 150930 (Sub-1), filed August 7, 1981, previously noticed in the Federal Register issue of August 24, 1981. Applicant: WRIGHT TRUCKING, INC., Route 1, Chatfield, MN 55923. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *food and related products*, between points in Blue Earth, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Mower, Olmsted, Ramsey and Wabasha Counties, MN, and Allamakee and Mitchell Counties, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

Note.—This republication clarifies the commodity description.

MC 150951 (Sub-5), filed September 4, 1981. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston Street, Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943-4800. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Marcus Brothers Textile, of New York, NY.

MC 150951 (Sub-6), filed September 4, 1981. Applicant: CRANSTON TRUCKING COMPANY (Division of Cranston Print Works Company), 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943-4800. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Henry Glass & Company, of New York, NY.

MC 151651, filed September 8, 1981. Applicant: INTERMODAL SERVICES, INC., P.O. Box 668211, 5430 Hovis Road, Charlotte, NC 28266. Representative: Richard Thomas Duckett (same address as applicant), (704) 394-3923. Transporting *general commodities* (except classes A and B explosives), having a prior or subsequent movement by rail or water, (1) between points in NC, (2) between points in SC, and (3) between points in NC and SC.

MC 152291, filed September 2, 1981. Applicant: ASSEMBLY SQUARE TRANSPORTATION, INC., 20 Sturtevant St., Somerville, MA 02145. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784-6041. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Bos-Taun Consolidating Company, of Somerville, MA.

MC 154121 (Sub-14), filed September 3, 1981. Applicant: TRAILINER CORP., 5367 W. 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between the facilities of Nu-Way Shippers Association located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154261 (Sub-2), filed August 31, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Ave., Cleveland, TN 37311. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. (615) 756-3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alco Chemical Corporation, of Chattanooga, TN.

MC 155760, filed August 31, 1981. Applicant: RONALD S. YAROS, d.b.a. RMEX, P.O. Box 24808, Oakland, CA 94623. Representative: Ronald S. Yaros (same address as applicant), (415) 839-5085. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rocky Mountain Express, Inc., of San Francisco, CA.

MC 157481 (Sub-1), filed September 1, 1981. Applicant: FREDERICK J. & EMMY ANNA FAURIE, d.b.a. EASYWAY TRANSPORTATION, 438 County Line Rd., Bensenville, IL 60106. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236-0548. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 158051, filed September 1, 1981. Applicant: ADAMS TOURS, 19 Hanover St., Skowhegan, ME 04976. Representative: Herbert Paradis (same address as applicant). As a *broker* at Skowhegan, ME, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in Somerset and Kennebec Counties, ME, on the one hand, and, on the other, points in the U.S. (including AK and HI).

MC 158090, filed September 4, 1981. Applicant: JIM SENSKE, d.b.a. JIM SENSKE TRUCKING, 515 Sheridan, Crookston, MN 56716. Representative: Gene P Jhonson, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting (1) *lumber and wood products*, between points in OR, WA, ID and MT, on the one hand, and, on the other, points in MN, SD, NE, WY, IA, ND and UT, and (2) *mobile homes and buildings in sections*, between points in MN, MT, ND, SD, IA, WI, NE and WY.

MC 158110, filed September 8, 1981. Applicant: DENNIS MARK ARNOLD, d.b.a. DENNIS TRUCKING CO., Third and D Streets, North Kingstown, RI 02852. Representaive: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852 (401) 884-0969. Transporting *textile mill products and machinery*, between New York, NY, and points in Washington County, RI, Fairfield, New London, and Windham Counties, CT, Bristol County, MA, and Almance, Catawba, Edgecombe, Nash, Davidson, Person, and Polk Counties, NC.

MC 158120, filed September 8, 1981. Applicant: GLENN R. DUSENBERRY, 2311 Sampson Street, Muscatine, IA 52761. Representative: Kenneth F. Dudley, P.O. Box 279, Ottunwa, IA 52501, (515) 682-8154. Transporting *chemicals and related products*,

between points in Muscatine County, IA, on the one hand, and, on the other, points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD and WI.

MC 158131, filed September 9, 1981. Applicant: OLD THIRTY EXPRESS, INC., 10521 Nassau St., N.E., Blaine, MN 55434. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with DCS Color & Supply Company, Inc., of Milwaukee, WI.

Volume No. OPY-4-373

Decided: September 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 108676 (Sub-169), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. Transporting *building materials*, between Knox County, TN, Tuscaloosa County, AL, Jasper County, MO, Frederick County, MD, and Phillips County, KS, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 108676 (Sub-170), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917 Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201, (615) 244-2926. Transporting *general commodities* (except classes A & B explosives), between points in TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 117836 (Sub-15), filed September 8, 1981. Applicant: EDWARD J. STINSON, d.b.a., STINSON MOTOR LINES, Route 1, Box 256, Glen Rose, TX 76043. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL, (205) 428-8629. Transporting *food and related products*, between points in Los Angeles County, CA, Harrison County, MS and Galveston County, TX, on the one hand, and, on the other, points in AZ, AR, CA, CO, IL, IN, IA, KS, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY.

MC 150776 (Sub-7), filed September 8, 1981. Applicant: ALFRED DANIELS, INC., Route 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *hazardous materials* between points in the U.S., under continuing contract(s) with Austin Powder Company of Cleveland, OH.

MC 155396, filed September 8, 1981. Applicant: JOHN SLEGERS, d.b.a. SLEGERS TRANSPORT, 11651 N. 900 West, Demotte, IN 46310. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236-8225. Transporting (1) *cement*, and (2) *flyash*, between Chicago, IL, on the one hand, and, on the other, points in IN.

MC 156596, filed September 8, 1981. Applicant: GUNTHER'S LEASING TRANSPORT, INC., 8350 Capel Dr., Pasadena, MD 21122. Representative: Mark D. Gunther (same address as applicant), (301) 766-8600. Transporting *garments*, between points in the U.S., under continuing contract(s) with Londontown Corporation, of Eldersburg, MD.

MC 158136, filed September 8, 1981. Applicant: KELLIE MITCHELL PULLEY, d.b.a K. M. PULLEY TRUCKING COMPANY, 112 C Photinia Ct., Rocky Mount, NC 27801. Representative: Archie W. Andrews, 617 F Lynrock Terrance, Eden, NC 27288, (919) 627-0555. Transporting *lumber*, between points in NC, on the one hand, and, on the other, points in DE, FL, GA, MD, NJ, NY, PA, SC, VA, and DC.

Volume No. OPY-5-152

Decided: September 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 3419 (Sub-15), filed August 13, 1981. Applicant: THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 1375 Euclid Avenue, 201 Stouffer Building, Cleveland, OH 44115. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209, 703-522-0900. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Detroit, MI, and Port Huron, MI: from Detroit over Interstate Highway 94 to Port Huron, (2) between Detroit, MI, and Muskegon, MI: from Detroit over Interstate Highway 96 to Muskegon, (3) between Detroit, MI, and Bay City, MI: from Detroit over Interstate Highway 75 to Bay City, (4) between Bay City, MI, and Ludington, MI: from Bay City over U.S. Highway 10 to Ludington, (5) Between Ludington, MI, and Chicago, IL. from Ludington over U.S. Highway 31 to junction Interstate Highway 94, then over Interstate Highway 94 to Chicago, (6) between Clare, MI, and Richmond, IN: from Clare over U.S. Highway 27 to Richmond, (7) between Bay City, MI, and Toledo, OH: from Bay City over Interstate Highway 75 to junction U.S. Highway 23, then over U.S. Highway 23 to Toledo, (8) between St. Joseph, MI, and Indianapolis, IN: from St. Joseph over U.S. Highway 31 to Indianapolis, (9) between Ft. Wayne, IN, and Indianapolis, IN: from Ft. Wayne over Interstate Highway 69 to Indianapolis, (10) between Hammond, IN, and Chattanooga, TN: from Hammond over U.S. Highway 41 to Chattanooga, (11) between Gary, IN, and Mobile, AL: from Gary over Interstate Highway 65 to Mobile, (12) between Chicago, IL, and Toledo, OH: from Chicago over Interstate Highway 80 (also Interstate Highway 90) to Toledo, (13) between St. Louis, MO, and Springfield, OH: from St. Louis over Interstate Highway 70 to Springfield, (14) between Evansville, IN, and Staunton, VA: from Evansville over Indiana Highway 62 to junction U.S. Highway 231, then over U.S. Highway 231 to junction Interstate Highway 64, then over Interstate Highway 64 to Staunton, (15) between Cincinnati, OH, and Valdosta, GA: from Cincinnati over Interstate Highway 75 to Valdosta, (16) between Louisville, KY, and Paducah, KY: from Louisville over U.S. Highway 60 to Paducah, (17) between Huntington, WV, and Owensboro, KY: from Huntington over U.S. Highway 23 to junction Kentucky Highway 80, then over Kentucky Highway 80 to junction U.S. Highway 231, then over U.S. Highway 231 to Owensboro, (18) between Memphis, TN, and Raleigh, NC: from Memphis over Interstate Highway 40 to Raleigh, (19) between Chattanooga, TN, and the Alabama-Mississippi state line: from Chattanooga over Interstate Highway 59 to the Alabama-Mississippi state line, (20) between junction Interstate Highway 40 and Interstate Highway 81 and Staunton, VA: from junction Interstate Highway 40 and Interstate Highway 81 over Interstate Highway 81 to Staunton, (21) between Montgomery, AL, and Dothan, AL: from Montgomery over U.S. Highway 231 to Dothan, (22) between Montgomery, AL, and Durham, NC: from Montgomery over Interstate Highway 85 to Durham, (23) between Birmingham, AL, and Florence, SC: from Birmingham over Interstate Highway 20 to Florence, (24) between Augusta, GA, and Savannah, GA: from Augusta over U.S. Highway 25 to junction U.S. Highway 80, then over U.S. Highway 80 to Savannah, (25) between Montgomery, AL, and Macon, GA: from Montgomery over U.S. Highway 80 to Macon, (26) between Macon, GA, and Waycross, GA: from Macon over U.S. Highway 23 to Waycross, (27) between Brunswick, GA, and Roanoke Rapids, NC: from Brunswick over Interstate Highway 95 to Roanoke Rapids, (28) between Valdosta,

GA, and Brunswick, GA: from Valdosta over U.S. Highway 84 to Brunswick, (29) between Savannah, GA, and Elizabeth City, NC: from Savannah over U.S. Highway 17 to Elizabeth City, (30) between Charleston, SC, and Asheville, NC: from Charleston over Interstate Highway 26 to Asheville, (31) between Columbia, SC, and Marietta, OH: from Columbia over Interstate Highway 77 to Marietta, (32) between Winston-Salem, NC, and Elizabeth City, NC: from Winston-Salem over U.S. Highway 158 to Elizabeth City, (33) between Raleigh, NC, and New Bern, NC: from Raleigh over U.S. Highway 70 to New Bern, (34) between Greensboro, NC, and Charlottesville, VA: from Greensboro over U.S. Highway 29 to Charlottesville, and (35) between Charlottesville, VA, and Wheeling, WV: from Charlottesville over U.S. Highway 250 to Wheeling, return over routes (1) through (35), serving all intermediate points on routes (1) through (35), serving all points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee; and points in Cook, DuPage, Kane, Kendall, Lake, Madison, McHenry, Monroe, St. Clair, and Will Counties, IL, Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Eaton, Genesee, Gladwin, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lake, Lapier, Lenawee, Livingston, Macomb, Mason, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Osceola, Ottawa, Saginaw, St. Clair, St. Joseph, Shiawasee, Van Vuren, Washtenaw, and Wayne Counties, MI; Jefferson, St. Charles and St. Louis Counties, MO; Albermarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Brayson, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, VA; and Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties, WV, as off-route points.

MC 23618 (Sub-71), filed August 31, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadaway Blvd., Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting (1) *Mercer commodities,* (2) *earth drilling equipment,* (3) *those commodities* which because of their size or weight require the use of special handling or equipment, (4) *machinery,* (5) *metal products,* and (6) *transportation equipment,* between points in the U.S.

MC 42798 (Sub-5), filed September 1, 1981. Applicant: LABER RUSSO TRUCKING COMPANY, INC., 1198 Atwood Ave., Johnston, RI 02917.Representative: Charles R. Rielly, 391 Davisville Road, North Kingstown, RI 02852, (401) 884-0969. Transporting *petroleum, natural gas and their products,* between points in CT, MA, and RI.

MC 60709 (Sub-10), filed August 17, 1981. Applicant: G & P TRUCKING COMPANY, INC., 3330 Charleston Hwy., West Columbia, SC 29169. Representative: John H. Caldwell and Denise M. O'Brien, 1776 F. St., NW, Suite 400, Washington, DC 20006, (202) 835-8000. Transporting *tires,* between points in the U.S., under continuing contract(s) with Michelin Tire and Rubber Corporation, of Greenville, SC.

MC 116068 (Sub-6), filed August 27, 1981. Applicant: D & F TRANSIT, INC., 4747 Genesee St., Cheektowaga, NY 14225. Representative: Gary E. Thomspon, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654-2240.Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Niagara, Erie, and Chautauqua Counties, NY, and extending to points in DE, FL, KY, MA, PA, VA, and DC.

MC 118838 (Sub-92), filed September 4, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chandler Corporation, of Boise, ID.

MC 119699 (Sub-4), filed September 1, 1981. Applicant: HARRELL FREIGHT, INC., 53 East Thomas Ave., Baltimore, MD 21225. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580, Transporting *metal products* between Baltimore, MD, on the one hand, and, on the other, points in Chester, Berks, and Clearfield Counties, PA.

MC 120378 (Sub-9), filed September 1, 1981. Applicant: FINDLAY TRUCK LINE, INC., 420 Trenton Ave., Findlay, OH 45840. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between points in OH.

Note.—Applicant seeks to convert its Certificate of Registration in MC-120378, Sub-2, issued June 28, 1965, to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is conditioned upon applicant's written request for the coincidental cancellation of its Certificate of Registration in MC-120378, Sub-2.

MC 120978 (Sub-35), filed August 31, 1981. Applicant: MAYER TRUCK LINE, INC., 1203 So. Riverside Drive, Jamestown, ND 58401. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *general commodities* (except classes A and B explosives), between points in ND, on the one hand, and, on the other, points in the U.S.

MC 124059 (Sub-3), filed August 10, 1981, previously published (republication) in the Federal Register on August 27, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *chemicals and related products,* between points in Pleasant County, WV, on the one hand, and, on the other, points in and east of MN, IA, NE, MO, AR, and LA, (2) *metal products,* between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S., and (3) *general commodities* (except classes A and B explosives) between points in Wood County, WV, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to show applicant's address as Marietta, OH, and in (2) Putnam County, WV in lieu of Bancroft County, WV.

MC 129558 (Sub-8), filed August 24, 1981. Applicant: ROY ROSS, d.b.a. ROY ROSS TRUCKING COMPANY, Route 2, P.O. Box 315, Bidwell, OH 45614. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *meats, meat products, and meat by-products,* between points in the U.S., under continuing contract(s) with Bob Evans Farms, Inc., of Columbus, OH.

MC 133959 (Sub-17), filed September 2, 1981. Applicant: ALBAUGH TRUCK LINE, INC., Box 85, Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the

U.S., under continuing contract(s) with ITOFCA, Inc., of Claredon Hills, IL.

MC 139018 (Sub-4), filed August 28, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Road, Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *lumber and wood products*, between points in King County, WA, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, and UT.

MC 141889 (Sub-18), filed September 4, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Rt. 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *metal products*, between points in Stanislaus County, CA, on the one hand, and, on the other, points in the U.S.

MC 145059 (Sub-9), filed July 16, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *frozen food* between points in Aroostook and Cumberland Counties, ME, on the one hand, and, on the other, points in the U.S.

MC 152919 (Sub-1), filed August 28, 1981. Applicant: ROBERT J. EDELEMAN, d.b.a. R & L EDELMAN, Rtes. 22 and 23, Hillsdale, NY 12529. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103, (203) 728-0700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of grain milled products, between points in the U.S., under continuing contract(s) with ADM Milling Co., of Hudson, NY.

MC 152999, filed August 31, 1981. Applicant: LYNDONVILLE VINEGAR, INC., 247 West Ave., Lyndonville, NY 14098. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *food and related products* between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 153279 filed August 31, 1981. Applicant: BONWAY SERVICE TRANSPORT, INC., 54 Fulton, St., Buffalo, NY 14204. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *sugar*, between points in the U.S., under continuing contract(s) with U.S. Sugar Company, Inc., of Buffalo, NY.

MC 153328 (Sub-18), filed September 4, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree Street, Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State St., Madison, IL 62060, (314) 451-2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household laundry equipment, between points in Williamsom County, IL, on the one hand, and, on the other, points in the U.S.

MC 153679 (Sub-4), filed August 31, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201 25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-8100. Transporting *such commodities* as are dealt in or used by wholesale grocers or grocery distribution warehouses, between points in Davidson, Bedford, Sumner and Maury Counties, TN, on the one hand, and, on the other, points in NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, AL, MS, MI, GA, FL, SC, NC, VA, WV, MD, DE, PA, NY, NJ, CT, and DC.

MC 158049, filed September 1, 1981. Applicant: GULL TRANSPORT CO., P.O. Box 255, 262 Summer St., Lunenburg, MA 01462. Representative: Leo A. Molter III, 985 Fisher Rd., Fitchburg, MA 01420, (617) 345-5021. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of automotive care products, between points in Worcester County, MA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27623 Filed 9-22-81; 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 becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-264

Decided: September 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 119890 (Sub-3), filed August 25, 1981. Applicant: ROY A. BENWARE AND DARLENE D. BENWARE, d.b.a. BENWARE TRUCK LINE, INC., Star Route, Florence, MO 65329. Representative: Roy A. Benware (same address as applicant), (816) 368-4221. (1) As a *broker* of *general comodities* (except household goods), between points in the U.S., (2) Transporting *general commodities,* between Florence, MO, on the one hand, and, on the other, points in the U.S., and (3) Transporting (a) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (c) *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, and (d) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPI-266

Decided: September 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158030, filed August 31, 1981. Applicant: GARY L. BERG, d.b.a. GARY BERG TRUCKING, RR 2, Hawley, MN 56549. Representative: Zenas Baer, 222 6th St., Hawley, MN 56549, (218) 483-4400. 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 158070, filed September 3, 1981. Applicant: NOR-FER CORPORATION, d.b.a. JOY-FER SERVICES, 840 Eleventh St., Suite F, Paso Robles, CA 93446. Representative: Joyce H. Smith (same address as applicant), (805) 239-0400. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 158080, filed September 4, 1981. Applicant: A. J. HEART TRAFFIC ASSOCIATES, INC., 500 Washington Ave., Apt. 21, Belleville, NJ 07109. Representative: A. David Millner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575-7700. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158100, filed September 8, 1981. Applicant: BROWNFIELD ENTERPRISES, INC., 492 Old St. Rte. 7, Steubenville, OH 43952. Representative: Kenneth W. Brownfield (same address as applicant), (614) 282-6201. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158111, filed September 8, 1981. Applicant: ROGER A. JUSEZAK, 1179 West Rd., Moose Lake, MN 55767 Representative: Roger A. Jusezak (same address as applicant), (218) 485-4233. 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 158121, filed September 8, 1981. Applicant: TRANSFER SERVICE, INC., 14 Lewis St., Lincoln, MA 01773. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-4-371

Decided: September 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157186, filed August 14, 1981, previously noticed in the Federal Register issue of August 28, 1981, and republished this issue. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731, (512) 346-4800. 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 poins in the U.S.

Note.—The purpose of this republication is to add the carrier's name to the publication.

MC 158146, filed September 10, 1981. Applicant: DARREL SANBURG, d.b.a. NEW HORIZON TRANSPORTATION, 4217 Spur Lane, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335-1777. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-5-153

Decided: September 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157848, filed August 27, 1981. Applicant: O.K.T., INC., P.O. Box 253, Rockingham, NC 28379. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180, (703) 442-8330. (1) 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 (2) to operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157869, filed August 25, 1981. Applicant: FLORIDA LADDER COMPANY, Highway 301 N at Airport, P.O. Box 579, Sarasota, FL 33578. Representative: Tobin B. Wiener (same address as applicant), (814) 355-6747. Transorting *food and other edible products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with Southern Grocery Company of Sarasota, FL.

MC 157999, filed August 28, 1981. Applicant: MICKEY DEAN SETTLEMIRE, d.b.a. M. SETTLEMIRE TRUCKING, 2134 Farnworth, Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306, (805) 872-1106. 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 owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L Mergenovich,

Secretary.

[FR Doc. 81-27624 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-82A]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Denial of Petition

AGENCY: International Trade Commission.

ACTION: Denial of petition filed by respondents to introduce new evidence and to amplify and update the record.

AUTHORITY: This investigation is being conducted pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)) and § 210.10(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.10(b).

SUPPLEMENTARY INFORMATION: Investigation No. 337-TA-82A is being conducted in order to determine whether there is a violation of section 337 in the importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in the sale of such articles, which are alleged to infringe and to contribute to or induce the infringement of claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, and 6 of U.S. Letters Patent 3,923,593, with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission instituted these proceedings on its own initiative (Commissioner Stern dissenting) as a result of the President's disapproval and recommendation concerning the determination and order previously issued on April 8, 1981, at the conclusion of *Certain Headboxes and Papermaking Machine Forming Sections For the Continuous Production of Paper, and Components Thereof*, investigation No. 337-TA-82. *See* 46 FR 22083, USITC Publication 1138, April 1981. *See also* 46 FR 32361 (1981).

The notice instituting this new investigation and defining its scope was published in the Federal Register on July 1, 1981 (46 FR 34437). It provided that these proceedings would encompass the same issues, parties, and subject matter as investigation No. 337-TA-82, except that—

(1) In the absence of new allegations of section 337 violations, or new evidence regarding the allegations which were the basis of investigation No. 337-TA-82, this inquiry would be limited to the issues of the appropriate remedy, the public interest, and the value of the bond, if any, which should be imposed during the 60-day period for review by the President, and

(2) Aktiebolaget Karlstads Mekaniska Werkstad (KMW) of Karlstad, Sweden and KMW Johnson (KMW) of Charlotte, N.C. would be the only respondents.

The notice also stated that the evidence and information concerning the elements of a section 337 violation which are on the record of investigation No. 337-TA-82 would be incorporated (by reference) into the record of these new proceedings, and that no violation issue which was previously litigated in investigation No. 337-TA-82 would be relitigated unless—

(1) Within 20 days after the date on which the new investigation was instituted, a party filed a petition which either alleged new violations of section 337, or presented new evidence concerning the previously alleged violation and showed good cause for relitigating the issues in question, and

(2) The Commission granted the petition.

On July 21, 1981, the respondents filed a petition (Motion No. 82A-27) to introduce new evidence and to amplify and update the record. The complainant and the Commission investigative attorney subsequently filed a joint response opposing the petition.

Upon review of the petition, the response, and all other documents on the records of the previous and the current investigations, the Commission found that the petition did not conform to the requirements enunciated in the notice of investigation, that the determination requested was premature, and that reopening discovery would be of limited value and would unnecessarily delay the Commission's final determination. Consequently, on September 11, 1981, the Commission decided to deny the petition in its entirety.

Copies of the Commission's Action and Order, as well as all other nonconfidential documents on the record of this investigation and investigation No. 337-TA-82, [1] are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202-523-0350.

Issued: September 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-27609 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

[1] All documents and written submissions which are on the record of investigation No. 337-TA-82A have been placed inside the 337-TA-82 files in the Office of the Secretary, Dockets Section.

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Commission Request for Comments Regarding Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Request for public comment on proposed termination of investigation based on settlement agreements.

SUMMARY: The settlement agreements would result in the complete termination of this investigation. This notice requests comments from the public on the proposed settlement agreement on or before October 23, 1981.

DATES: Comments will be considered if received on or before October 23, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant, ITT Schadow, Inc., has moved for termination of this investigation on the basis of 3 settlement agreements. Respondents Tanaka Electronics Industries, Ltd., Toneluck Electronics Industrial Co., Ltd., Electronic Components Group, Inc., and Hosiden Electronics Company, and party International Telephone and Telegraph Corporation support the motion. On August 11, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of the investigation was published in the Federal Register of December 31, 1980 (45 FR 86564).

SETTLEMENT AGREEMENTS: Under the first agreement, respondent Tanaka promises not to export to the United States modular pushbutton switches with removable stop means until the expiration of the '963 reissue patent. In exchange, Schadow and ITT waive all claims of patent infringement in all forms based upon past importation of such switches. In the second agreement, respondents Toneluck Electronics Industrial Co., Ltd., and Electronic

Components Groupe, Inc., (ECG), promise not to import certain alternate action switches which are made in accord with the '963 patent or to import staples which could be used to convert momentary switches into alternate action switches. Toneluck and ECG will, however, import "Plan-A" alternate action and momentary switches, provided that they plug the holes in the tabs of such switches by January 1, 1982. The parties waive all claims for previous patent infringement or any other past act. ITT and Schadow further promise not to file any action with respect to ECG and Toneluck's future importation of Plan A switches. In the third agreement, ITT and Schadow grant to respondent Hoseiden a nonexclusive license to import and sell pushbutton swithces covered by any claim of the '963 reissue patent and the '213 patent to Zenith Radio Corporation. Hosiden will pay ITT the sum of $10,000 upon termination of this investigation. At the conclusion of the first 2 years of the agreement, Hosiden will pay a royalty of 3.75 percent of the total net invoice sales price of those swithces sold within, or for use within, the United States. On August 11, 1981, the ALJ (Judge Duvall) recommended, that the motion to terminate be granted and that the investigation be terminated as to all parties and all issues. The full text of these settlement agreements is available for public inspection at the Secretary's Office.

WRITTEN COMMENTS REQUESTED: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation on the basis of the settlement agreement on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 23, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

ADDITIONAL INFORMATION: The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed no later than October 23, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspections at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washingotn, D.C. 20436; telephone (202) 523-0480.

Issued: September 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-27668 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Die Presses From Italy

AGENCY: International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigation under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, telephone 202-523-1369.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on die presses from Italy (T.D. 74-165).

The Commission received a letter on August 24, 1981, from Herman Schwabe, Inc., the original petitioner for the countervailing duty order, stating that "We hereby withdraw the countervailing duty petition regarding die presses from Italy (T.D. 74-165)."

The legislative history of section 704(a) of the Tariff Act of 1930, as amended by the Trade Agreements Act, indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on die presses from Italy. These written comments must be filed with the Secretary to the Commission no later than October 23, 1981.

Issued: September 14, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-27667 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

METRIC BOARD

Convening of the Data Processing/Office Equipment Sector Committee of the American National Metric Council

Note.—This document originally appeared in the issue of Sept. 17, 1981, at 46 FR 46227. It was printed in error in the section for notices of meetings under the Government in the Sunshine Act.

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94-168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric activities.

Therefore, notice is hereby given that on October 20, 1981, at 10:00 a.m., the convening meeting of the American National Metric Council's (ANMC) Data Processing/Office Equipment Sector Committee will take place in Washington, D.C. The ANMC is a private sector nonprofit organization.

The preliminary agenda for the meeting is as follows:

10:00 Call to Order
- Introduction Remarks
- Introduction of Participants

Metric Status Update:
- ANMC
- Industry
- Government

Canadian Update

Metric Conversion Experience of Attendees:
- Problems and Opportunities

Sector Objectives

Sector Scope

Selection of Chairman

Selection of Vice Chairman

Selection of Secretariat

2:00 Adjournment

The meeting is open to the public. Persons who wish to attend or who wish additional information concerning this metric planning activity may contact Gracelyn Deebo, Program Manager at ANMC. Telephone (301) 530-8333.

Dated: September 14, 1981.

Theodore S. Farfaglia,

Executive Director.

[FR Doc. 81-27819 Filed 9-15-81; 3:46 pm]

BILLING CODE 8250-01-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 55a, the National Advisory Council on Economic Opportunity published in the Federal Register (41 FR 49622) notices of the existence of the following systems of records subject to the Privacy Act: NACEO 76-1, Payroll Records; NACEO 76-2 General Financial Records. The Advisory Council terminates its operations on September 30, 1981 and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

NACEO 76-1

System name: Payroll Records—National Advisory Council on Economic Opportunity: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Advisory Council as part of GSA system of records, Defunct Agency Records GSA/OEA-1.

NACEO 76-2

System name: General Financial Records—National Advisory Council on Economic Opportunity: to be retained by the External Services Branch, National Capital Region for concluding administrative operations of the Advisory Council as part of the GSA system of records, Defunct Agency Records, GSA/OEA-1.

Walter B. Quetsch,

Executive Director.

[FR Doc. 81-27590 Filed 9-22-81; 8:45 am]

BILLING CODE 6820-41-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

Boston Edison Co., et al.; Pilgrim Nuclear Power Station Unit 2; Order Setting Time and Place of Prehearing Conference

September 17, 1981.

The Prehearing Conference set for October 1, 1981 will commence at 9:30 a.m. at the following location: Blue Room, Plymouth Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

As stated in the Board Order of September 4, 1981, this prehearing conference will consider all outstanding matters including contentions and discovery.

It is so ordered.

Dated at Bethesda, Md., this 17th day of September, 1981.

For the Atomic Safety and Licensing Board.

Richard F. Cole,

Administrative Judge.

[FR Doc. 81-27672 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al.; Comanche Peak Steam Electric Station, Units 1 and 2; Application for Operating License; Evidentiary Hearing and Prehearing Conference

September 17, 1981.

Please take notice that an evidentiary hearing will be held in this operating license proceeding before an Atomic Safety and Licensing board (Board), pursuant to the Atomic Energy Act of 1954 as amended (the Act), and the regulations in Title 10, Code of Federal Regulations (CFR), Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice."

An evidentiary hearing will commence on December 2, 1981, at 9:00 a.m., local time at the Interstate Commerce Commission, Neil P. Anderson Building, Room 400A, located at 411 West 7th Street, Forth Worth, Texas 76102, and will continue until completion of taking evidence on the issues and contentions described hereafter. This evidentiary hearing will address the matters in controversy resulting from Contentions 9, 22, 24 and 25, and Board Question No. 2, infra.

A final prehearing conference, pursuant to 10 CFR § 2.752, will be held at the same location at 9:00 a.m., local time, December 1, 1981.

On February 5, 1979, the Nuclear Regulatory Commission (NRC) issued a notice in the Federal Register of the "Availability of Applicants' Environmental Report, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing" for Comanche Peak (44 FR 6995). The notice stated that a petition for leave to intervene must be filed by March 5, 1979. Timely petitions were received from the State of Texas for participation as an interested state under 10 CFR 2.715(c), and from Citizens Association for Sound Energy (CASE), Citizens for Fair Utility Regulation (CFUR) and the Texas Association of Community Organizations for Reform Now/West Texas Legal Services (ACORN).

By its Order Relative to Standing of Petitioners to Intervene, entered June 27, 1979, the Board admitted these petitioners as Intervenors in this proceeding. Subsequently, ACORN's motion for its voluntary dismissal as a party was granted by Memorandum and Order entered July 24, 1981.

By our Scheduling Order entered July 23, 1981, the evidentiary hearing to commence on December 2, 1981, was to cover the issues involved in admitted Contentions 9, 22, 24 and 25, and Board Question No. 2. These contentions and issues are as follows:

Contention 9

Applicants have failed to make any effort to determine the effect of radioactive releases on the general public other than at the exclusion boundary. Various transport mechanisms may cause, in certain cases, the bulk of the health effects to occur some distance from the exclusion boundary.

Contention 22

Applicants have failed to comply with 10 CFR Part 50, Appendix E, regarding emergency planning, for the following reasons:

a. The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.

b. No agreements have been reached with local and state officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.

c. There is no description of the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies and arrangements for the transportation of

injured or contaminated individuals beyond the site boundary.

d. There are no adequate plans for testing by periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicant.

e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose.

f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

Contention 24

A favorable cost/benefit balance cannot be made because the Applicant has failed to adequately consider:

a. The costs of safely decommissioning the facility after its useful life.

b. The costs in terms of health, as well as the economic costs of a possible accident in the on-site storage of spent fuel.

c. The fuel costs and supply.

d. The costs of waste storage.

Contention 25.

The requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50 Appendix C have not been met in that the Applicant is not financially qualified to operate the proposed facility.

Board Question No. 2

Applicant and Staff should describe in detail the operating quality assurance program for CPSES. A description of the provisions for conduct of QA audits should be provided, including a description of how reactor operations and reactor operator training will be audited.

This evidentiary hearing will be conducted by a Board which has been duly designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Richard F. Cole, Dr. Kenneth A. McCollom, Members and Marshall E. Miller, Esq., Chairman.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to interfere, may request in writing permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, at times, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform in writing the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than October 23, 1981. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

Written limited appearance statements may be submitted to the Board at any time prior to closing the record in this phase of the proceeding. Oral statements will only be received at times designated by the Board in order not to intervene with the taking of evidence in this adjudicatory proceeding. Oral limited appearance statements may be made on December 1, 1981, immediately following the scheduled final prehearing conference, and at such other times as the Board shall specify. Both oral and written statements will be made a part of the official record of this proceeding.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of September, 1981.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 81-27674 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published August 21, 1981 (46 FR 42551). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Fluid Dynamics*, September 24-25, 1981, San Francisco, CA. The Subcommittee will review plans for addressing resolution of issues associated with Mark III containment pool dynamic loads and the application of resolution of these issues to the Grand Gulf Nuclear Plant. Notice of this meeting was published September 10.

**Metal Components*, September 25, 1981, Washington, D.C. The Subcommittee will discuss proposed criteria regarding failure modes/mechanisms for primary system piping and the performance of high strength bolts. Notice of this meeting was published September 10.

**Shoreham Nuclear Power Station Unit 1*, September 30, 1981, Washington, D.C. The Subcommittee will discuss the application of the Long Island Lighting Company for an Operating License. Notice of this meeting was published September 14.

**Transportation of Radioactive Materials*, October 1 and 2, 1981, Oak Ridge, TN. The Subcommittee will review the package certification procedures used by the Transportation Certification Branch of NRC. Notice of this meeting was published September 16.

**Anticipated Transients Without Scram*, October 2, 1981, Washington, D.C. The Subcommittee will discuss the proposed Rule for resolution of ATWS. Discussion will focus on the probabilistic risk assessment aspects of the Rule. Notice of this meeting was published September 16.

**Sequoyah Nuclear Plant*, October 13, 1981, Washington, D.C. The Subcommittee will review operating experience, response to ACRS requests, and status of hydrogen control measures. Notice of this meeting was published August 21.

**Floating Nuclear Plant*, October 13, 1981, Washington, D.C. The Subcommittee will review Supplement 4 of the Floating Nuclear Plant

Manufacturing License Safety Evaluation Report, as well as remaining ACRS outstanding issues for this project. Notice of this meeting was published August 21.

*Human Factors, October 14, 1981, Washington, D.C. The Subcommittee will be briefed by the Division of Human Factors Safety, Office of Nuclear Reactor Regulation on the developments and programs that have been initiated within the Division over the past year. Items for discussion will include the final version of the control room design evaluation guidelines, operator qualifications, and emergency procedures guidelines. Notice of this meeting was published August 21.

*DOE Response Working Group, October 14, 1981, Washington, D.C. (TENTATIVE). The Subcommittee will prepare ACRS comments on the Department of Energy (DOE) post Three Mile Island Unit 2 accident review of the safety of DOE reactors.

*Regulatory Activities, October 14, 1981, Washington, D.C. The Subcommittee will review proposed Regulatory Guides and Regulations. Notice of this meeting was published August 21.

*Advanced Reactors, October 22 and 23, 1981, Argonne National Laboratory. The Subcommittee will continue discussion of matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published August 21.

*Extreme External Phenomena—Postponed.

*Three Mile Island Unit 2 Action Plans, October 29, 1981, Washington, D.C. This Subcommittee combined with the Reactor Operations Subcommittee will review the proposed rule on "Licensing Requirements for Pending Operating License Applications". Notice of this meeting was published August 21.

*Reactor Operations, October 29, 1981, Washington, D.C. This Subcommittee combined with the TMI-2 Action Plans Subcommittee will be briefed on the current status of the NRC's Systematic Evaluation Program (SEP).

*AC/DC Power Systems, October 30, 1981, Washington, D.C. The Subcommittee will review status of the activities associated with NUREG-0666, and the ongoing work on the availability of AC Power. Notice of this meeting was Published August 21.

*St. Lucie Plant Unit No. 2, October 30 and 31, 1981, West Palm Beach, FL. The Subcommittee will discuss the application by the Florida Power and Light Company for an Operating License.

*Shippingport—POSTPONED to December.

*Reliability and Probabilistic Assessment, Date To Be Determined, Washington, D.C. or Phoenix AZ. The Subcommittee will review NRC progress toward development of a safety goal.

*Callaway Plant Unit 1, November 4-5, 1981, Callaway County, MO. The Subcommittee will review the application by the Union Electric Company for an Operating License.

*Class 9 Accidents, November 6, 1981, Denver, CO (TENTATIVE). The Subcommittee will discuss topics that include degraded core rulemaking, hydrogen control rules, degraded core computer code modeling, and Zion/Indian Point Studies.

*Comanche Peak Steam Electric Stations Units 1 and 2, November 11, 1981, Washington, D.C. The Subcommittee will continue the review of the application by the Texas Utilities Generating Company for an Operating License. Notice of this meeting was published August 21.

*Procedures and Administration, November 11, 1981, Washington, D.C. The Subcommittee will consider a revised format/scope of ACRS reports, improved SAR formats, interface with Commissioners and role of ACRS.

*Safety Philosophy, Technology and Criteria, Date To Be Determined, Washington, D.C. The Subcommittee will review the proposed systems interaction study for the Indian Point Nuclear Power Plant.

*Palo Verde Nuclear Generating Station, November 23 and 24, 1981, Phoenix, AZ. The Subcommittee will review the application by the Arizona Public Service Company for an Operating License.

*Watts Bar Nuclear Plant, Date to Be Determined, Sweetwater, TN. The Subcommittee will review the application by the Tennessee Valley Authority for an Operating License.

ACRS Full Committee Meetings

October 15-17, 1981: Items are *tentatively* scheduled.

*A. *Grand Gulf Nuclear Station Units 1 and 2*— ACRS report re full power operation.

*B. *Shoreham Nuclear Power Station Unit 1*—ACRS report re full power operation.

*C. *Floating Nuclear Plant*—Application of TMI-2 Lessons Learned and other outstanding safety related issues—Discuss ACRS comments.

*D. *Integrity of Primary System Pressure Boundary*—Discuss proposed NRC action re WCAP-9558, "Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Through Wall Crack", and WCAP-9787, "Tensile Toughness Properties of Piping Weld Material for Use in Mechanistic Fracture Evaluation".

*E. *Application of TMI-2 Lessons Learned to DOE Nuclear Facilities*—Discuss proposed ACRS comments (tentative).

*F. *Meeting with NRC Chairman and Commissioners*—Discuss safety related issues including proposed NRC siting criteria, reactor pressure vessel integrity (thermal shock from overcooling transients), and the regulatory process (use of regulations to resolve technical issues and the impact of NRC Orders and Bulletins on applicants/licensees).

*G. *NRC Reactor Safety Research Program*—Discuss scope of proposed report to the U.S Congress on the FY-1983 Safety Research Budget.

*H. *Briefings by the NRC Staff*—Regarding licensing activities such as the basis for pre-inerting of containments to control combustible gasses generated by a serious accident.

*I. *Reports of designated ACRS Subcommittees and ACRS Members*—Regarding current activities including proposed revisions to NRC Regulatory Guides, proposed requirements for preparation of emergency procedures, proposed requirements for supporting infrastructure at nuclear plants, proposed alternate rules for resolution of ATWS, proposed provisions for control of combustible gasses at the Sequoyah Nuclear Plant and Japanese Regulatory Criteria.

*J. *Report by NRC Staff Representatives*—Regarding program at Brookhaven National Laboratory to evaluate safety/relief valve discharge piping failures in dynamic pressure suppression containment systems.

November 12-14, 1981: Agenda to be announced.

December 10-12, 1981: Agenda to be announced.

Dated: September 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-27670 Filed 9-22-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Provisional Operating License No. DPR-19, issued to Commonwealth Edison Company, which

revised the technical specifications for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment authorizes deletion of the requirement to demonstrate the operability of the automatic pressure relief valves daily during the six day period beginning September 4, 1981 while the High Pressure Coolant Injection System is inoperable.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of 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 the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1981, (2) Amendment No. 65 to Provisional Operating License No. DPR-19 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-27673 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

Edlow International; Application for License To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before October 23, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day of September 18, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Isotope		
Edlow International: 09/01/81, 09/08/81, XSNM01872	2.71 percent enriched uranium	19,858.8	487.3	Reload fuel for Tarapur	India.

[FR Doc. 81-27671 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11270]

International Harvestor Co.; Application and Opportunity for Hearing

September 17, 1981.

Notice is hereby given that International Harvester Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Sterling National Bank and Trust Company of New York ("Sterling") under two existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Sterling from acting as Trustee under either of such indentures.

The Company alleges that:

(1) The Company has outstanding on the date hereof the following described securities issued under the following indentures, each of which was qualified under the Act:

(a) $66,138,800 4.80% Subordinated Debentures Due 1991, under Indenture dated as of March 1, 1966 (the "1966 Indenture") between the Company and Sterling, successor Trustee to Citibank, N.S.[1] of which $30,368,700 principal amount was outstanding as of August 14, 1981;

(b) $71,463,300 4-⅝ Subordinated Debentures Due 1988, under Indenture dated as of March 1, 1963 (the "1963 Indenture") between the Company and Bankers Trust Company, successor Trustee to Chemical Bank New York Trust Company (File No. 22-3468) of which $19,279,100 principal amount was outstanding as of August 4, 1981.

(2) Bankers Trust Company has notified the Company of its intention to resign as Trustee under the 1963 Indenture. Such resignation is to become effective upon acceptance by the successor Trustee of appointment under such Indenture. The Company therefore intends, pursuant to Sections 6.03 and 9.10 of such Indenture, to appoint Sterling, 540 Madison Avenue, New York, New York 10022, as successor Trustee to Bankers Trust Company under the 1963 Indenture.

(3) Both of the Indentures referred to in paragraph 1 above contain, as part of Section 9.08 of each such indenture, the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

(4) The securities issued under both of the Indentures listed in paragraph 1 above are wholly unsecured. All of such securities constitute subordinated indebtedness of the Company; the

[1] Not registered under the Securities Act of 1933 pursuant to Rule 133.

securities issued under the 1966 Indenture rank equally with the securities issued under the 1963 Indenture. The 1966 Indenture expressly provides in Section 3.01 thereof that the "Debentures (issued hereunder) rank *pari passu* with, and not superior or inferior to, the Company's 4-⅝% Subordinated Debentures Due 1988 in * * * right of payment."

(5) Sterling believes that if it accepts appointment as successor Trustee under the 1963 Indenture it might be considered to have a conflict of interest within the meaning of Section 9.08 of the 1966 Indenture because that section does not explicitly exclude from the operation of paragraph (c)(1) thereof the 1963 Indenture.

(6) As described above, the debentures issued under the 1963 Indenture and the debentures issued under the 1966 Indenture are wholly unsecured and of equal rank. Accordingly, the Company believes that serving as Trustee under the 1963 Indenture and continuing to serve as Trustee under the 1966 Indenture should in no way inhibit, discourage or otherwise influence Sterling's actions as Trusteee under either one of such Indentures. Consequently, its trusteeship under both of the Indentures is not so likely to involve a material conflict of interests as to make it necessary in the public interest or for the protection of investors to disqualify Sterling from acting as Trustee under either of such Indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of the act and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than October 7, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27657 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Lewis Energy Corp.; Order of Suspension of Trading

September 17, 1981.

It appearing to the Securities and Exchange Commission that there is lack of adequate and accurate information concerning the number of authorized Lewis shares outstanding as a result of the apparent over-issuance of the company's common stock by First Independent Stock Transfer Agent, Inc. ("FISTA"), Lewis, transfer agent, the Commission is of the opinion that the public interest and the protection of its investors require a suspension of trading in the securities of Lewis.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 2:00 p.m. (EDT) on September 17, 1981 and terminating at midnight (EDT) on September 26, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27658 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18098; File No. SR-PSE-81-15]

Pacific Stock Exchange Inc.; Liability of Exchange for Errors Made by Order Book Officials

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1981 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Comments requested on or before October 14, 1981.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies Rule VI, Section 72, of the Rules of the Board of Governors of the Pacific Stock Exchange Incorporated ("PSE") by adding Commentary .02 as follows:

Commentary .02

Nothing contained in this Section 72, shall in any way, limit the PSE's ability to authorize an Order Book Official to enter into a transaction either for the purpose of satisfying its obligation to the book or for the purpose of correcting a trade made in error by an Order Book Official.

II.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Rule VI, Section 72, of the Rules of the Board of Governors of the PSE outlines the procedures for members and member firms to file claims against the PSE for option errors or omissions made by an Order Book Official. The Rule is silent as to whether the PSE can realize profits when correcting such error or omission. In the past, the PSE has not taken such profits.

The Exchange believes that it is inequitable for it to accept losses on option errors made by an Order Book Official without also being able to accept profits, where applicable, in order to partially offset such losses. The Board of Governors, in approving the Proposed Commentary .02 to be added to Section 72, intends to permit the PSE to establish an account with a clearing member firm through which errors could be offset.

Errors detected during trading hours on the day they occur shall be promptly covered by the Order Book Official. In the event that a profit results at the time the error is covered, a report will be given to the customer at the more advantageous price. Errors resulting in a loss shall be covered by the Order Book Official and a report made to the customer at the original limit price. The PSE shall be responsible for any loss incurred.

Errors detected any time after trading has terminated on the day they occur shall be covered by the Order Book Official as soon after detection as possible. The customer shall be sent a report at the original limit price. The PSE shall accept any resulting profit or loss.

The proposed rule change is consistent with Section 6(b) of the

Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it enables the PSE to effectively provide for liability on errors made by Order Book Officials thereby protecting investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 28, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 14, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated auhority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27656 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Performance Review Board; Amendment of Composition of Membership

By notice published in the Federal Register on August 20, 1981, Volume 46 FR 42401, the Office of the Secretary, Department of the Treasury, announced the appointment of members of the Performance Review Board in accordance with 5 U.S.C. 4314(c)(4). This notice amends the composition of the Board by adding the following members:

E. George Cross, III, Special Assistant to the Secretary.

Doyle L. Arnold, Executive Assistant to the Deputy Secretary.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-27717 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 28-81]

Series V-1983 Treasury Notes; Interest Rates

September 17, 1981.

The Secretary announced on September 16, 1981, that the interest rate on the notes designated Series V-1983, described in Department Circular—Public Debt Series—No. 28-81, dated September 11, 1981, will be 16 percent. Interest on the notes will be payable at the rate of 16 percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-27578 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Item
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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 am., Friday, October 2, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1434-81 Filed 9-21-81; 3:24 pm]
BILLING CODE 6351-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:a.m., Wednesday, September 23, 1981, following oral argument.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to matters previously announced, the Commission will consider the following:

3. Medicine Bow Coal Company, WEST 81-163, 81-164. (Petition for Interlocutory Review; issues include application of Rule 27, to late-filed penalty proposed settlement).

4. Amax Lead Company of Missouri, CENT 81-63-M. (Petition for Interlocutory Review: issues include whether the administrative law judge erred in denying proposed settlement).

5. Maben Energy Corporation, WEVA 79-123-R. (Issues Include whether operator violated 30 CFR § 77.216-3 by failing to inspect impoundment structure).

6. Missouri Gravel Company, LAKE 80-83-M. (Issues include whether the administrative law judge properly interpreted and applied 30 CFR § 56.14-1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1432-81 Filed 9-21-81; 3:17 pm]
BILLING CODE 6820-12-M

3

LEGAL SERVICES CORPORATION: Board of Directors Meeting.

TIME AND DATE: 9:00 a.m.-5:00 p.m., Friday, October 2, 1981.

PLACE: Legal Services Corporation, 733 15th Street, N.W., Washington, D.C., 8th Floor Conference Rooms 2 and 3.

STATUS OF MEETING: Open (Portion of the meeting will be closed so the Board can discuss a litigation matter under 45 C.F.R. Section 1622.5(h)).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of June 5, 1981 Meeting.
3. Election of Chairman.
4. Report on Congressional Appropriation and Reauthorization of Legal Services Corporation Act.
5. Report from Committee on Appropriations and Audit:

- Modifications to fiscal year 1981 Consolidated Operating Budget;
- Fiscal year 1982 Budget;
- Mark for fiscal year 1983 Budget Request.

6. Future Meeting Dates.
7. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272-4040.

Issued: September 18, 1981.

[S-1131-81 Filed 9-21-81; 8:47 am]
BILLING CODE 6820-35-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 21, 1981 (revised), and week of September 28, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, September 21

2:00 p.m.

1. Vote on Low-Power Operating License for Diablo Canyon (public meeting) (as announced).

Tuesday, September 22

2:00 p.m.

1. Briefing on Systematic Assessment of Licensee Performance Report (public meeting).

Wednesday, September 23

9:00 a.m.

1. Discussion of Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment (public meeting) (as announced: time changed).

2:00 p.m.

1. Discussion of Revised Licensing Procedures—Proposed Rule Change to Part 2 (closed meeting) (as announced).

4:00 p.m.

1. Briefing by Executive Branch (closed meeting).

Thursday, September 24

9:00 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (postponed from 9/22).

2:30 p.m.

1. Affirmation/Discussion Session (approximately 30 minutes) (public meeting) (items revised) (as announced: time changed).
   Items to be affirmed and/or discussed:
   a. Interim Rule on Hydrogen Control;
   b. Financial Protection for TMI Unites 1 and 2;
   c. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment;
   d. Protection of Unclassified Safeguards Materials (postponed from 9/17).
   e. EDO Delegations of Authority (postponed from 9/17).
2. Briefing by American Nuclear Society on Current Activities (public meeting) (as announced).

Wednesday, September 30

10:00 a.m.

1. Briefing on Status and Prioritization of NUREG-0737/-0660 Developmental Items (public meeting).

2:00 p.m.

1. Discussion of Congressional Testimony (closed meeting).

Thursday, October 1

10:00 a.m.

1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change

to Part 2 (open/closed status to be determined).

3:00 p.m.

1. Affirmation/Discussion Session (public meeting).

Items to be affirmed and/or discussed:

a. Use of Administrative Law Judges as Presiding Officers in Antitrust Proceedings;

b. Selection of Hearing Panel for Part 30 Proceeding;

c. Review of ALAB-646, In the Matter of Alabama Power Co. (Antitrust) and Alabama Power Company's Application for a Stay *Pendente Lite;*

d. Central Electric Power Cooperative's Petition for Reconsideration (Virgil summer OL—Antitrust).

ADDITIONAL INFORMATION:

By a vote of 4-0, Commissioner Bradford not present, on September 17, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that commission business required that affirmation/discussion of Diablo Canyon Physical Security—Governor Brown's Motion to Clarify Appellate Procedures and Request for Extension of Time (closed session) and Interim Order on Diablo Canyon Effectiveness Review (closed session), held that day, be held on less than one week's notice to the public.

By a vote of 5-0, on September 18, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that Discussion of Pending Adjudicatory Proceedings (closed meeting) and Discussion of Indian Point Order, held that day, be held on less than one week's notice to the public.

Automatic telephone answering service for schedule update: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTRACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634-1410.

Gary M. Gilbert,

Office of the Secretary.

September 18, 1981.

[S-1438-81 Filed 9-21-81; 4:07 pm]

BILLING CODE 7590-01-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Friday, September 18, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Friday, September 18

10:00 a.m.

1. Discussion of Indian Point Order (public meeting).

3:30 p.m.

1. Discussion of Low-Power Operating License for Diablo Canyon (closed meeting) (as announced).

Automatic telephone answering service for schedule update: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634-1410.

Gary M. Gilbert,

Office of the Secretary.

September 17, 1981.

[S-1439-81 Filed 9-21-81; 4:07 pm]

BILLING CODE 7590-01-M

6

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Md., Headquarters).

TIME AND DATE: Friday, September 25, 1981, 9:30 a.m.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd., Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On September 17, 1981, the Commission determined that the above meeting date be continued to 9:30 a.m. on Monday, September 28, 1981, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission, (301) 492-5926.

[S-1433-81 Filed 9-21-81; 3:21 am]

BILLING CODE 4410-01-M

federal register

Wednesday
September 23, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim Final Rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is revising fees for original inspection services, supervision of official inspection services, and supervision of official weighing services under the United States Grain Standards Act (Act) (7 U.S.C. 71 et seq.), as published in an interim final rule in the Federal Register (46 FR 43032–43034) on August 25, 1981, as corrected in the Federal Register (46 FR 43824) on September 1, 1981. After publishing the interim final rule on August 25, 1981, the FGIS: (1) held two public meetings to explain the revision of fees; (2) considered further changes in the restructuring of the organization; and (3) further reviewed the inspection supervision program. As a result, the administrator has determined that additional cost reductions can be anticipated and that certain fees should be revised to more closely reflect modifications to the supervision program, currently being considered. In addition, certain fees are being changed to facilitate the determination of charges in quarter-hour intervals by the grain industry and FGIS. Also, the fee table (Schedule C, Table 2) for FGIS supervision of official weighing services performed by delegated States and designated official agencies is being changed so that the fee is charged per carrier.

DATES: Effective Date: October 1, 1981. Comment Date: Comments are due on or before October 26, 1981.

ADDRESS: Comments must be in writing and submitted in duplicate. Comments must be forwarded to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447–3910. All written comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)). If comments were submitted on the interim final rule on fees published in the Federal Register (46 FR 43032–43034) on August 25, 1981, as corrected in the Federal Register (46 FR 43824) on September 1, 1981, they need not be resubmitted unless additional comments regarding the further changes made by this document are deemed necessary.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures pursuant to the Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions.

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this interim final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170) because: (1) it applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the delegation/designation process; and (2) most other users of the FGIS services are not considered to be small entities. Further, FGIS is required by statute to make the services available and to recover the costs of the service from the users of the service.

The administrator has also determined that a situation exists which warrants the publication of this action without the opportunity for a prior public comment period because it is necessary to provide the grain industry, delegated States, and designated official agencies with the information on the further revisions in the fee schedules in time to make any necessary adjustments prior to October 1, 1981, the effective date of recent amendments to the Act. Although the grain industry was informed by a document published in the Federal Register (46 FR 43032–43034) on August 25, 1981, of the FGIS revised schedule of fees to take effect October 1, 1981; and public meetings on the fees published on August 25, 1981, were held on September 3–4, 1981, in Washington, D.C., and St. Louis, Missouri, respectively; certain further modifications and changes to those fees schedules are being made and the grain industry, delegated States, and designated official agencies should be informed as early as possible.

Accordingly, it is found upon good cause that notice and other public procedures with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for publishing this interim final rule at this time with opportunity for public comments after publication.

The administrator has also determined that the comment period on this interim final rule will end on October 26, 1981, and such comment period is adequate and should coincide with the comment period for the interim final rule on fees published on August 25, 1981.

A final rule discussing comments received on this interim final rule, as well as comments received on the interim final rule published in the Federal Register (46 FR 43032–43034) on August 25, 1981, and any amendments required will be published in the Federal Register, as soon as possible, after the close of the comment period.

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) which becomes effective October 1, 1981, amends sections 7(j) and 7A(1) of the U.S. Grain Standards Act to require that fees for inspection and weighing services cover, as nearly as practicable, the estimated costs to the FGIS incident to providing such services, including related administrative and supervisory costs. It further amended these sections to require that delegated States and designated official agencies shall pay fair and reasonable fees to cover the estimated costs to the FGIS of supervision of these agencies. It also amended these sections to provide that failure to pay such fees by delegated States or designated official agencies within 30 days after due shall result in automatic termination of the delegation or designation, which may be reinstated upon payment of the fee, with interest, as prescribed by the Secretary. FGIS intends to work with the delegated States and designated official agencies to overcome problems they may encounter in complying with this requirement of the United States Grain Standards Act, as amended.

The Omnibus Budget Reconciliation Act of 1981 also added a new section (7C) to the U.S. Grain Standards Act which provides that the total administrative and supervisory costs that may be incurred for inspection and weighing activities shall not exceed 35 percent of the total costs for such activities carried out by the Service.

FGIS is presently planning a restructuring of the organization in which there will be a reduction of staff with attendant cost savings. In addition, all FGIS programs and activities are being reviewed to determine which activities are necessary. Those programs and activities that are determined to be

necessary will be further analyzed for cost effectiveness.

It is FGIS policy to provide official services to the industry by the most cost effective means possible. While FGIS has in the past and will continue to monitor and adjust its fees to maintain them at the minimum level needed to carry out an effective program, the situation, at this time, including the amendment to the Act, the restructuring of FGIS, and the level of use of official services where the service is optional, is such that it has made the task of establishing fees more difficult.

On August 25, 1981, FGIS published an interim final rule revising fees for original inspection, supervision of official inspection services, official weighing, and supervision of official weighing services to comply with the mandate of the new amendment to the Act. These fees were based upon information available to FGIS at the time of publication. Since that time, public meetings were held on September 3–4, 1981, in Washington, D.C., and St. Louis, Missouri, respectively. These meetings were held to discuss the fee changes mandated by the Omnibus Budget Reconciliation Act of 1981. FGIS benefitted from comments made during these meetings and otherwise by representatives of the grain industry and members of the delegated States and designated official agencies. All those making oral comments were requested to also submit them in writing in order to receive full consideration.

In addition, FGIS has considered further changes in the structure of the organization and further reviewed the supervision program. As a result, FGIS has determined that the published fees which become effective October 1, 1981, should be revised at this time to reflect the information presently before FGIS, and to permit the industry to make any necessary adjustments in light of the revisions prior to the effective date of October 1, 1981.

Accordingly, FGIS is revising the fee schedules for services provided under the U.S. Grain Standards Act and implementing these fee schedules on October 1, 1981.

Official Grain Inspection and Weighing Fees

FGIS is revising the fees for original inspection, supervision of official inspection services, and supervision of official weighing services as published in the Federal Register on August 25, 1981 (46 FR 43032–43034).

Based on a continuing review of costs and fees, written comments received to date, and other data within the knowledge of FGIS the administrator has determined that a further refinement of the fees should be made to reflect anticipated cost reductions and a modification of the inspection supervision policy, currently being considered, which revises the amount of supervision per carrier. Accordingly, certain fees contained in Schedule C, Table 1, have been decreased or increased as appropriate.

FGIS is also changing some fees to facilitate the determination of charges in quarter-hour intervals by the grain industry and FGIS. As a result, there is a slight decrease in the hourly fees in Schedule A, Table 1, and a slight increase in the hourly fees in Schedule B, Table 1. The fee table (Schedule C, Table 2) for FGIS supervision of official weighing services performed by the delegated States and designated official agencies is being changed to charge the fee per carrier instead of per certificate.

Fees for supervision of weighing services (class Y) as published in Schedule A, Table 3, have not been changed from those published as an interim final rule in the Federal Register (46 FR 30322) on June 5, 1981. These fees were included in the schedule of fees contained in the Federal Register (46 FR 43032–43034) on August 25, 1981, in order to provide a complete schedule of fees for comment. These fees are included herein for the same purpose.

In keeping with administration goals, FGIS will monitor and adjust its fees within 6 months to maintain them at the minimum level needed to carry out an effective program.

Therefore, in keeping with its need to provide services and maintain fees at a cost effective level, the FGIS fee schedules for official inspection and weighing services as contained in § 800.71 of the regulations are being revised to reflect the requirements of the U.S. Grain Standards Act, as amended.

Accordingly, 7 CFR 800.71(a) is hereby amended to read as follows:

§ 800.71 Fees assessed by the Service.

(a) Official inspection and weighing services. The fees shown in Schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada. The fees shown in Schedule C are supervision fees which apply to official grain inspection and weighing services performed by delegated States and designated official agencies in the United States. Failure of a delegated State or designated official agency to pay to FGIS the fees prescribed in Schedule C within 30 days after due shall result in automatic termination of such delegation or designation, but may be reinstated upon payment of such fees, with interest, as prescribed by the Secretary.

Schedule A.—*Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States* [1]

Table I

Inspection services (bulk or sacked grain) [2]	Original inspection service	Reinspection and appeal inspection service [2] [3]
(1) Official sample-lot inspection service (white certificate):		
(i) For official grade and official factor determinations:		
(A) Online inspection services (per man-hour per Service representative): [4]		
(1) Contract service:		
(a) Regular workday	$18.60	(5)
(b) Nonregular workday	22.00	(5)
(2) Noncontract service:		
(a) Regular workday	21.00	(5)
(b) Nonregular workday	24.60	(5)
(B) Other than online inspection services:		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)	10.80	16.00
(2) Boxcar (per car or part car)	15.50	19.60
(3) Hopper car (per car or part car)	19.75	23.80
(4) Barge (per 1,000 bushels or fraction thereof)	3.05	3.50
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof) (but see 2 below)	(5)	3.50
(C) Based on official file sample (any lot or part lot)	(5)	(10) 13.50
(ii) For official factor or official criteria determinations:		
(A) Based on a sample used for official grade and official factor determinations not obtained during loading or unloading:		
(1) Factor determination (per factor)	5.00	5.45

Schedule A.—*Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States* [1]—Continued

Table 1

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
(2) Protein test (per sample)	4.05	4.35
(B) Based on new sample (any lot or part lot)	([7])	([7])
(2) Special inspection services (sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions furnishing standard illustrations, and related services) (per man-hour per Service representative):[8]		
(i) Regular workday	21.00	21.80
(ii) Nonregular workday	24.60	25.40
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):		
(i) For official grade and official factor determination (per sample)	8.85	13.50
(ii) For official factor or official criteria determinations:		
(A) Factor determination (per factor)	5.00	5.45
(B) Protein test (per sample)	4.05	4.35
(4) Minimum fee per service request (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours of less when hourly rates apply—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars	([6])	([6])
(ii) All other lots of grain and special services (per man-hour per Service representative) (2 hour minimum):		
(A) Regular workday	21.00	21.80
(B) Nonregular workday	24.60	25.40
(5) Standby (per man-hour per Service representative):[9]		
(i) Regular workday	21.00	21.80
(ii) Nonregular workday	24.60	25.40
(6) Extra copies of certificates (per copy):[11]	2.50	2.50

Note.—The footnotes for table 1 are shown at the end of table 3.

Table 2

Weighing services (bulk or sacked grain)	Official weighing services					
	Specified inspection point				Noninspection point	
	Contract service		Noncontract service		Contract service	
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing services (Class X) (per man-hour per Service representative)	$20.60	$24.00	$23.00	$26.60	$20.60	$24.00
(2) Special weighing services, (stowage examination, testing of weighing equipment, checkweighing sacked grain, check loading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative)[8]	20.60	24.00	23.00	26.60	20.60	24.00
(3) Minimum fee per service request is 2 hours per Service representative (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby) (per man-hour per Service representative)	([5])	([5])	23.00	26.60	([5])	([5])
(4) Standby (per man-hour per Service representative) [9]	([5])	([5])	23.00	26.60	([5])	([5])
(5) Extra copies of certificates and reports (per copy) [11]	2.50	2.50	2.50	2.50	2.50	2.50

Note.—The footnotes for table 2 are shown at the end of table 3.

Table 3

Official services (bulk or sacked grain)	Supervision of weighing services (class Y)
Export elevators at export port locations:	
(1) Barge (per barge or part barge)	$5.00
(2) Boxcar (per car or part car)	1.00
(3) Hopper car (per car or part car)	1.00
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	0.50
(5) Unit trains (per each car or part car of unit train)	1.00
(6) Extra copies of certificates and reports (per copy)	2.50
All other locations:	
(1) Barge (per barge or part barge)	10.00
(2) Boxcar (per car or part car)	3.50
(3) Hopper car (per car or part car)	3.50
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	2.50
(5) Unit trains (per each car or part car of unit train)	3.50
(6) Extra copies of certificates and reports (per copy)	2.50

[1] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[3] Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be $34.00 per sample during a regular workday and $40.00 per sample during a nonregular workday except for protein which shall be $15.00 per sample.

[4] Outline inpsection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain.

[5] Not applicable.

[6] The unit fee.

[7] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[8] Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[9] For application of fee for standby, see § 800.72(b).

[10] If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

[11] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule B.—*Fees for Official Inspection and Weighing Services* [1] *(Including Supervision and Administration Services) Performed by the Service in Canada* [2]

Table I

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(1) Original inspection, or official weighing, or special services: [3]		
(i) Contract service (per man-hour per Service representative)	$24.40	$28.40
(ii) Noncontract service (per man-hour per Service representative)	34.40	40.40
(2) Reinspection and appeal inspection (per man-hour per Service representative) [4 5]	36.40	42.40
(3) Board appeal inspection (per sample) [4 5]	38.40	44.40
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative) [6]	94.40	112.40
(ii) Reinspection, or appeal inspection (per Service representative) [6 7]	100.40	118.40
(5) Standby (per man-hour per Service representative) [8]	34.40	40.40
(6) Extra copies of certificates (per copy) [9]	2.50	2.50

[1] Supervision of weighing (class Y) fees in Canada will be assessed at the rates shown in Schedule A, table 3.
[2] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, the fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).
[3] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.
[4] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).
[5] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $15.00 per sample.
[6] Applicable when the requested service is performed in 3 hours or less, or the request for service is canceled after the Service representative(s) arrives at the point of service.
[7] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.
[8] For application of fee for standby, see § 800.72(b).
[9] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule C.—*Fees for FGIS Supervision Services for the Official Inspection and Weighing Services Performed by the Delegated States and/or Designated Official Agencies in the United States* [1]

Table I

Inspection services (bulk or sacked grain)	Official inspection and reinspection services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per inspection) [2]	$1.00
(B) Boxcar (per inspection) [2]	2.40
(C) Hopper car (per inspection) [2]	2.60
(D) Barge (per inspection) [2]	15.75
(E) Ship (per ship) [3]	125.00
(F) All other lots (per inspection) [2 4]	0.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	0.45
(B) Protein test (per inspection) [2 5]	0.25
(2) Stowage examination services:	
(A) Ship (per stowage certificate)	7.60
(B) Other carriers (per stowage certificate)	0.45
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection)	0.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	0.45
(B) Protein test (per inspection) [2 5]	0.25
(4) Reinspections (per inspection) [2]	0.75

Note.—The footnotes for table 1 are shown at the end of table 2.

Table 2

Official services (bulk or sacked grain)	Official weighing services (class X)
(1) Official weighing services:	
(A) Truck or trailer (per carrier)	$0.50
(B) Boxcar and hopper car (per carrier)	1.25
(C) Barge (per carrier)	11.30
(D) Ship (per carrier) [3]	137.90

[1] The fees include the cost of supervision functions performed by the Service for the official inspection and weighing services performed by the delegated States and/or designated official agencies.
[2] A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.
[3] A fee shall be assessed per ship regardless of the amount of grain loaded at a specific service point. A fee shall not be assessed for divided original certificates.
[4] All other lots include, but are not limited to, sampling service, condition examination (sacked grain), examination for weevily, bins, and containers.
[5] Fees shall be assessed for each sample tested for protein.

(Secs. 8 and 9, Pub. L. 94–582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79A(1)), as amended by Pub. L. 97–35)

Done in Washington, D.C., on September 18, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81-27645 Filed 9-22-81; 8:45 am]

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Part III

Environmental Protection Agency

Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for Classification of Solid Waste Disposal Facilities and Practices; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 256 and 257

[SW-FRL 1876-2]

Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for Classification of Solid Waste Disposal Facilities and Practices

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule modifies the Environmental Protection Agency's Guidelines for the Development and Implementation of State Solid Waste Management Plans (40 CFR Part 256) and the Criteria for the Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257). The Guidelines are being amended to expand public participation opportunities in the planning process and provide for expedited approval of certain portions of the State plans. The Criteria are being amended to modify the groundwater, surface water and air protection criteria. EPA is taking this action as part of a settlement agreement reached with industrial groups which have challenged these regulations in Federal court.

EFFECTIVE DATE: October 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: For Part 256: Susan Absher, Office of Solid Waste [WH-563], U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/382-2210. For Part 257: Kenneth A. Shuster, Office of Solid Waste [WH-564], U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/755-9125.

SUPPLEMENTARY INFORMATION:

I. Authority

These amendments are issued under the authority of Sections 1008(a)(3), 4002 and 4004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6907(a)(3), 6942 and 6944. These amendments are also issued under Section 405(d) of the Clean Water Act (CWA), as amended, 33 U.S.C. 1345(d).

II. Subtitle D of RCRA

The amendments being promulgated today modify regulations issued under Subtitle D of RCRA. There are two central sets of provisions under Subtitle D. First, Section 4005(a) of the Act prohibits the act of "open dumping." Under Section 1008(a)(3), EPA is to establish minimum criteria to define open dumping. Once EPA has established these criteria, citizens may bring suit under Section 7002 of RCRA to enforce the prohibition. RCRA, however, does not provide for any direct Federal enforcement of this prohibition.

Second, Subtitle D establishes a State solid waste management planning program under Sections 4002-4008. In this program EPA establishes general guidelines and provides financial assistance to the States for the development and implementation of solid waste management plans. Participation in this program is optional for the States, and EPA does not have authority to establish such plans in States that decline Federal financial assistance.

Under Section 4002(b) EPA is to establish general guidelines for these plans that, at a minimum, encompass the requirements for State plans specified in Section 4003 of RCRA. As part of its plan a State must prohibit the establishment of new open dumps and provide for the closing or upgrading of existing open dumps. In addition, under Section 4005(a) the plan must provide entities that are potentially liable for open dumping an opportunity to upgrade their practices pursuant to compliance schedules. A party that adheres to such a compliance schedule satisfying the requirements of section 4005(a) is not liable for open dumping. (See Section 4005(a).) The statute provides that such compliance schedules can only be issued by States with approved plans.

To assist the States in identifying the solid waste disposal facilities that constitute open dumps, EPA must promulgate regulations under Section 4004(a) that provide criteria for classifying solid waste disposal facilities. Those that fail to satisfy such criteria, as determined by the States, are "open dumps." Under Section 4005(b) EPA is required to publish an inventory of open dumps, based on the State findings. In doing so, EPA does not pass on the adequacy of the State determinations. Likewise the decision to remove a facility from the inventory is a State determination.

EPA issued the Guidelines for Development and Implementation of State Solid Waste Management Plans (the Guidelines), satisfying Section 4002(b), on July 31, 1979 (44 FR 45066). EPA issued the Criteria for Classification of Solid Waste Disposal Facilities and Practices (the Criteria), satisfying Sections 1008(a)(3) and 4004(a), on September 13, 1979 (44 FR 53438). EPA has provided funding to the States for the development of State plans (including the inventory of open dumps) through FY 81. Under the President's budget for FY 82 no further Federal financial assistance will be available to the States for the development of solid waste management plans. EPA will remain ready, however, to perform its statutory duty under Section 4007 to take action to approve or disapprove plans submitted by the States.

III. Final Amendments

Shortly after the Guidelines and the Criteria were issued, several trade associations petitioned for judicial review of both regulations in Federal court. After careful negotiations, EPA and the petitioners entered into a settlement agreement. Pursuant to that agreement, EPA proposed amendments to the regulations. The amendments to the Criteria were proposed on November 3, 1980 (45 FR 72709); the amendments to the Guidelines were proposed on November 4, 1980 (45 FR 73440).

After reviewing the public comments, EPA is today finalizing those amendments in a form that is substantially identical to that of the proposed amendments.

A. The Guidelines

The final amendments make three basic changes to the guidelines:

1. Partial plan approval. First, EPA has modified the regulations to allow for partial approval of that portion of the State plan that would provide an opportunity for compliance schedules leading to compliance with the open dumping prohibition. The compliance schedule would still have to satisfy the statutory requirements of Section 4005(a), as specified in § 256.26 of the regulations, in order to provide a defense to open dumping actions. However, EPA will consider the compliance schedule portion of the plan for approval while the State continues to work on the rest of the plan. This should allow for the earliest possible approval of State authority to issue compliance schedules.

Under this amendment, States can be approved to issue compliance schedules for less than all of the Criteria. In such a situation, however, an entity which receives a State compliance schedule

will have a defense to open dumping only with respect to those Criteria for which the compliance schedule is issued.

It should be noted that States may use a wide variety of mechanisms to require entities to comply with the open dumping prohibition. Most States will no doubt use administrative orders or permits. However, other mechanisms—such as agreements between the entity and the State as to a timetable for remedial action—may be used if the State has authority to use them, they are enforceable, and they otherwise comply with the requirements of § 256.26.

Specifically, § 256.03 has been amended to allow a State to submit the portion of the plan designed to satisfy § 256.26 prior to submission of the complete plan. In turn, under § 256.04, the Administrator shall approve the partial plan if he is able to make three findings. First, the State compliance schedule procedures must satisfy the requirements of § 256.26, the portion of the Guidelines that sets forth statutorily-required components of such schedules. Second, the State must have general authority (statutory or common law) to issue and enforce compliance schedules. Third, the State must be developing the other portions of the plan in conformity with the Guidelines, and on a reasonable timetable. The Administrator will specify in writing the timetable for completion of the plan.

While the plan must be completed within a reasonable period of time, EPA anticipates that the timetable negotiated between it and each State will reflect each State's particular circumstances. For example, the availability of State resources will be taken into consideration. The failure to complete the plan within the specified period of time, however, constitutes a ground for withdrawal of partial approval pursuant to the requirements of Section 4007(a) of RCRA. A withdrawal of approval eliminates the State's ability to issue compliance schedules that insulate entities from open dumping suits. If partial approval is withdrawn for this reason, however, EPA believes that entities that have received compliance schedules during the partial approval stage will still be insulated from open dumping liability as long as they remain in compliance with the schedule conditions.

One of the principal advantages of this change is that it tends to reduce the time period between the listing of a facility in the open dump inventory and the time when entities potentially liable for open dumping in conjunction with the facility (*e.g.* owner, operator, user of the facility) could receive a State-issued compliance schedule. (This problem, referred to as the "window problem" by the industry petitioners, is described in more detail at 45 FR 73440.)

While most commenters on EPA's November 4 proposal supported this change, one commenter argued that partial approval would fragment the logical development of a comprehensive State solid waste management plan. EPA does not believe that partial approval will undermine the development of sound solid waste management plans. Giving the State flexibility in the sequence of its planning and implementation efforts can speed up the process of getting a full plan in place, thus serving the national goal. Moreover, § 256.03(f) is discretionary; the State is not required to, but *may* apply for partial approval.

2. Public participation in development of the open dumping inventory. The second change is an expansion of the public participation requirements surrounding the open dump inventory. Section 256.60(a)(1) is being amended today to explicitly provide that owners or operators of facilities placed on the open dump inventory be included on the State's current list of parties affected by or interested in the plan. These are the parties that are to be kept informed about major steps in the planning process, including the identification of open dumps. In addition, EPA has redesignated § 254.64 as § 256.65 and included a new § 256.64 which sets minimum requirements for public participation in development of the open dump inventory. This requirement can be satisfied by providing a notice of the availability of the results of the inventory classifications to those on the State's current list of parties interested in the plan at least 30 days before initial submission of the list to the Federal Government. For owners and operators of facilities classified as open dumps, the notice must indicate that the facility has been so classified. With these changes, the recommendation, formerly designated as § 256.64(c), to notify affected parties when a facility is classified an open dump is unnecessary and therefore is deleted.

EPA's rationale for these changes is clearly set forth in the Preamble to the proposed amendments (see 45 FR 73441). It is important to recognize that in amending its Guidelines to expand the public participation requirements to include the owner or operator of an open dump, EPA is not suggesting that those parties will necessarily be legally liable in an open dumping suit. EPA is also not suggesting that such an owner or operator has a legal right to receive notice and to comment on the inventory. Rather, EPA is recognizing that the owner or operator of a facility will probably be able to provide valuable information about the facility (*e.g.*, the type of waste in the facility) and that cooperation of the owner or operator will be essential to any effort to close or upgrade a facility.

EPA received several comments suggesting that the notice requirement not apply to those facilities already included in the first open dump inventory. As a practical matter this will be the case, for the States have already submitted their lists to EPA for publication. Therefore, the notice requirement applies only to classifications made after the effective date of this amendment.

Some States were concerned that this public participation provision will invoke State administrative procedures that would require formal, quasi-judicial procedures. In particular some State agencies indicated that the notice requirements of § 256.65 would trigger contested case hearings under State administrative law procedures. The consequence would be to burden the State with protracted hearings, requiring increased expenditures of State resources. EPA does not intend this result. See 45 FR 73440. Moreover, EPA does not agree with the proposition that the notice itself triggers a more formal administrative procedure. Rather, the triggering event is the State's action with regard to the inventory and the use of the inventory's results. If under State law these actions are of a nature to warrant the protections of State administrative safeguards (*e.g.*, notice, right to hearing, etc.), such administrative procedures would be required *independent* of EPA's notice requirement under § 256.65.

One State objected to the § 256.65 notice requirement, arguing that the requirement implicitly mandates a hearing as well. As written, § 256.65 does not require a hearing nor should such a requirement be implied. A State is, of course, free to hold a hearing on each classification as a matter of policy. Some commenters asserted the general position that the use of the inventory triggers a right to notice and hearing opportunities. While EPA does not believe that RCRA, the Administrative Procedure Act or the Constitution require such procedures, the States are free to provide such an opportunity as a matter of State law or policy.

3. Recommendation for compliance schedules. A third significant change is an addition to § 256.24 (Recommendations for Closing or

Upgrading Open Dumps.) EPA recommends that at the time the State classifies a facility as an open dump it consider developing appropriate timetables or schedules to bring responsible entities into compliance with the open dumping prohibition.

One commenter asserted that this change would slow down the classification process. This concern need not materialize, however, because the provision is a recommendation rather than a requirement. In any event, EPA believes that a consideration of compliance schedules early in the planning process can enhance the efficiency of the State's overall solid waste management program.

One State expressed the concern that, taken as a whole, these relatively minor amendments to the Section 4002 Guidelines will disrupt the open dump inventory and State solid waste management planning processes. EPA does not expect these amendments to be disruptive because the amendments do not require any immediate or substantial changes to State plans. The changes promulgated today primarily affect plan execution rather than substantive plan content or bear upon the development of the open dump inventory. Many States are already providing notification to owners and operators that would be required by § 256.65. The change to § 256.60(a)(1) to include owners and operators on the Agency's list only requires entry of their names as interested or affected parties. Since this list was intended to accommodate new names, EPA does not view these particular additions as unexpected, unreasonable or disruptive.

B. The Criteria

The regulations being promulgated today modify the ground water, surface water and air criteria. In addition, at the request of one commenter, EPA is modifying § 257.1 to clarify when and how the criteria implement either Section 4004(a) or Section 1008(a)(3) of RCRA.

EPA is making two changes to the ground-water criterion in § 257.3-4, both of which involve the establishment of alternative boundaries for measuring compliance with the ground-water standard. Under the existing regulation, a facility or practice may not cause contamination in the ground water exceeding specified maximum containment limits, measured at the solid waste boundary or an alternative boundary. An alternative boundary is only available if the State has an approved solid waste management plan and the State determines that such a change "would not result in contamination of ground water which may be needed or used for human consumption."

Today's amendment eliminates the provision limiting the alternative boundary opportunity to those States with approved solid waste management plans. Many States that are currently developing the inventory do not yet have approved plans, and EPA does not believe it necessary to constrain their option to establish alternative boundaries.

One commenter argued that this amendment would allow a State with no intention of developing an approvable plan to set alternative boundaries for solid waste facilities. While this is possible, EPA does not consider the consequences to be environmentally detrimental because the regulations still require the State to make the substantive finding that the change "would not result in contamination of ground water which may be needed or used for human consumption" before setting an alternative boundary. One State objected to the change, stating that the change would result in unwarranted and unnecessary ground-water contamination. No supporting data were provided. The commenter proposed that EPA should defer action on the entire proposal until it adopts an overall ground-water protection strategy. EPA intends to continue to develop a consistent approach to ground-water protection in its regulatory programs. However, EPA does not believe it wise to delay finalization of these relatively minor changes in the solid waste management planning program while broader issues of regulatory philosophy are being resolved.

Today's amendments also allow defendants in open dumping suits to argue, as a type of affirmative defense, that an alternative boundary is appropriate in determining its compliance with the Criteria. While the burden of proof is clearly on the defendant in this situation, the court may establish an alternative boundary based on evidence that the change "would not result in contamination of ground water which may be needed or used for human consumption" considering the appropriate factors listed in § 257.3-4(b)(1). (See the Preamble to the proposed amendments, at 45 FR 72710, for further discussion of this issue.)

The commenters that addressed this provision supported the change. One commenter recommended that the provision be modified to make clear that "the court" means either a Federal or State court. EPA believes that the terminology "the court" in § 257.3-4(b)(1) means any court, be it Federal or State, that has jurisdiction over the matter. Therefore, no change to the provision is necessary.

Today's amendments also modify the surface-water criterion of § 257.3-3. As originally promulgated, that standard would have made discharges violating requirements under Section 402 or Section 404 of the Clean Water Act open dumping practices as well. A party causing such a violation could simultaneously be subject to penalties under the CWA and a citizen suit to enjoin "open dumping" under RCRA. Today's amendment eliminates this double liability. However, since the open dump inventory classification for purposes of the State planning program does not impose legal sanctions under RCRA, the Criteria retain the provision that a violation of Section 402 or Section 404 makes a facility an open dump.

All but one commenter who addressed this issue supported the change. The commenter who opposed argued that the Government should not limit enforcement options. EPA believes that the CWA enforcement mechanisms are sufficient to handle violations under Sections 402 and 404.

The issue of dual liability was also raised with respect to § 257.3-7 which provided that a facility or practice shall not violate applicable requirements developed under an approved State Implementation Plan (SIP) under Section 110 of the Clean Air Act (CAA). Today's amendments have deleted such a violation as a practice constituting open dumping, but retained it as a factor for classifying open dumps. The rationale for this change is basically the same as that for the modification of the surface-water criterion.

In the proposed amendment, EPA clarified that the "open burning" prohibition set forth in § 257.3-7(a) does not extend to incinerators. Conventional incinerators are treatment, not disposal facilities. They do not typically involve burning of waste in direct contact with the land, Thus they are not covered by the definition of "disposal" under Section 1004(3). Trench or pit incinerators, which do involve burning of waste in direct contact with the land, are covered by the Criteria (See 45 FR 72712.) One commenter was concerned that the logic of "direct contact" with the land as applied to incineration might be misapplied. The commenter suggested that it could be used to justify the open burning of solid wastes in a pit, pond, lagoon, etc. where an artificial liner separates the waste from the soil. The fact that a liner is used does not change the essential character of pits,

ponds or lagoons as disposal facilities. Liners in this context are protective measures for use in these disposal facilities.

IV. Deadline for State Plan Submission

As originally promulgated, § 256.03(a) required States to submit their adopted plans to EPA within 18 months after final promulgation of the Guidelines. This deadline, not required by statute, was included in the Guidelines to encourage the States to act promptly to develop their plans. While most States actively pursued the development of their plans, a few States submitted their adopted plans within 18 months after promulgation of the Guidelines.

EPA has decided to eliminate the absolute 18-month deadline and replace it with a requirement that the plan be submitted within a "reasonable time" after promulgation of the Guidelines. EPA does not intend to invoke the deadline provision against those States that have made good faith efforts to develop their plans.

V Section 405 Guidelines

The litigation and subsequent rulemaking on the Criteria have focused on that regulation's effect under Sections 4004(a) and 1008(a)(3) of RCRA. The Criteria, however, also implement Section 405(d) of the CWA. The Section 405(d) guidelines have a role under the CWA that is analogous to that of the Section 1008(a)(3) criteria under RCRA. Section 405(e) makes it unlawful to dispose of sewage sludge except in accordance with the Section 405(d) guidelines. This is similar to the prohibition against open dumping under RCRA.

EPA believes that the amendments being made today should apply under Section 405(d) in the same manner as they do under Section 1008(a)(3). Thus under today's amendments a violation of Section 402 or Section 404 of the CWA or Section 110 of the CAA will not also be a violation of Section 405(d) and (e). Likewise the defendant in a suit under Section 405 concerning groundwater contamination will have the same opportunity to demonstrate the appropriateness of an alternative boundary that would be available to defendants in open dumping suits.

VI. Mining Overburden Exclusion

Several mining industry petitioners in the litigation on these regulations urged EPA to clarify the scope of the mining overburden exclusion in § 257.1(c)(2) of the Criteria. As a result, EPA proposed modifications to that exclusion that mirrored a similar exclusion, now under review, contained in EPA's hazardous waste regulations. (See 40 CFR 261.4(b)(3) and 260.10(a)(45).) Since the exclusion raises similar issues under both programs, EPA believes that any changes to both sets of regulations should be made at the same time. EPA is not yet prepared to make such changes. Therefore EPA is not today finalizing any amendments to the overburden exclusion in the Criteria.

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The amendments to parts 256 and 257 being made today are not a major rule under the terms of the Executive Order. Since the amendments are intended to simplify and increase State flexibility in planning, and to eliminate duplication of liability, these amendments should result in both savings and greater efficiency. States are not required to use the partial plan approval option and face, at most, very minimal costs to provide owners and operators notification that their facilities are being considered for inclusion on the Open Dump Inventory. Many States already provide some form of notification, and thus the requirement does not add any costs in those States. The principal costs associated with the Guidelines and the Criteria were imposed by the substantive provisions in the original regulations promulgated in 1979. The amendments being made today will not have an effect remotely close to $100 million, cause a major increase in costs or prices, or have any effect on competition, employment, investment, productivity, or innovation. In fact, the amendments are more likely to affect savings by simplifying existing regulations.

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

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

Title 40 CFR, Parts 256 and 257 are amended as follows:

PART 256—GUIDELINES FOR DEVELOPMENT AND IMPLEMENTATION OF STATE SOLID WASTE MANAGEMENT PLANS

1. The authority citation for Part 256 reads as follows:

Authority: Sec. 4002(b), Pub. L. 94-580, 90 Stat. 2813(b) (42 U.S.C. 6942(b)).

2. In § 256.03, paragraph (a) is revised and paragraph (f) is added as follows:

§ 256.03 State plan submission, adoption, and revision.

* * * * *

(a) To be considered for approval, the State plan shall be submitted to EPA within a reasonable time after final promulgation of these guidelines.

* * * * *

(f) States which are developing a complete State plan may submit the portion of the plan designed to satisfy the requirements of § 256.26 prior to submission of the complete plan.

3. In § 256.04, paragraph (f) is added as follows:

§ 256.04 State plan approval, financial assistance.

* * * * *

(f) If a State submits to EPA the portion of the plan by which entities may, pursuant to § 256.26, obtain timetables or schedules of compliance for complying with the open dumping prohibition, the Administrator shall approve such portion of the plan if he determines that:

(1) The portion submitted satisfies the requirements of § 256.26;

(2) The State has the general legal authority to issue and enforce compliance schedules; and

(3) The remainder of the plan is being developed in conformity with these guidelines and will be completed within a reasonable period of time.

In giving partial plan approval, the Administrator shall specify in writing the timetable for completion of the final plan as required in paragraph (f)(3) of this section.

4. In § 256.60, paragraph (a)(1) is revised as follows:

§ 256.60 Requirements for public participation in State and substate plans.

(a) * * *

(1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan.

* * * * *

5. In § 256.24, paragraph (d) is added as follows:

§ 256.24 Recommendations for closing or upgrading open dumps.

* * * * *

(d) At the time of classification of existing solid waste disposal facilities pursuant to § 256.23, the State should consider developing appropriate timetables or schedules by which any

responsible party can be brought into compliance with the open dumping prohibition pursuant to §§ 256.26 and 256.27.

§ 256.64 [Amended and redesignated]

6. In § 256.64, paragraph (c) is removed.

7. In Part 256, § 256.64 is redesignated as § 256.65.

8. In Part 256, a new § 256.64 is added as follows:

§ 256.64 Requirements for public participation in the open dump inventory.

(a) The State shall provide an opportunity for public participation prior to submission of any classification of a facility as an open dump to the Federal Government. The State shall accomplish this by providing notice as specified in § 256.64(b) or by using other State administrative procedures which provide equivalent public participation.

(b) The State may satisfy the requirement of § 256.64(a) by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal Government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities classified as open dumps, such notice shall indicate that the facility has been so classified.

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

9. The authority citation for Part 257 reads as follows:

Authority: Sec. 1008(a)(3) and sec. 4004(a), Pub. L. 94-580, 90 Stat. 2803 and 2815 (42 U.S.C. 6907(a)(3) and 6944(a)); sec. 405(d), Pub. L. 95-217, 91 Stat. 1606 (33 U.S.C. 1345(d)).

10. In § 257.1, paragraph (a) is revised as follows:

§ 257.1 Scope and purpose.

(a) These criteria are for use under the Resource Conservation and Recovery Act (the Act) in determining which solid waste disposal facilities and practices pose a reasonable probability of adverse effects on health or the environment. Unless otherwise provided, these criteria are adopted for purposes of both Section 1008(a)(3) and Section 4004(a) of the Act.

(1) Facilities failing to satisfy criteria adopted for purposes of Section 4004(a) will be considered open dumps for purposes of State solid waste management planning under the Act.

(2) Practices failing to satisfy criteria adopted for purposes of Section 1008(a)(3) constitute open dumping, which is prohibited under Section 4005 of the Act.

* * * * *

11. In § 257.3-3, paragraphs (a) and (b) are revised as follows:

§ 257.3-3 Surface water.

(a) For purposes of Section 4004(a) of the Act, a facility shall not cause a discharge of pollutants into waters of the United States that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act, as amended.

(b) For purposes of Section 4004(a) of the Act, a facility shall not cause a discharge of dredged material or fill material to waters of the United States that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.

* * * * *

12. In § 257.3-4, paragraph (b) is revised as follows:

§ 257.3-4 Ground water.

(b)(1) For purposes of Section 1008(a)(3) of the Act or Section 405(d) of the CWA, a party charged with open dumping or a violation of Section 405(e) may demonstrate that compliance should be determined at an alternative boundary in lieu of the solid waste boundary. The court shall establish such an alternative boundary only if it finds that such a change would not result in contamination of ground water which may be needed or used for human consumption. This finding shall be based on analysis and consideration of all of the following factors that are relevant:

(i) The hydrogeological characteristics of the facility and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;

(ii) The volume and physical and chemical characteristics of the leachate;

(iii) The quantity, quality, and direction of flow of ground water underlying the facility;

(iv) The proximity and withdrawal rates of ground-water users;

(v) The availability of alternative drinking water supplies;

(vi) The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water;

(vii) Public health, safety, and welfare effects.

(2) For purposes of Sections 4004(a) and 1008(a)(3), the State may establish an alternative boundary for a facility to be used in lieu of the solid waste boundary only if it finds that such a change would not result in the contamination of ground water which may be needed or used for human consumption. Such a finding shall be based on an analysis and consideration of all of the factors identified in paragraph (b)(1) of this section that are relevant.

* * * * *

13. In § 257.3-7, paragraph (b) is revised as follows:

§ 257.3-7 Air.

* * * * *

(b) For purposes of Section 4004(a) of the Act, the facility shall not violate applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to Section 110 of the Clean Air Act, as amended.

* * * * *

[FR Doc. 81-27560 Filed 9-22-81; 8:45 am]
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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/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
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.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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 27 through October 3, 1981

ACTION

43707 8-31-81 / Grants and contracts; suspension and termination and denial of application for refunding; comments by 9-30-81

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43824 9-1-81 / Handling of almonds grown in California; salable; reserve, and export percentages for 1981-82 crop year; comments by 10-1-81

Agricultural Stabilization and Conservation Service—

39162 7-31-81 / Conservation and environmental programs; comments by 9-29-81

Food and Nutrition Service—

44712 9-4-81 / Food Stamp Program; household composition, income standards, initial month benefits, adjustments, deductions, and outreach; comments by 10-1-81

Food Safety and Inspection Service—

38525 7-28-81 / Official establishment numbers on meat and poultry products; comments by 9-28-81

39159 7-31-81 / Sale, transportation, and marketing of meat and meat food products; comments by 9-29-81

72197 10-31-80 / U.S. standards for grades of frozen strawberries; comments by 9-30-81

Forest Service—

44007 9-2-81 / Wild and scenic rivers; water resource projects; comments by 10-2-81

CIVIL AERONAUTICS BOARD

43057 8-26-81 / Elimination of rules tariff; notice to passengers of conditions of carriage; comments by 9-28-81

[*See also* 45 FR 25817, 4-16-80; 45 FR 42629, 7-25-80; 46 FR 35936, 7-13-81; 46 FR 38656, 7-26-81; 46 FR 40703, 8-11-81 and 46 FR 42872, 8-25-81]

38930 7-30-81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; comments by 9-28-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

45656 9-14-81 / Foreign fishing; comments by 9-29-81

CONSUMER PRODUCT SAFETY COMMISSION

43452 8-28-81 / Full-size and non-full-size baby cribs; safety requirements; comments period extended to 9-28-81

[*See also* 45 FR 82660, 12-16-80]

COPYRIGHT ROYALTY TRIBUNAL

45785 9-15-81 / Royalty payable under compulsory license for making and distributing phonorecords (mechanical royalty); possible commencement of proceeding for determination of interim adjustment; comments by 10-1-81

DEFENSE DEPARTMENT

Air Force Department—

43187 8-27-81 / Air Force Privacy Act Program; comments by 9-28-81

Engineers Corps, Army Department—

44006 9-2-81 / Danger zone; California; Pacific Ocean at San Miguel Island; comments by 10-2-81

ENVIRONMENTAL PROTECTION AGENCY

43188 8-27-81 / Approval and promulgation of implementation plan for nonattainment areas in Indiana; comments by 9-28-81

43704 8-31-81 / Approval and promulgation of State Implementation Plan; Michigan; comments by 9-30-81

43701 8-31-81 / Approval and promulgation of State Implementation Plans; State of Kansas; comments by 9-30-81

38725 7-29-81 / California; approval and promulgation of State Implementation Plans; comments by 9-28-81

38732 7-29-81 / Nebraska; attainment status designations; comments by 9-28-81

31677 6-17-81 / Technological feasibility of 1985 light-duty diesel particulate standard; comments by 10-1-81

EXPORT-IMPORT BANK OF THE UNITED STATES

39165 7-31-81 / Standards of conduct for employees; comments by 9-29-81

FEDERAL COMMUNICATIONS COMMISSION

40902 8-13-81 / Bell operating company procurement of telecommunications equipment; comments by 10-1-81

39629 8-4-81 / FM broadcast station in Brookville and Versailles, Ind., changes in table of assignments; comments by 9-29-81

39627 8-4-81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif., changes in table of assignments comments by 9-28-81

37921 7-23-81 / FM Broadcast Station in Redmond, Oregon; changes in table of assignments; reply comments by 9-28-81

43709 8-31-81 / Operation of computing equipment prior to certification or verification; comments by 10-2-81

43475 8-28-81 / Overseas communications services; reply comments period extended to 9-28-81

[*See also* 45 FR 76498, 11-19-80]

40899 8-13-81 / Radio frequency interference to electronic equipment; comments by 9-30-81

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; reply comments by 9-29-81

FEDERAL RESERVE SYSTEM

37905 7-23-81 / Data processing and electronic funds transfer activities; comments by 10-1-81

19824 4-1-81 / Semiannual agenda of regulations and regulatory flexibility agenda; comments by 10-1-81

FEDERAL TRADE COMMISSION

38710 7-29-81 / Premerger notification; reporting and waiting period requirements; comments by 9-28-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

43415 8-28-81 / Food additivies permitted in animal feed and drinking water; selenium; objections by 9-28-81

43413 8-28-81 / Iron fortification of flour and breads; standards of identity; comments by 9-28-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

39434 8-3-81 / Regulations implementing authority of the Secretary of Housing and Urban Development over conduct of secondary market operations of Federal National Mortgage Association; change in definition; comments by 10-2-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

44960 9-8-81 / Endangered and threatened wildlife and plants; Leopard reclassification; comments by 9-30-81

43857 9-1-81 / Excepting taxidermists from the import/export license requirement; comments by 10-1-81

43858 9-1-81 / Proposed addition of fourteen National Wildlife Refuges to the list of open areas; migratory bird hunting, upland game hunting, and big game hunting, and sport fishing; comments by 10-1-81

National Park Service—

43471 8-28-81 / Fire Island National seashore, New York; seaplane regulations; comments by 9-28-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

37891 7-23-81 / Occupational exposure to lead; new levels for medical removal protection; variance applications; comments by 9-30-81

Pension and Welfare Benefit Programs Office—

43695 8-31-81 / Minimum standard for employee benefit plans; suspension of benefit rules; comments by 9-30-81

MANAGEMENT AND BUDGET OFFICE

42303 8-20-81 / Types of contracts; draft Federal acquisition regulations; comments by 9-30-81

NUCLEAR REGULATORY COMMISSION

39610 8-4-81 / Modification of Classification Guide for Safeguards Information; comments by 10-2-81

39440 8-3-81 / Need for power and alternative energy issues in operating license proceedings; comments by 10-2-81

PERSONNEL MANAGEMENT OFFICE

38521 7-28-81 / Incentive awards; comments by 9-28-81

POSTAL RATE COMMISSION

45376 9-11-81 / Rules of Practice and Procedures for Introducing Studies and Analyses into Testimony; comments by 9-30-81

POSTAL SERVICE

43187 8-27-81 / Second-class novelty pages; inclusion of all-purpose envelopes; comments by 9-28-81

RAILROAD RETIREMENT BOARD

43998 9-2-81 / Annuity beginning and ending dates; comments by 10-2-81

SECURITIES AND EXCHANGE COMMISSION

38529 7-28-81 / Investment adviser requirements concerning disclosure, application for registration and annual report; comments by 9-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

33341 6-29-81 / Improved standards for stability of inflatable liferafts; comments by 9-28-81

Federal Aviation Administration—

39558 8-3-81 / Transport airplane takeoff requirements conference; comments by 9-28-81

Maritime Administration—

45164 9-10-81 / National Defense Feature Communication Equipment Program; implementation procedure; comments by 9-30-81

National Highway Traffic Safety Administration—

43219 8-27-81 / Motor vehicle safety standards; air brake systems; comments by 9-28-81

TREASURY DEPARTMENT

Comptroller of the Currency—

38925 7-30-81 / Corporate activities, rules, policies, and procedures; domestic branches, seasonal agencies, customer-bank communication terminals and locations; applications; comments by 9-28-81

VETERANS ADMINISTRATION

43667 8-31-81 / Loan guaranty; implementation; comments by 9-30-81

Deadlines for Comments on Proposed Rules for the Week of October 4 through October 10, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

45776 9-15-81 / Milk in the Lake Mead Marketing area; comments by 10-5-81

Food and Nutrition Service—

44452 9-4-81 / National School Lunch, School Breakfast, and Child Care Food Programs; meal pattern requirements; comments by 10-5-81

[Corrected at 46 FR 45354, 9-11-81; 46 FR 45776; 9-15-81]

Food Safety and Inspection Service—

40208 8-7-81 / Phosphates and sodium hydroxide; comments by 10-6-81

COMMERCE DEPARTMENT

International Trade Administration—

39585 8-4-81 / Commodity Control List (CCL) and Advisory Notes for Selected CCL Entries; export of commodities and technical data that are restricted for national security purposes; (interim rule); comments by 10-5-81

National Oceanic and Atmospheric Administration—

45174 9-10-81 / Amendments to the plans for squid, Atlantic mackerel, and butterfish; comments by 10-7-81

CONSUMER PRODUCT SAFETY COMMISSION

44992 9-9-81 / Walk-behind power lawn mowers; blade control requirements; comments by 10-9-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

45155 9-10-81 / Colorado; high-cost gas produced from tight formations; comments by 10-5-81

45624 9-14-81 / Inclusion of construction work in progress for public utilities; comments by 10-7-81

[*See also* 46 FR 39445, 8-3-81]

ENVIRONMENTAL PROTECTION AGENCY

44196 9-3-81 / Air quality implementation plans; delayed compliance; New Jersey; comments by 10-5-81

44783 9-8-81 / Approval and promulgation of implementation plans; Florida: Proposed Florida plan revision for point source emission testing; comments by 10-8-81

44785 9-8-81 / Approval and promulgation of implementation plans; Florida: Revision of sulfur dioxide rule for Tampa Electric Company's Gannon Station; comments by 10-8-81

39611 8-4-81 / Approval and promulgation of New Jersey State Implementation Plan; comments by 10-5-81

44785 9-8-81 / Commonwealth of Pennsylvania; Proposed revision of the Pennsylvania State Implementation Plan; comments by 10-8-81

39614 8-4-81 / Approval and promulgation of Ohio State Implementation Plan; comments by 10-5-81

44787 9-8-81 / Designation of areas for air quality planning; revisions to section 107 attainment status designations for New York State; comment by 10-8-81

44476 9-4-81 / Fuel and fuel additives; measure of octane of unleaded gasoline; comments by 10-5-81

40897 8-13-81 / Hazardous waste management system; standards applicable to owners and operators of waste treatment, storage and disposal facilities comments by 10-4-81

43472 8-28-81 / Texas Department of Water Resources; underground injection control primary application; comments by 10-5-81

FARM CREDIT ADMINISTRATION

40029 8-6-81 / Farm credit system; development of debt maturity guidelines, priorities and objectives, and authorities for banks for cooperatives; comments by 10-5-81

40028 8-6-81 / Federal intermediate credit bank lending authority regulations; institutions from which loans may be discounted or purchased; comments by 10-5-81

FEDERAL COMMUNICATIONS COMMISSION

44793 9-8-81 / Amendment of the commission's rules to reclassify coin-operated electronic games from Class B to Class A Computing Devices; comments by 10-5-81

37919 7-23-81 / FM broadcasting station, College, Alaska; changes in table of assignments; reply comments by 10-5-81

37925 7-23-81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; reply comments by 10-5-81

40709 8-11-81 / FM broadcast station in Vernal, Utah; changes in table of assignments; comments by 10-6-81

38390 7-27-81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450-460 MHz band in the Special Emergency Radio Service; reply comments by 10-8-81

44790 9-8-81 / Petitions to exempt from measurement, recordkeeping and computing device rules those medical devices marketed for use in hospitals; comments by 10-5-81

40776 8-12-81 / Tulsa, Okla.; proposed changes in TV table of assignments; comments by 10-6-81

40707 8-11-81 / TV broadcast station in Fort Walton Beach, Fla.; proposed changes in table of assignments; comments by 10-5-81

40710 8-11-81 / TV broadcast station in Houston, Tex.; proposed changes in table of assignments; comments by 10-5-81

FEDERAL ELECTION COMMISSION

44964 9-8-81 / Communications by corporations and labor organizations; comments by 10-8-81

[Corrected at 46 FR 45784, 9-15-81]

FEDERAL TRADE COMMISSION

39833 8-5-81 / American Honda Motor Co., Inc. proposed consent agreement with analysis; comments by 10-5-81

[Corrected at 46 FR 40774, 8-12-81]

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service—

42686 8-24-81 / Revision of U.S. Government Bill of Lading, Standard Form 1103; comments by 10-8-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

40212 8-7-81 / General biological products standards; container label requirements; comments by 10-6-81

41102 8-14-81 / Radiological Health; Performance Standards for Microwave and Radiofrequency-Emitting Products; Amendments to Microwave Oven Standard, Measurement and Test Conditions; Extension of Comment Period; comments by 10-23-81

INTERIOR DEPARTMENT

Geological Survey—

44994 9-9-81 / Outer Continental Shelf geological and geophysical exploration; deep stratigraphic test wells; requirement for completion of prelease drilling; comments by 10-9-81

Land Management Bureau—

45164 9-10-81 / Alaska Native Claims settlement; reduction of land overselections; comments by 10-10-81

Surface Mining Reclamation and Enforcement Office—

44475 9-4-81 / Modified Portions of the Maryland Permanent Regulatory Program; comments by 10-5-81

39855 8-5-81 / State-Federal cooperative agreement with Colorado on surface coal mining and reclamation operations on Federal lands under the permanent program; comments by 10-5-81

40050 8-6-81 / Surface Coal Mining and Reclamation operations on Federal lands under permanent program; State-Federal cooperative agreement; New Mexico; comments by 10-5-81

40212 8-7-81 / Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreement; North Dakota; comments by 10-6-81

45082 9-9-81 / Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; reclamation bond and insurance requirements; comments by 10-9-81

2043 1-8-81 / Surface coal mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; surface and underground mining activities, operations in alluvial valley floors and on steep slopes; comment period extended to 10-10-81

(*See also* 44 FR 35192, 6-18-79)

44995 9-9-81 / Wyoming; permanent regulatory program under Surface Mining Control and Reclamation Act; comments by 10-9-81

INTERSTATE COMMERCE COMMISSION

44999 9-9-81 / Appropriate methodologies for determining costs that should be borne by commuter services for use of Amtrak's properties; comments by 10-9-81

45000 9-9-81 / Costing methodology for determining right-of-way related costs Conrail should pay to Amtrak for use of Northeast Corridor; comments by 10-9-81

40778 8-12-81 / Railroad track structures; alternative method of accounting; comments by 10-5-81

MANAGEMENT AND BUDGET OFFICE

Office of Federal Procurement Policy—

43218 8-27-81 / Equipment lease or purchase, negotiating advance agreements for independent research and development/bid and proposal costs, and use of Government sources by contractors; comments by 10-9-81

POSTAL SERVICE

44998 9-9-81 / Second-class eligibility information retention period; comments by 10-7-81

SECURITIES AND EXCHANGE COMMISSION

41791 8-18-81 / Revision of certain exemptions from registration provisions; transactions involving limited offers and sales; comments by 10-5-81

TRANSPORTATION DEPARTMENT

Coast Guard—

37006 7-16-81 / Annex II to Inland Navigation Rules—Additional signals for fishing vessels fishing in close proximity; comments by 10-14-81

37010 7-16-81 / Annex IV to Inland Navigation Rules—distress signals; comments by 10-14-81

42300 8-2-81 / Passenger vessel subdivision and damage stability; alternative regulations; comments by 10-5-81

National Highway Traffic Safety Administration—

40541 8-10-81 / Consumer information; performance data on new vehicle models; modification of initial preintroduction submissions by manufacturer; comments by 10-9-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

39853 8-5-81 / Provisions for transfer of wine, without payment of tax, to customs bonded warehouses for embassy removals and other purposes; comments by 10-5-81

Comptroller of the Currency—

40520 8-10-81 / Definition of capital and surplus for analytical and statutory purposes; comments by 10-9-81

Fiscal Service—

36715 7-15-81 / Service charges for allotments of pay to savings accounts of Federal civilian employees; comments by 10-8-81

[46 FR 27969, 5-22-81]

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

45385 9-11-81 / Confidential Business Information, Washington, D.C. (open), 10-2-81

46150 9-17-81 / Interagency Coordination Committee, Washington, D.C. (open), 10-1-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-28-81

40109 8-6-81 / Humanities Panel, Washington, D.C. (closed), 9-29 and 9-30-81

45054 9-9-81 / Visual Arts Panel (Policy Section), Washington, D.C. (partially open), 9-28 through 9-30-81

CIVIL RIGHTS COMMISSION

43481 8-28-81 / Illinois Advisory Committee, Chicago, Ill. (open), 9-28-81

45406 9-11-81 / New York Advisory Committee, New York, N.Y. (open), 9-28-81

COMMERCE DEPARTMENT

Census Bureau—

44803 9-8-81 / Population Statistics Census Advisory Committee, Suitland, Md. (open), 10-2-81

International Trade Administration—

44487 9-4-81 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 9-29-81

44487 9-4-81 / Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (partially open), 9-29-81

National Oceanic and Atmospheric Administration—

45174 9-10-81 / Mid-Atlantic Fishery Management Council, Riverhead, N.Y., 9-28-81; Cape May, N.J., 9-28-81; Narragansett, R.I.; 9-29-81 and Hampton, Va., 9-30-81

45178 9-10-81 / New England Fishery Management Council, Portland, Maine, (partially open), 9-29 and 9-30-81

44028 9-2-81 / Western Pacific Fishery Management Council, Scientific and Statistical Committee, Honolulu, Hawaii (open), 10-1 and 10-2-81

DEFENSE DEPARTMENT

Air Force Department—

44029 9-2-81 / Community College of the Air Force Advisory Committee, Montgomery, Ala. (open), 9-29-81

Office of the Secretary—

43733 8-31-81 / Defense Science Board Task Force on Electronic Warfare, Washington, D.C. (closed), 10-1-81

40917 8-13-81 / DOD Advisory Group on Electron Devices, Working Group D (Mainly Laser Devices), Arlington, Va. (closed), 10-1 and 10-2-81

37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-29-81

ENERGY DEPARTMENT

43867 9-1-81 / International Energy Agency, Industry Working Party, Paris, France (open), 9-30, 10-1 and 10-2-81

42094 8-19-81 / National Petroleum Council, Environmental Conservation Committee, Coordinating Subcommittee, Washington, D.C. (open), 9-30-81

Energy Research Office—

45016 9-9-81 / DOE/NSF Nuclear Science Advisory Committee, Electromagnetic Interactions Subcommittee, Washington, D.C. (open), 9-27 and 9-28-81

45015 9-9-81 / High Energy Physics Advisory Panel, Washington, D.C. (open), 9-28 and 9-29-81

ENVIRONMENTAL PROTECTION AGENCY

43734 8-31-81 / Revised Motor Vehicle Compliance Program, Arlington, VA. (open), 9-30 and 10-1-81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

43746 Preservation Advisory Committee, Executive Committee, Washington, D.C. (open), 9-29 and 9-30-81

GOVERNMENT PRINTING OFFICE

43309 8-27-81 / Depository Library Council to the Public Printer, Alex., Va. (open), 9-28 through 9-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT—

Food and Drug Administration—

41212 8-14-81 / Obstetrics-Gynecology Device Section of the Obstetrics-Gynecology and Radiologic Devices Panel, Washington, D.C. (open), 9-28-81

45815 9-15-81 / Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Dental Device Section, Silver Spring, Md. (open), 10-2-81

42470 8-21-81 / Prescription drugs patient package insert program, Washington, D.C. (open), 9-30 and 10-1-81

[Session added 46 FR 45785, 9-15-81]

National Institutes Health—

41567 8-17-81 / Biomedical Sciences Study Section 1, Bethesda, Md. (partially open), 10-1 and 10-2-81

45817 9-15-81 / Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md. (partially open), 10-1 and 10-2-81

45197 9-10-81 / Director Advisory Committee, Bethesda, Md. (open), 10-1 and 10-2-81

43885 9-1-81 / Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (open), 10-1 and 10-2-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

45818 9-15-81 / President's Commission on Housing, Washington, D.C. (open), 10-1 and 10-2-81

DEPARTMENT OF THE INTERIOR

Land Management Bureau—

44517 9-4-81 / Powder River Regional Coal Team, Billings, Mont. (open), 10-2-81

[*See also* 46 FR 37984, 7-23-81]

43317 8-27-81 / Rock Springs District, Wyo. wilderness environmental impact statement (open), 9-30-81

37984 7-23-81 / Wyoming and Montana; Powder River Regional Coal Team, Billings, Mont. (open), 10-2-81

National Park Service—

44293 9-3-81 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 10-2-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

45841 9-15-81 / Voluntary Foreign Aid Advisory Committee, Arlington, Va. (open), 10-2 and 10-3-81

JUSTICE DEPARTMENT

Juvenile Justice and Delinquency Prevention Office—

46237 9-17-81 / Juvenile Justice Coordinating and Delinquency Prevention Council, Washington, D.C. (open), 9-30-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

45454 9-11-81 / Construction Safety and Health Advisory Committee, Washington, D.C. (open), 9-29 and 9-30

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

44310 9-3-81 / NASA Advisory Council, Washington, D.C. (open), 9-30-81

NUCLEAR REGULATORY COMMISSION

45714 9-14-81 / Reactor Safeguards Advisory Committee, Shoreham Nuclear Power Station Unit 1 Subcommittee, Washington, D.C. (partially open), 9-30-81

STATE DEPARTMENT

46265 9-17-81 / International Telegraph and Telephone Consultative Committee, Washington, D.C. (open), 9-29-81

TRANSPORTATION DEPARTMENT

Coast Guard—

42395 9-20-81 / National Boating Safety Advisory Council, East Lansing, Mich. (open), 10-1 and 10-2-81

National Highway Traffic Safety Administration—

7123 1-22-81 / Safety Standards; International Harmonization; Group of Rapporteurs on Norse, Tenth Session; Washington, D.C., 9-29 through 10-2-81

Office of the Secretary—

45724 9-14-81 / Minority Business Resource Center Advisory Committee, Washington, D.C. (open), 9-29-81

46463 9-18-81 / Wage Committee, Washington, D.C. (closed), 10-1-81

VETERANS ADMINISTRATION

44122 9-2-81 / Central Office Education and Training Review Panel, Washington, D.C. (open), 9-30-81

Next Week's Hearings

COMMERCE DEPARTMENT

Foreign-Trade Zones Board—

44210 8-3-81 / Proposed Foreign-Trade Zone; Bridgeport, Conn., 10-1-81

DEFENSE DEPARTMENT

Navy Department—

35141 7-7-81 / Naval Discharge Review Board, New York City, N.Y., 9-28 through 10-9-81

ENVIRONMENTAL PROTECTION AGENCY

43472 8-28-81 / Texas Department of Water Resources, underground injection control primary application, Dallas, Tex., 9-28-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

45811 9-15-81 / Meeting, Washington, D.C. (open), 10-1-81

INTERIOR DEPARTMENT

Land Management Bureau—

42769 8-24-81 / Wilderness designation of El Malpais area, Cibola County, Socorro District, N. Mex., Grants and Albuquerque, N. Mex., 9-29 and 9-30-81

INTERNATIONAL TRADE COMMISSION

36780 7-15-81 / Steel units for electrical towers from Italy, Washington, D.C., 9-30-81 (prehearing conference)

TRANSPORTATION DEPARTMENT

Saint Lawrence Seaway Development Corporation—

45318 9-10-81 / Tariff of tolls, Washington, D.C., 10-2-81

TREASURY DEPARTMENT

Internal Revenue Service—

40774 8-12-81 / Installment Sales, Washington, D.C., 10-1-81

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

43707 8-31-81 / ACTION—Grants and contracts—suspension and termination and denial of application for refunding; comments by 9-30-81

45603 9-14-81 / HUD / CPD—Community Development Block Grant Program; Revisions to urban county qualification requirements; Procedures for joint applications from urban counties and metropolitan cities; and qualification of towns and townships as metropolitan cities; comments by 11-13-81

46144 9-17-81 / Justice / OJARS—Hearing and appeal procedures available to grantees and applicants for financial assistance; comments by 11-16-81

46330 9-18-81 / OPM—Personnel management research programs and demonstration projects; comments by 11-17-81

MEETINGS

45816 9-15-81/HHS/NIH—Allergy, Immunology and Transplantation Research Committee: Allergy and Clinical Immunology Research Subcommittee and Transplantation Biology and Immunology Subcommittee; Bethesda, Md. (partially open), 10-28 through 10-30-81

45817 9-15-81/HHS/NIH—Animal Resources Review Committee; Animal Resources Subcommittee, Bethesda, Md. (partially open), 11-2 and 11-3-81

45817 9-15-81/HHS/NIH—Biometry and Epidemiology Contract Review Committee, Bethesda, Md. (partially open), 11-18-81

45817 9-15-81/HHS/NIH—Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md. (partially open), 10-1 and 10-2-81

45818 9-15-81/HHS/NIH—Clinical Cancer Education Committee, Bethesda, Md. (partially open), 11-4-81

45817 9-15-81/HHS/NIH—Cancer Clinical Investigation Review Committee, Bethesda, Md. (partially open), 11-9 and 11-10-81

45818 9-15-81/HHS/NIH—National Advisory Dental Research Council, Bethesda, Md (partially open), 11-2 and 11-3-81

46237 9-17-81/Justice/JJDPO—Juvenile Justice and Delinquency Prevention Coordinating Council, Washington, D.C. (open), 9-30-81

46451 9-18-81/NFAH—Music Panel (Festival Section), Washington, D.C. (closed), 10-5 and 10-6-81

46237 9-17-81/NSF—Behavioral and Neural Sciences Advisory Committee—Anthropology Subcommittee, Washington, D.C. (closed), 10-28 through 10-30-81

46238 9-17-81/NSF—Physcology, Cellular and Molecular Biology Advisory Committee, Cellular Physcology Subcommittee, Washington, D.C. (closed), 10-19 through 10-21-81

46237 9-17-81/NSF—Physcology, Cellular, and Molecular Biology Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 10-14 through 10-16-81

OTHER ITEMS OF INTEREST

46134 9-17-81/HHS—Social Services programs; time limits for States to file claims for Federal Financial Participation (FFP); effective 9-17-81