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Federal Register

Thursday
September 24, 1981

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47115 **Medicare** HHS/Sec'y announces inpatient hospital deductible and coinsurance amounts for calendar year 1982.

47110, 47111 **Grant Programs—Education** ED invites applications for transition programs for refugee children. (2 documents)

47066 **Aircraft Exports** Commerce/ITA restricts use of U.S. origin parts for servicing Libyan aircraft.

47100 **Highway Safety** DOT/NHTSA proposes to remove requirement that motor vehicle manufacturers provide information on passenger car tire reserve load.

47180 **Wilderness Areas** Interior/BLM issues management policy for land in the National Wilderness Preservation System. (Part III of this issue)

47109 **Libraries** ED announces Federal shares for support of library services and construction.

47170 **Veterans** VA announces availability of Manpower Grants Program evaluation report.

47176 **Mid-Atlantic Outer Continental Shelf** Interior/BLM invites comments on areas for oil and gas leasing. (Part II of this issue)

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Highlights

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There are no restrictions on the republication of material appearing in the Federal Register.

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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47067 **Government Procurement** IDCA/AID amends rules on financing of commodity procurements.

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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.

GENERAL ACCOUNTING OFFICE

4 CFR Part 81

Public Availability of General Accounting Office Records

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This rule amends the General Accounting Office's (GAO) regulations concerning the public availability of GAO records, to state that requests for copies of published reports and decisions or listings of reports of the General Accounting Office should not be submitted to the General Accounting Office's Office of Policy for handling under the procedures of Part 81. Rather, routine requests for published materials should be submitted directly to the offices within GAO established to provide these materials to the public. This will permit the limited resources of the Office of Policy to process nonroutine requests for records and avoid unnecessary delays in responding to routine requests which would otherwise have to be acknowledged and rerouted by the Office of Policy to the proper office within GAO for processing. Other technical changes have also been made.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nola Casien, Office of Policy, United States General Accounting Office, 441 G Street N.W., Washington, D.C. 20548. Telephone: (202) 275-6172.

SUPPLEMENTARY INFORMATION:

PART 81—PUBLIC AVAILABILITY OF GENERAL ACCOUNTING OFFICE RECORDS

Accordingly, Part 81 of Title 4, Code of Federal Regulations, is amended as follows:

1. § 81.3(b) is revised to read as follows:

§ 81.3 Definitions.

* * * * *

(b) *"Records."* The term "records" includes all books, papers, manuals, maps, photographs, reports, and other documentary materials, regardless of physical form or characteristics under the control of GAO in pursuance of law or in connection with the transaction of public business. In the context of a request for a record or records, the term "records" refers only to record in being and under the control of GAO. It does not include the compiling or procuring of a record. Nor does it include library or museum material made or acquired and preserved solely for reference or exhibition purposes, or extra copies of documents preserved only for convenience of reference. It is intended that GAO publications are not within the purview of this order. GAO published reports and decisions or listing of reports should be obtained from the U.S. General Accounting Office, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, Md. 20760. Also, copies of GAO reports may be obtained by phoning (202) 275-6241 and copies of GAO decisions may be obtained by phoning (202) 275-5308.

* * * * *

2. § 81.6 is revised to read in its entirety as follows:

§ 81.6 Public reading facility.

A public reading facility shall be maintained by the General Accounting Office at 441 G Street, N.W., Washington, D.C. The facility, under the immediate supervision of the Chief, Legal Information and Reference Services, Office of the General Counsel, shall be open to the public from 8 a.m. to 5 p.m. except Saturdays, Sundays, and holidays.

§ 81.7 [Amended]

3. § 81.7 is amended by removing paragraph (g) and redesignating paragraphs (h) and (i) as (g) and (h), respectively.

Milton J. Socolar,

Acting Comptroller General of the United States.

[FR Doc. 81-27874 Filed 9-23-81; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 160

Regulations and Standards for Naval Stores; Proposed Rulemaking for User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) approved August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for the establishment of standards under Section 3 of the Naval Stores Act of 1923 and for examinations, analyses, classifications, and other services under Section 4 of said act to cover as nearly as practicable the costs of providing such services, including administrative and supervisory costs. Therefore, the Agricultural Marketing Service is publishing fees to recover the costs as mandated by the Naval Stores Act of 1923, as amended.

EFFECTIVE DATES: October 1, 1981. Comment date: Comments are due on or before September 30, 1981.

ADDRESS: Send comments in duplicate to Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Omnibus Budget Reconciliation Act of 1981 the Department is required to fix and collect fees and charges for the establishment of standards, examinations, analyses, classifications, and other services beginning October 1, 1981. The fees and charges shall cover, as nearly as practicable, the costs of providing such services, including administrative and supervisory costs. Prior to this interim final rule, the fees

charged to users of the naval stores services were unduly low and did not reflect the actual costs of providing the service since the difference between the revenues received and actual costs of providing the service was made up by appropriations from Congress. Since the Omnibus Budget Reconciliation Act now requires the full cost of the services to be borne by users effective October 1, 1981, such fees and charges must be increased to fully recover costs associated with providing the service.

The term "naval stores" is used collectively to describe two products: rosin and turpentine. Presently, there are only six firms operating eight processing plants that receive rosin inspection service. Additionally, there are four firms operating an unknown number of plants that package graded turpentine. One rosin plant is located in Mobile, Alabama, and the remainder are located in the State of Georgia. One turpentine plant is located in Georgia; the remainder are located in Massachusetts, New Jersey, and Ohio. These firms account for virtually all of the gum rosin produced in the United States each year and an unknown portion of turpentine production. The authority for these regulations is contained in the Naval Stores Act of 1923 (42 Stat. 1435; 7 U.S.C. 91–99), as amended by the Omnibus Budget Reconciliation Act of 1981.

Since 1923, when the Naval Stores Act was promulgated, there have been minimal fees charged to users of the services but supervisory and administrative costs were funded by federal appropriation. Services currently provided by the Department are adequate to meet the needs of the naval stores industry. A revised fee schedule is herein adopted on an interim basis based on a thorough review of historical data regarding production and marketing, and it is anticipated that the assessment fees will provide the necessary funds to continue the level of service in effect as of September 30, 1981.

The interim final rule has been reviewed under United States Department of Agriculture procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule because it does not meet the criteria contained therein for major regulatory action. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next five years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All naval stores operations within the industry fall within the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the naval stores industry of the anticipated implementation of user fees, and that there would be no change in the level of the services available. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

There are basically three types of recurrent fees to be collected by the Department as authorized by the Naval Stores Act: (1) fees for inspections performed by the licensed inspectors; (2) annual rental for each of the approximately 60–70 sets of official U.S. Rosin Standards loaned by the Tobacco Division, Agricultural Marketing Service, to rosin processors; and (3) annual permit fees from processing plants certified eligible for inspection service.

Additionally, there are a number of other possible fees, such as original inspections and reinspections performed by a federal inspector, laboratory testing and analysis, and special request inspections. None of these other fees have been charged to the users of the service for years because the services have not been requested. However, the regulations are being amended on an interim basis to reflect an increase in these fees in the event these services are requested. The percentage of increase will parallel the increase in recurrent fees currently paid by the users of the service.

Accordingly, the regulations contained in 7 CFR, Part 160 are hereby revised as follows:

1. Section 160.1(c) is amended to conform the regulations to the present agency designation.

2. Section 160.68 relating to fees deposited to miscellaneous receipts is deleted and a new section is added to specify the Department's collection process.

3. Section 160.69 relating to fees deposited to a trust fund is deleted to eliminate reference to a trust fund account.

4. Section 160.72 is renumbered section 160.71 and is further amended to provide for suspension and denial of inspection and related services for failure to timely pay fees and charges assessed as required by the Omnibus Budget Reconciliation Act of 1981.

5. Section 160.76 is amended to increase the annual charge for providing duplicates and maintenance of the rosin standards and to increase the charge for additional servicing, postage and handling, and replacement parts.

6. Section 160.201(a) and (b) is amended to increase all fees contained therein. This increase is necessary for the Department to continue to provide an efficient, cost-effective service to the naval stores industry and to recover costs commensurate with services rendered. Additionally, footnotes 1 and 2 thereunder are revised to incorporated increased costs. Footnote 2 is further amended to reflect a change in the organizational structure of the Tobacco Division, Agricultural Marketing Service.

7. Section 160.202 is amended to increase all laboratory analysis and testing fees contained therein.

8. Section 160.204 is amended to increase the hourly fee for laboratory and field inspection work. This rate has not been increased since 1958 and is insufficient to defray costs for rendering such services upon request from the naval stores industry.

9. Section 160.205 is amended to increase initial and annual permit fees. The "note" thereunder is also amended to increase fees contained therein.

All persons who desire to submit written data, views, or arguments for consideration in connection with this interim final rule may file the same with Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D.C., 20250 not later than September 30, 1981.

Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which requires that the interim final rule be made effective upon publication and which warrants less than a 60-day comment period on this interim final rule because the Omnibus Budget Reconciliation Act requires that user fees be made effective October 1, 1981, and accordingly, all segments of the naval stores industry must be informed of any rule change affecting the marketing process to continue orderly marketing of their products. The Department will, after evaluating the comments received, issue a final rule concerning implementation of fees and charges.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours.

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

Accordingly, the regulations under the Naval Stores Act contained in 7 CFR, Part 160 are hereby revised as follows:

§ 160.1 [Amended]

1. Section 160.1(c) is amended by removing the words "Consumer and" appearing in that paragraph and inserting the word "Agricultural" therein.

2. Section 160.68 is revised to read as follows:

§ 160.68 Collection of fees.

Beginning October 1, 1981, all fees and charges assessed to interested parties for services rendered under the Naval Stores Act shall be collected by the Director, Tobacco Division, Agricultural Marketing Service, to cover insofar as practicable, all costs of providing such services. Such fees shall be credited to the Division in accordance with fiscal regulations of the Department.

§ 160.69 [Removed]

§§ 160.70 and 160.71 [Redesignated as §§ 160.69 and 160.70]

3. Section 160.69 is removed and §§ 160.70 and 160.71 are redesignated as §§ 160.69 and 160.70, respectively.

§ 160.72 [Redesignated as § 160.71 and Amended]

4. Section 160.72 is redesignated § 160.71 and is further amended by deleting the second sentence of the paragraph and inserting therefore the following: "After a claim becomes delinquent, the Administrator shall suspend or deny inspection and related services to any interested party who has failed to make timely payment of the fees and charges assessed, as well as any claims which have been rendered, and shall take such action as may be necessary to collect any amounts due."

§ 160.76 [Amended]

5. Section 160.76 is amended by deleting the figure "$20" The figure "$5" appearing in the proviso is deleted and replaced with the figure "$30".

6. Section 160.201 is revised to read as follows:

Specific Fees Payable for Services Rendered

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.* (1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1)—per drum.....$1.24
(ii) In 100 pound bags (see Note 1)—per bag.....23
(iii) In tank cars—per car.....67.50
(iv) In tank trucks—per truck.....34.00

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums—per drum.....2.25
(ii) In tank cars or trucks—per unit of 100 gallons.....1.41
(iii) In bulk for delivery to tank steamer—per unit of 100 gallons.....2.25

(b) *Inspections by regularly employed, salaried Federal inspector.* (1) Rosin.

(i) Grading and weighing at concentration and storage yards—per drum.....4.05
(ii) Irregular inspection and grading at distillation or processing plants—up to 400 drums—per drum.....3.60
all over 400 drums—do.....2.25
(iii) Weighing at concentration and storage yards, subsequent to grading—per drum.....2.25
(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein...See Note 2 and § 160.204
(v) Re-certification under L. S. Certificate of rosin moving in commerce—per drum.....23

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.)

(i) In drums of 55 gallons—per drum.....$3.38
(ii) In tank cars or trucks—per unit of 100 gallons.....2.81
(iii) For bulk delivery to tank steamer—per unit of 100 gallons.....2.25

Note 1.—When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of $1.01 per drum and $.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of $1.24 per drum and $.23 per bag.

Note 2.—The inspection or related examination of containers of rosin and their contents under Section B (1) (iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the charge to be made therefore has been submitted to and accepted by the requesting person.

7. Section 160.202 is revised to read as follows:

§ 160.202 Fees generally for laboratory analysis and testing.

Except as provided in § 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) Rosin and turpentine. (See Note 1).

(1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(i) Single Sample.....$40.00
(ii) Two or more samples analyzed at same time—per sample.....$35.00

(2) Limited testing to determine kind, grade, or other factors related to quality of utility:

(i) Single Sample:
(a) Rosin.....$14.00
(b) Turpentine.....$10.00
(ii) Two or more samples tested at same time:
(a) Rosin—per sample.....$10.00
(b) Turpentine—per sample.....8.00

Note 1.—The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204

8. Section 160.204 is revised to read as follows:

§ 160.204 Fees for extra cost and hourly rate service.

The fees specified in §§ 160.201 and 160.202 apply to the routine field inspection and usual laboratory work incident to the certification of commodities covered by those sections. Should additional work be required to provide special information desired by the person requesting service, or should it be necessary for an inspector to make a special trip or to deviate from his regular schedule of travel, or should the fees prescribed in §§ 160.201 and 160.202 otherwise be insufficient to defray the cost to the Government for rendering such service, then the person requesting the service shall pay, in lieu of the prescribed fees, an amount computed by the Department as sufficient to defray the total cost thereof, including allowances for time spent in collecting and preparing samples obtaining identification records, traveling,

performing laboratory tests or other necessary work, and also any expense incurred for authorized transportation and subsistence of the inspector or analyst while in travel status. The charge for time so spent shall be computed at the rate of $17.80 per hour for laboratory and field inspection work. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays or holidays.

9. Section 160.205 is revised to read as follows:

§ 160.205 Permit fees for eligible processing plants under licensed inspection.

Initial permit fee.....$20.00
Annual renewal permit fee.....$20.00

Note 1.—The renewal permit fee shall be reduced to $10 per year when the inspection fees paid by the eligible processing plant aggregate $200 or more during the preceding fiscal year ended September thirtieth, and shall be waived when such fees aggregate $400 or more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

Dated: September 21, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-27806 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 905

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

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

DATE: This rule becomes effective September 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

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

On July 21, 1981, notice was published in the Federal Register (46 FR 37513) inviting written comments on proposed amendment of the rules and regulations (Subpart—Rules and Regulations §§ 905.120-905.152), currently effective under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). The agreement and order regulate the handling of Florida oranges, grapefruit, tangerines, and tangelos. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice provided that comments be submitted by August 20, 1981. None were received.

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

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

After consideration of all relevant matters presented, including the proposal in the notice and other available information, it is hereby found that amendment of said rules and regulations is in accordance with the marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of the amendment until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) the handling of Florida oranges, grapefruit, tangerines, and tangelos will commence on or about the effective date hereof; (2) the recommendations of the committee were made at a public meeting at which all interested parties were afforded an opportunity to express their views; (3) no objections were received about the terms of the amendment in response to the notice published in the Federal Register, and (4) the amendment will not require any special preparation by handlers which cannot be completed by the effective time.

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

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

Therefore, 7 CFR Part 905; Subpart—Rules and Regulations, is revised by adding a new § 905.142 and revising § 905.152 to read as follows:

§ 905.142 Animal feed.

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

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

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

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

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

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

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

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

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

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

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

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

Dated: September 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-27807 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 682]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 25–October 1, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 22, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

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

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

1. Section 908.982 is added as follows:

§ 908.982 Valencia Orange Regulation 682.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 25, 1981, through October 1, 1981, are established as follows:

(1) District 1: 600,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons.

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

Dated: September 23, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-28023 Filed 9-23-81; 12:28 pm]

BILLING CODE 3410-02-M

7 CFR Part 910

Lemons Grown in California and Arizona; Amendment to Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment to the rules and regulations permits the optional use of upward adjustments by handlers in Districts 1 and 3 of not to exceed 100 percent of their average weekly pick. This would allow such handlers the option of receiving a larger proportion of their allotment earlier in the season and enable them to use their proportionate share of the marketing opportunity more advantageously.

DATES: Effective October 16, 1981, through July 31, 1982.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

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

An interim rule was published in the Federal Register on July 28, 1981 (46 FR 38491) which permitted the optional use of upward adjustments by handlers in Districts 1 and 3 of not to exceed 100 percent of their average weekly pick during the period August 1, 1981, through October 15, 1981. That rule provided an opportunity to file comments through August 27, 1981. No comments were received. This final rule would continue these requirements without change during the period October 16, 1981, through July 31, 1982.

This amendment to the rules and regulations was recommended by the Lemon Administrative Committee. The rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100-910.180) are effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Under the order the prorate base of each handler is based upon the handler's average weekly pick (the average weekly amount of lemons harvested and delivered to such handler's packinghouse during a specified number of weeks preceding the computation date). In recognition of the fewer number of weeks during which lemons are harvested in Districts 1 and 3, the order provides that the handlers in such districts may request and be granted an upward adjustment in their average weekly pick to accelerate their receipt of allotment during the first half of their season, subject to payback during the last half of their season of the extra allotment received. The order provides in § 910.53(h) that the percentage of adjustment specified in §§ 910.53(f)(1) and 910.153(e)(3), may be changed. Provision for 100 percent upward adjustment of average weekly pick of handlers in Districts 1 and 3 is currently in effect through October 15, 1981. Unless extended, the maximum upward adjustment permitted is 50 percent. The committee recommended that the current provision be in effect during the entire 1981-82 season. This would allow such handlers the continued option of receiving a larger proportion of their allotment earlier in the season, and enable them to use their proportionate share of the marketing opportunity more advantageously.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553), and good cause exists for making the provisions effective as specified in that (1) the handling of lemons is now in progress subject to regulated weekly allotment provisions of the order and to be of maximum benefit the provisions of this amendment should become effective at the time specified; (2) these regulatory provisions are the same as those currently in effect through October 15, 1981, under an interim rule which provided 30 days for filing of comments, none of which were received; (3) the recommendation of the committee was made at a public meeting at which all interested parties were afforded an opportunity to express their views; (4) the amendment continues in effect the current more liberal provisions for upward adjustment of allotments; and (5) handlers have been apprised of these requirements and the effective date.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

This added flexibility would be provided by an amendment of § 910.153(e)(3) Subpart—Rules and Regulations (7 CFR Part 910.100-910.180). Therefore, the first sentence in § 910.153(e)(3) is revised to read as follows:

§ 910.153 Prorate bases and allotments.

* * * * *

(e) * * *

(3) *Granting of upward adjustment for Districts 1 and 3 applicants.* Upon receiving a duly filed application for an upward adjustment by a District 1 or 3 handler pursuant to § 910.53(f)(1) the committee shall adjust the average weekly pick of such handler by increasing such picks in the amount requested, but not in excess of 50 percent of such handler's average weekly pick: *Provided, however,* that during the period October 16, 1981, through July 31, 1982, upon request of any such handler, the committee shall adjust such handler's average weekly pick in the amount requested but not in excess of 100 percent. * * *

* * * * *

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

Dated: September 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-27808 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 981 and 991

Expenses and Rates of Assessment for Almond and Hop Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Board functioning under Marketing Order 981 and the Committee under Marketing Order 991. Funds to administer these programs are derived from assessments on handlers regulated under those orders.

EFFECTIVE DATES: Part 981—July 1, 1981-June 30, 1982 (§ 981.331; Part 991—August 1, 1981-July 31, 1982 (§ 991.316)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as a "non-major" rule.

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

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). These actions are based upon the recommendations and information submitted by the Almond Board of California and the Hop Administrative Committee, established

under Marketing Orders 981 and 991, respectively, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). Both orders require that the rate of assessment for a particular fiscal period shall apply to all assessable almonds and hops handled from the beginning of such period. To enable the Board and the Committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

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

Therefore, §§ 981.330 (M.O. 981) and 991.315 (M.O. 991) are removed and new §§ 981.331 and 991.316 are added as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 981—ALMONDS GROWN IN CALIFORNIA

§ 981.331 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Board during the 1981–82 crop year, will amount to $12,099,430.

(b) The rate of assessment for said year payable by each handler in accordance with § 981.81 is fixed at 2.85 cents per pound of almonds (kernelweight basis), less any amount credited pursuant to § 981.41 not to exceed 2.5 cents per pound of almonds (kernelweight basis).

PART 991—HOPS OF DOMESTIC PRODUCTION

§ 991.316 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Hop Administrative Committee during the 1981–82 marketing year, will amount to $299,843.

(b) The rate of assessment for said year payable by each handler in accordance with § 991.56 is fixed at 0.4 cent per pound of salable hops.

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

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-27810 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1427

[Amdt. 1]

CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Cotton Loan Program for 1980 and Subsequent Crops (1) to update certain cross-references in the Code of Federal Regulations which set forth price support eligibility requirements with respect to the Cotton Loan Program and (2) to delete reference to annual crop supplements.

EFFECTIVE DATE: September 23, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. A final Regulatory Impact Analysis is being prepared and will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (3) significant adverse efects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Since this final rule makes no substantive changes in the regulations but merely updates certain cross-references to the Code of Federal Regulations which provide for price support eligibility requirements for the Cotton Loan Program and deletes references to the annual crop supplements which were previously codified, it is hereby determined that no public rulemaking is required with respect to this rule. Accordingly, this final rule shall become effective upon date of filing with the Director, Office of the Federal Register.

Final Rule

PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.1; 1427.5 (a), (b), and (c); and § 1427.8(b) are revised to read as follows:

§ 1427.1 General statement.

The regulations in this subpart, including any amendments annd notices published in the Federal Register, set forth the requirements with respect to price support loans on cotton of the 1980 crop and each subsequent crop of cotton. Price support loans will be made available by CCC to eligible cotton producers on eligible upland and extra long staple cotton. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the

Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1427.5 Eligible cotton.

* * * * *

(a) Upland cotton must have been produced on a farm by a producer who has complied with price support eligibility requirements, if any, specified in Parts 713, 718, 791, and 792 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Adjustment Act of 1949, as amended, on a farm on which it has been determined it has complied with price support eligibility requirements, if any, specified in Part 722 of this title and any amendment thereto. The cotton in any bale may have been produced by two or more producers on one or more farms if the bale is not a repacked bale.

(b) Such cotton must be tendered for a loan within the availability period of § 1427.6(d).

(c) Such cotton must be of a grade and staple length specified in: (1) the schedule of premiums and discounts for upland cotton or (2) the schedule of loan rates for extra long staple cotton, as published annually in a notice in the Federal Register and must be represented by a warehouse receipt meeting the requirements of § 1427.12.

* * * * *

§ 1427.8 Weight, loan rate, and amount of loans.

* * * * *

(b) *Loan rate for upland cotton.* (1) The base loan rate for strict low middling 1 1/16 inch upland cotton of each crop at each approved warehouse location will be stated in the schedule of base loan rates for upland cotton by warehouse locations and published annually in a notice in the Federal Register. The schedule will be available at county ASCS offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton of each crop and the discount, if any, for each micronaire reading will also be published annually in a notice in the Federal Register.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421); Sec. 602, 91 Stat. 934 (7 U.S.C. 1444))

Signed at Washington, D.C. on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-27786 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1427

[Amdt. 2]

Seed Cotton Loan Program Regulations for 1978 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Seed Cotton Loan Program for 1978 and Subsequent Crops (1) to update certain cross-references in the Code of Federal Regulations which set forth price support eligibility requirements with respect to the Seed Cotton Loan Program and (2) to delete reference to annual crop supplements.

EFFECTIVE DATES: September 23, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5187. A final Regulatory Impact Analysis is being prepared and will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A-95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Since this final rule makes no substantive changes in the regulations but merely updates certain cross-references to the Code of Federal Regulations which provide for price support eligibility requirements for the Seed Cotton Loan Program and deletes references to the annual crop supplements which were previously codified, it is hereby determined that no further public rulemaking is required with respect to this rule. Accordingly, this final rule shall become effective upon date of filing with the Director, Office of the Federal Register.

Final Rule

PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.165 and 1427.169 are revised to read as follows:

§ 1427.165 Eligible seed cotton.

* * * * *

(b) Upland cotton must have been produced on a farm by a producer who has complied with price support eligibility requirements, if any, specified in Parts 713, 718, 791, and 792 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm on which it has been determined there has been compliance with price support eligibility requirements, if any, specified in Part 722 of this title and any amendment thereto.

* * * * *

§ 1427.169 Loan rate and quality.

(a) The loan rate applicable to each quality of seed cotton placed under loan shall be the loan rate as specified for the applicable crop for that quality of cotton

in the county where stored which is published annually in a notice in the Federal Register.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c))

Signed at Washington, D.C. on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-27787 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 16921, Special Condition No. 25-94-EA-12; Amdt. No. 1]

Amendment to Special Conditions for Canadair Limited; Model CL-600-1A11 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to Canadair Limited for the Model CL-600-1A11 series airplane. This action amends Special Conditions No. 25-94-EA-12, issued March 26, 1980. The amendment is necessary in view of changes in the airplane's maximum certificated operating altitude and takeoff weight. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Model CL-600-1A11 airplane because of novel or unusual features.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ivan D. Connally, Lead Region Staff; FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION: Special Conditions No. 25-94-EA-12 were issued on March 26, 1980, to Canadair Limited for the type certification of its Model CL-600-1A11 airplane. The Model CL-600-1A11 is a pressurized, wide-body, twin-turbofan airplane powered by two AVCO Lycoming ALF 502L engines, each having a thrust rating of 6,700 pounds. The certification basis for the Model CL-600-1A11 is FAR Part 25 dated February 1, 1965, as amended through Amendment 25-37, plus §§ 25.675(a), 25.685(a), 25.733(c), 25.775(e), 25.787(c), 25.815, 25.841(b), 25.951(a), 25.979 (d) and (e), 25.1041, 25.1143, 25.1303(a), 25.1322, 25.1385(c), 25.1557(b), and 25.1583(a) of Amendment 25-38; §§ 25.901 (b) and (c), 25.903 (c) and (e), 25.933, 25.943, 25.959, 25.1091 (a) and (d), 25.1145(c), 25.1199 (b) and (c), 25.1207, 25.1549, and 25.1585(a)(9) of Amendment 25-40; § 25.1309 of Amendment 25-41; § 25.1353(c) of Amendment 25-42; Amendment 25-45; §§ 25.351 and 25.603 of Amendment 25-46; FAR Part 36 dated December 1, 1969, as amended through Amendment 36-9; SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27-2; and the Special Conditions as amended. The type design of the Canadair Model CL-600-1A11 airplane contains unusual design features for an airplane type certificated under the applicable airworthiness regulations, and those airworthiness regulations do not contain adequate or appropriate safety standards for the Canadair Model CL-600-1A11 airplane. Therefore, special conditions are necessary to establish level of safety equivalent to that described in the airworthiness regulations for unusual features of high speed, high-altitude operation, and an auxiliary power unit (APU) installation.

Canadair expected to receive certification that would allow its Model CL-600-1A11 airplane to operate at an altitude of 49,000 feet or less; however, it has been type certificated with a maximum operating altitude of 40,000 feet and a 33,000 pound maximum takeoff weight, and this amendment to the original special condition is necessary to implement these changes. The applicant has agreed to the amendment.

Since it is known that the applicant intends to pursue certification that would allow the Model CL-600-1A11 to operate at 49,000 feet or less, it is proper to consider this contingency now by redesignating the Model CL-600-1A11 as the CL-600-1A11 series airplanes. Therefore, these special conditions cover airplanes with alternate performance.

After issuing Special Conditions No. 25-94-EA-12, Parts 11 and 21 of the Federal Aviation Regulations were amended to require that special conditions and amendments be issued in accordance with general rulemaking procedures. Accordingly, special conditions were proposed (46 FR 27711; May 21, 1981) to provide a level of safety equivalent to that established by the regulations incorporated in the type certificate for the Canadair CL-600-1A11 series airplanes. No comments were received as a result of publication of the proposed special conditions in the Federal Register.

Amendments to the Special Conditions

In consideration of the foregoing, the Special Conditions (No. 25-94-EA-12) issued to Canadair Limited on March 26, 1980, for the type certification of the Model CL-600-1A11 are amended as follows:

1. By removing the words "Model CL-600 airplane" from the subject and the first, second, third, and sixth preamble paragraphs and adding the words "Model CL-600-1A11 Series airplane" in each place.

2. By removing the words "32,500 pounds" and "49,000 feet" from the third sentence of the second preamble paragraph and adding the words "33,000 pounds" and "40,000 feet," respectively, in their place.

3. By removing the word "and" at the end of the *Special Flight Conditions* 1(a)(1) and inserting the word "or" in its place.

4. By removing the term "b" in the first line of *Special Flight Conditions* 2(c) and inserting the term "(b)(2)," in its place.

5. By adding a new *Special Airframe Conditions* 1(c) to read as follows:

(c) With regard to the fuselage structural design for cabin pressure capability above 45,000 feet altitude, the following apply:

6. By redesignating *Special Airframe Conditions* 1 (c) and (d) as 1(c)(1) and 1(c)(2), respectively.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.49)

Note.—This action is not a rule of general applicability and, therefore, is not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on September 16, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-27810 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21836; Amdt. 39-4223]

British Aerospace, Aircraft Group, Scottish Division (Formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group (Scottish Aviation Ltd.), Model H.P 137 Jetstream Mk. I and Jetstream Series 200 airplanes. The AD is necessary to detect cracks in the nose gear actuator support structure which could result in failure of the nose gear to retract, or the failure of the front pressure bulkhead, which could result in loss of cabin pressurization in flight.

DATES: Effective October 26, 1981.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.) Model H.P 137 Jetstream Mk. I and Jetstream Series 200 airplanes was published in the Federal Register at 46 FR 32875. The proposal was prompted by reports of cracks in the nose gear actuator support structure, and the front pressure bulkhead on the British Aerospace (formerly Scottish Aviation Ltd.) Model H.P 137 Jetstream Mk. I and Jetstream Series 200 airplanes, which could result in failure of the nose gear to retract, or loss of cabin pressurization at flight altitudes.

Since this condition is likely to exist or develop on other airplanes of the same type design, the AD requires an inspection of the nose gear actuator support structure, repair as needed, placarding against pressurized flight, and repetitive inspections until a permanent repair is incorporated on British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.) Model H.P 137 Jetstream Mk. I and Jetstream Series 200 airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

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

British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.). Applies to Model H.P 137 Jetstream Mk. I and Jetstream Series 200 airplanes, certificated in all categories, which do not have British Aerospace Jetstream Modification No. 5127 incorporated.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the nose landing gear actuator attachment and support structure or failure of the front pressure bulkhead, or both, accomplish the following:

(a) Prior to the accumulation of 1,600 landings or before the accumulation of 200 landings, after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings, inspect the nose landing gear actuator support structure, P/N 137139C-13 and P/N 137139C-25, and the membrane of the front pressure bulkhead for cracks using a dye penetrant method in accordance with paragraph 3(a), "ACTION," of British Aerospace, Aircraft Group, Service Bulletin No. 6/5, dated September 4, 1978, or an FAA-approved equivalent.

(b) If no cracks are found during the inspection, return to service.

(c) If during the inspection of P/N 137139C-13, cracking is found, before further flight, replace with serviceable part of the same part number or repair in accordance with Chapter 5 of the Aircraft Maintenance Manual No. J/Mk I/MM (hereinafter referred to as the Maintenance Manual), or an FAA-approved equivalent, and return to service.

(d) If during the inspection of P/N 137139C-25—

(1) Cracking is found that does not extend more than one-half the full length of the fold line, and no cracking is found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, the aircraft may continue in service;

(2) Cracking is found that does not extend more than one-half the full length of the fold line, and cracks are found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, before further flight, repair in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service; or

(3) Cracking is found in P/N 137139C-25 that extends more than one-half of the full length of the fold line, before further flight, repair P/N 137139C-25 in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(e) If during the inspection of the front pressure bulkhead—

(1) A crack of 6 inches or more in length is found in the membrane of the front pressure bulkhead, before further flight, repair the membrane in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(2) A crack less than 6 inches in length is found in the membrane of the front pressure bulkhead, either—

(i) Repair in accordance with the Maintenance Manual, or an FAA-approved equivalent and return to service; or

(ii) Install, in clear view of the pilot, a placard which reads "Pressurization Inoperative" and deactivate the cabin pressurization system by securing the safety valve assembly, located on the front pressure bulkhead, in the open position. The valve may be secured "OPEN" in a manner recommended by British Aerospace, Aircraft Group, Scottish Division, or in a manner approved by an FAA inspector. Return aircraft to service; or

(iii) Install British Aerospace, Jetstream Modification No. 5127, or an FAA-approved equivalent, and return to service, after which compliance with this AD is no longer required.

(f) For purposes of this AD, aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection or repair can be performed.

(g) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective October 26, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Washington, D.C., on September 14, 1981.

M. C. Beard,

Director of Airworthiness.

[FR. Doc. 81-27613 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M.

14 CFR Part 39

[Docket No. 81-EA-15; Amdt. 39-4199]

Airworthiness Directives; Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Airworthiness Directives 81-EA-15; Amdt. 39-4199.

SUMMARY: This action corrects airworthiness directive 81-EA-15; Amdt. 39-4199 (FR 43134, August 27, 1981) by changing the effective date from August 28, 1981, to September 14, 1981.

EFFECTIVE DATE: September 14, 1981. Compliance is required as set forth in the AD.

FOR FURTHER INFORMATION CONTACT: I. Mankuta, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2894.

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

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Jamaica, N.Y., on September 11, 1981.

Murray E. Smith,

Director Eastern Region.

[FR Doc. 81-27467 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-GL-19-AD; Amdt. 39-4220]

Stewart-Warner Model 8406J, 8406L, 8432K, 8432L, 10568C, 10578B, 10599A, 10610A, 10614A, 10622A, 10634D, 8446C, 8437C, 10641B, and 8493B Oil Cooler Assemblies; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Stewart-Warner Model 8406J, 8406L, 8432K, 8432L, 10568C, 10578B, 10599A, 10610A, 10614A, 10622A, 10634D, 8446C, 8437C, 10641B, and 8493B oil cooler assemblies by revising the beginning serial numbers for the 10610A, 10622A, 8446C, and 10641B oil coolers, which in some cases will include more serial numbers.

DATE: Effective September 24, 1981.

Compliance required prior to further flight after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: W. F. Horn, Chief, Engineering and Manufacturing Branch, AGL-210, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone number (312) 694-7357.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4028, 46 FR 9561, AD 80-25-07, which currently requires removal of affected oil coolers, which have accumulated less than 10 hours time in service since new. After issuing Amendment 39-4028, the callout of beginning serial numbers for the 10610A, 10622A, 8446C, and 10641B oil coolers was determined to be incorrect. Therefore, the FAA is amending Amendment 39-4028 by revising the beginning serial numbers applicable to four of the affected model coolers.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4028, 46 FR 9561, AD 80-25-07, by revising the beginning serial numbers applicable to four of the affected model coolers.

80-25-07 R1 Stewart-Warner Corporation: Applies to the following Stewart-Warner oil cooler models:

Stewart Warner model Nos.	Beginning serial Nos.	Ending serial Nos.
8406J	12558	16212
8406L	1496	1763
8432K	514	541
8432L	631	964
10568C	1105	1141
10578B	2212	2316
10599A	7369	9013
10610A	1815	1956
10614A	732	947
10622A	333	394
10634D	105	907
8446C	372	629
8437C	422	472
10641B	101	162
8493B	1269	1603

Note.—The affected oil coolers were manufactured between July 1, 1979, and November 1, 1980. Oil coolers of the above model and serial numbers that have a date ink stamped next to the nameplate have been inspected by Stewart-Warner and found satisfactory for continued use.

These oil coolers may be installed on, *but not limited to*, the following aircraft:

Bellanca Models: 7ECA, 7GCAA, 7GCBC, 7KCAB, 8GCBC, and 8KCAB.

Cessna Models (including Reims Aviation): 152, A152, F152, FA152, 172I, 172K, 172L, 172M, 172N, 172P, 172RG, F172L, F172M, F172P, 177, 177A, 177B, 177RG, F177RG, R182, FR182, TR182, T182, A188B, T188C, 210N, T210N, and P210N.

Piper Model: PA-38-112.

Mooney Models: M20C, M20E, M20F, M20G, and M20J.

Great Lakes Models: 2T-1A-1 and 2T-1A-2.

Beech Models: 76, 77, and C-23.

Hughes Models: 269 Series.

Compliance is required prior to further flight after the effective date of this AD, unless already accomplished. To prevent the loss of engine oil, accomplish the following:

1. If the oil cooler has accumulated 10 hours or less total time in service since new, prior to further flight, replace with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate.

Note.—Removed oil cooler may be returned to: Stewart-Warner Corp., Attn: Mr. Ben Gillen, 1514 Drover Street, Indianapolis, Indiana 46221.

2. If the oil cooler has accumulated more than 10 hours time in service since new, visually inspect the cooler for oil leakage prior to further flight.

Note.—Removal of the engine cowling is not required if it can be positively determined from inspection of areas adjacent to the oil cooler that the oil cooler is not leaking.

A. If oil leakage is evident, prior to further flight, repace with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate.

B. If oil leakage is not detected:

i. Fabricate and install the following placard on the aircraft instrument panel in plain view of the crew, using letters ⅛-inch high minimum:

"Visually check oil cooler for leakage prior to each flight. If leakage is detected, refer to AD Number 80-25-07."

Note.—The owner or operator may make and install this placard and conduct the preflight check. This check does not require a logbook entry. The inspection procedures identified in the note following paragraph 2 also apply to this preflight check.

ii. If the oil cooler is replaced with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate, the placard can be removed.

3. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7357

This amendment becomes effective September 24, 1981, as to all persons except those to whom it was made immediately effective by the priority mail letter dated December 5, 1980, which contained this amendment.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedure of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Des Plaines, Ill., on August 25, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-27609 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-26]

Alteration of Control Zone Amendment: Kingsville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: In a rule published in the Federal Register on June 25, 1981, Vol. 46, page 32863, altering the control zone at Kingsville, Texas, the dimensions of the control zone were stated incorrectly due to an error in computing the description. This action corrects that error; thereby making the description of the control zone as intended for the protection of aircraft executing instrument approach procedures to the NAS Kingsville, Texas.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: FR Doc. 81-18590, published on June 25, 1981, (46 FR 32863) altered the control zone at Kingsville, Texas, to designate the necessary controlled airspace for instrument approach procedures to the NAS Kingsville, Texas. In describing the control zone, and error occurred in computing the required airspace, therefore, inadequately describing the required protected area. This amendment corrects the error. Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the Federal Register on January 2, 1981 (46 FR 455). Since this amendment is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In FR Doc. No. 81-18590 as published in 46 FR 32863 on June 25, 1981, under Kingsville, Texas, substitute the following:

Kingsville, Texas

Within a 5-mile radius of the NAS Kingsville (latitude 27°30'11"N., longitude 97°48'25"W.); within 3 miles each side of the Kingsville UHF RBN 199° bearing, extending from the 5-mile radius area to 8 miles south of the UHF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex., on September 11, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-27569 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-28]

Alteration of Transition Area; Drummond Island, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Drummond Island, Michigan, to accommodate a Non-directional Radio Beacon (NDB) instrument approach procedure into the

Drummond Island Airport, Drummond, Michigan, which was established on the basis of a request from the Drummond Island Airport officials to provide that airport with an instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 8.5 miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 34810 of the Federal Register dated July 6, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add transition area airspace near Drummond Island, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Drummond Island, Michigan

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Drummon Island Airport (latitude 46°00'40"N, longitude 83°44'45"W) and 2.75 miles either side of the 065° bearing from the Drummond Island NDB from 5 miles to 8.5 miles and that airspace extending upward from 1200 feet above the surface bounded by longitude 83°57'W on the west, longitude 83°26'W on the east, latitude 46°05'N on the north, and 45°45'N on the south excluding that portion in Canada.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on September 8, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-27568 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-AWA-11]

Special Use Airspace; Prohibited Area P-67, Kennebunkport, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment designates a prohibited area over the residence of the Vice President of the United States for the purpose of enhanced security. No person may operate an aircraft within a prohibited area without the permission of the using agency.

EFFECTIVE DATE: November 26, 1981. Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-11, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves flight requirements affecting the security of the Vice President and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule as well as environmental and land use aspects. Comments should identify the docket number of this rule and be submitted to the above noted address.

The Rule

The purpose of this amendment to Subpart C of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to designate a prohibited area over the residence of the Vice President of the United States at Kennebunkport, ME. The airspace is described as a circular area of 1 statute-mile radius from the surface to 1,000 feet MSL. This action is required by the U.S. Secret Service to prohibit the unauthorized flight of aircraft in the immediate vicinity of the Vice President's residence. Subpart C of Part 73 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 832).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Subpart C of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 832), is amended, effective 0901 G.M.T.,

November 26, 1981, by adding new § 73.94 to read as follows:

P-67 Kennebunkport, ME

Boundaries. A circular area of 1-mile radius centered on lat. 43°20'40"N., long. 70°27'36"W.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on September 16, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-27567 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373, 376 and 390

Use of U.S.-Origin Parts for Servicing Libyan Aircraft Restricted

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule prohibits the use of bulk licenses for the provision of aircraft parts and accessories to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals. Exports of these commodities may now be made only pursuant to an individual validated license issued on a case-by-case basis. This prohibition is necessary to enable closer monitoring of U.S.-origin parts used to maintain aircraft that may be used in support of Libyan military intervention in neighboring countries.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporter's Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Substance of Regulation

This rule prevents the use of various special privilege bulk licensing arrangements for the supply of parts and equipment to Libyan aircraft without a case-by-case review by the Department of Commerce. The commodities covered by this order are presently controlled for national security reasons. The order included in this announcement will permit the Department to monitor on a case-by-case basis the supply of U.S. parts for the servicing of aircraft that may be used in military intervention by Libya in neighboring countries while assessing the necessity for imposing foreign policy controls. An exporter desiring to supply parts or equipment for an aircraft owned, operated, controlled, chartered or leased by Libya or any of its nationals may apply for an individual validated license or reexport authorization.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

4. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act.

Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, Parts 373, 376 and 390 of the *Export Administration Regulations* (15 CFR Parts 368 *et seq.*) are amended as follows:

PART 373—SPECIAL LICENSING PROCEDURES

1. Section 373.2 is amended by revising paragraphs (b)(5) and (b)(6) and adding a new paragraph (b)(7), reading as follows:

§ 373.2 Project license.

* * * * *

(b) * * *

(5) The commodities are electronic, mechanical, or other devices as described in § 376.13(a), primarily useful for surreptitious interception of wire or oral communications;

(6) The commodities are listed in a Supplement to Part 377 as being under short supply controls; or

(7) The commodities are aircraft parts and accessories covered by § 390.7.

* * * * *

2. Section 373.3 is amended by revising paragraphs (b)(3) and (b)(4) and adding a new paragraph (b)(5), reading as follows:

§ 373.3 Distribution license.

* * * * *

(b) * * *

(3) Electronic, mechanical, or other devices, as described in § 376.13(a), primarily useful for surreptitious interception of wire or oral communications;

(4) Commodities listed in a Supplement to Part 377 as being under short supply controls; and

(5) Aircraft parts and accessories covered by § 390.7.

* * * * *

3. Section 373.7 is amended by revising paragraphs (b)(5) and (b)(6) and adding a new paragraph (b)(7) reading as follows:

§ 373.7 Service supply (SL) procedure.

* * * * *

(b) * * *

(5) Commodities listed in Supplement No. 1 to this Part 373;

(6) Parts to service any equipment owned, controlled or used by or for a military or police entity in the Republic of South Africa or Namibia; and

(7) Aircraft parts and accessories covered by § 390.7.

* * * * *

4. Section 373.8 is amended by revising paragraph (c)(1) to read as follows:

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(c) * * *

(1) Restricted to certain aircraft and vessels. A foreign importer is authorized to use U.S.-origin parts in the repair, maintenance, or servicing of any civil aircraft or vessel, provided the aircraft or vessel is not registered in, or not owned or controlled by, or not chartered or leased to, a Group P, Q, S, W, Y, or Z country, Afghanistan or Libya, or any national thereof.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

5. Section 376.8 is amended by revising paragraphs (b)(1)(ii) and (b)(1)(iii) to read as follows:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(ii) The commodities will not supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to, a Group P, Q, S, W, Y or Z country, Afghanistan or Libya, or any national thereof; and

(iii) The commodities will not be supplied for use on any aircraft located in a Group P, Q, S, W, Y or Z country, Afghanistan or Libya.

* * * * *

PART 390—GENERAL ORDERS.

6. Part 390 is amended by adding a new § 390.7 reading as follows:

§ 390.7 General order preventing the use of bulk licenses for aircraft controlled by Libya.

Effective September 24, 1981 bulk licenses described in Part 373 may not be used to provide aircraft parts and accessories (Export Control Commodity Numbers 1460, 4460, 1485, 1501(a), (b)(1) and (c)(1)) to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

(Secs. 3, 13, 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

September 18, 1981.

[FR Doc. 81-27753 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Part 385

Amendment of Advisory Note 2 to CCL Entry 1312, Presses and Specialized Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are amended to clarify which licenses for isostatic presses covered by Commodity Control List (CCL) entry 1312 are likely to be approved for export. There are indications that exporters, both in the U.S. and in other COCOM countries, hold differing interpretations on the meaning of the existing limitations for equipment covered by this entry. Advisory Note 2 to CCL entry 1312 has, therefore, been amended to eliminate possible misunderstanding.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Accordingly, Supplement No. 1 to Part 385 of the Export Administration Regulations (15 CFR Parts 368-399) is amended by revising paragraph (i)(b) of Note 2 to Entry 1312 as follows:

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Supplement No. 1—Advisory Notes for Selected CCL Entries

Export Control Commodity Number and Commodity Description

* * * * *

1312A—Presses and specialized controls, accessories, and parts therefor, as follows:

* * * * *

Notes: 1. * * *

2. * * *

(i) * * *

(a) * * *

(b) Chamber cavity with an inside diameter (i.e. the maximum inside diameter of the working chamber) not exceeding 10 inches (25.4 cm);

* * * * *

(Secs. 5, 13, 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980)

Dated: August 19, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-27752 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-25-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 201

[AID Reg. 1]

Commodity Transactions Financed by AID; Eligibility Requirements for Delivery Services and Shipping Documentation Requirements

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development (AID) is amending the rules governing its financing of commodity procurements to incorporate new eligibility provisions for delivery services and to modify the shipping documentation requirements. The amendments, which are the result of a periodic review of AID procurement policies, implement the International Air Transportation Fair Competitive Practices Act of 1974, simplify the eligibility requirements for AID financing of delivery services, and allow a supplier requesting payment to submit

documents in lieu of a bill of lading in certain circumstances.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, 703-235-2173.

SUPPLEMENTARY INFORMATION: AID's policy on eligibility of ocean transportation services is changed so that when Code 941, "Selected Free World", is the authorized source for procurement of commodities, ocean transportation costs are eligible if incurred on vessels under flag registry of any country included in Code 941 and the cooperating country. Previously, eligibility was normally restricted to U.S. and cooperating country flag vessels when Code 941 was authorized. The flag eligibility rules for international air transportation are similar to those for ocean transportation with two exceptions. First, all international air transportation under AID grants, as opposed to loans, must be on U.S. flag air carriers to the extent available, regardless of the authorized source for procurement of commodities. Second, for international air transportation, the rule requires that eligible flag carriers be used to the extent available. Thus, when eligible air carriers are not available, the shipper may so certify and use another carrier. Authorization from AID is not required in such cases, while it would be required for use of an ocean vessel which does not meet the flag eligibility requirements. The requirement for AID approval of ocean and air charters remains in effect.

Insurance eligibility requirements are amended by authorizing loss payment proceeds to be paid in any freely convertible currency, rather than just in dollars, and by deleting from the eligibility provisions the statement about reporting loss payments in excess of $6,000. The reporting requirement is still in effect, however, and appears in § 201.32(d) of the regulation.

Payment documentation requirements are modified regarding the requirement to show delivery to a carrier. Since issuance of a bill of lading may be delayed when commodities are consolidated for shipment, thus delaying payment to the commodity suppliers, the Regulation now contains a provision which allows the importer and AID under certain circumstances to authorize payment on the basis of a dock receipt and promisory letter from the person responsible for shipping the commodity.

Regulatory Flexibility Act

The agency has determined that this rule will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Executive Order 12291

This rule is not a major rule for purposes of Executive Order 12291 and has been submitted to OMB in accordance with Executive Order 12291.

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

22 CFR Part 201 is amended as follows:

1. The authority citation for Part 201 reads as follows:

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 424 (22 U.S.C. 2381).

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for AID Financing

2. Section 201.13 is revised to read as follows:

§ 201.13 Eligibility of delivery services.

(a) *General.* Delivery of AID-financed commodities may be financed under the implementing document provided the delivery services meet the requirements in this section.

(b) *Transportation costs—(1) Ocean transportation costs.* (i) Unless otherwise authorized, AID will finance only those ocean transportation costs which meet the requirements of this paragraph (b)(1).

(*a*) When Geographic Code 000 is the authorized source for procurement, AID will finance only those costs incurred on vessels under U.S. flag registry.

(*b*) When Geographic Code 941 is the authorized source for procurement, AID will finance only those costs incurred on vessels under flag registry of countries included in Code 941 and the cooperating country.

(*c*) AID will finance costs incurred on vessels under flag registry of any free world country if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on a vessel which is authorized in accordance with paragraphs (b)(1)(i) (*a*) or (*b*) of this section.

(ii) When an eligible flag vessel is not available for shipment, a supplier may request a waiver of the eligibility requirements from the Office of Commodity Management, Transportation Division, AID, Washington, D.C. 20523.

(2) *International air transportation costs.* (i) AID will finance only those international air transportation costs which meet the requirement of this paragraph (b)(2). For the purposes of this subparagraph the term "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the U.S. or its territories and one or more foreign countries.

(ii) (*a*) Under all AID grants and under AID loans when the authorized source for procurement in Geographic Code 000, AID will finance only those costs incurred on U.S. flag air carriers unless such service is not available.

(*b*) Under AID loans when the authorized source for procurement is Geographic Code 941, AID will finance only those costs incurred on U.S., cooperating country, or Geographic Code 941 flag air carriers unless such service is not available.

(*c*) AID will finance international air transportation costs incurred on aircraft under flag registry of any free world country if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on an aircraft which is eligible in accordance with paragraphs (b)(2)(ii)(*a*) or (*b*) of this section.

(iii) (*a*) Expenditures for international air transportation furnished by air carriers which are not eligible under the provisions of paragraph (b)(2)(ii) of this section will be financed by AID only when service by eligible air carriers is unavailable. Criteria for determining when service by eligible air carriers is unavailable are the same as those published in 41 CFR 1-1.323-3 for determining when certified U.S. flag air carriers are unavailable. (Guidance on determining when service is unavailable may also be obtained from the Office of Commodity Management, Transportation Division.)

(*b*) When service by eligible flag air carriers is unavailable, any Code 935 flag air carrier may be used.

(*c*) In the event the supplier selects an air carrier other than an eligible flag carrier for international air transportation, it must include a certification on invoices which include such transportation costs as follows:

Certification of Unavailability of U.S. (Code 941 and Cooperating Country) Flag Air Carriers

I hereby certify that transportation service by U.S. (Code 941 and Cooperating Country) flag air carriers was unavailable for the following reason(s): (state reason(s)).

(3) *Other Conditions and Limitations.* Notwithstanding paragraphs (b)(1) and (b)(2) of this section, unless otherwise authorized, AID will not finance transportation costs

(i) For shipment beyond the point of entry in the cooperating country except when intermodal transportation service covering the carriage of cargo from point of origin to destination is used, and the point of destination, as stated in the carrier's through bill of lading, is established in the carrier's tariff; or

(ii) On a transportation medium owned, operated or under the control of any country not included in Code 935; or

(iii) On any vessel designated by AID as ineligible to carry AID-financed cargo; or

(iv) Under any ocean or air charter covering full or part cargo (whether for a single voyage, consecutive voyages, or a time period) which has not received prior approval by AID/W (Office of Commodity Management); or

(v) Which are attributable to brokerage commissions which exceed the limitations specified in § 201.65(1) or to address commissions, dead freight, or demurrage.

(c) *Inspection services.* AID will finance inspection of AID-financed commodities if such inspection is specified in the purchase contract, performed by independent inspectors at the request of the importer and is either customary in export transactions for the commodity involved or is necessary to determine conformity of the commodities to the contract.

(d) *Insurance.* (1) Unless otherwise authorized, AID will finance premiums for marine insurance including war risk on AID-financed commodities only if

(i) The insurance is placed within a country included in the authorized geographic code: *Provided,* That if the authorized geographic code is any other than AID Geographic Code 000, the cooperating country itself shall be recognized as an eligible source; and

(ii) Such insurance is placed either in accordance with the terms of the commodity purchase contract or on the written instructions of the importer; and

(iii) Insurance coverage relates only to the period during which the commodities are in transit to the cooperating country, except that it may include coverage under a "warehouse-to-warehouse" clause; and

(iv) The premiums do not exceed the limitations contained in § 201.68; and

(v) The insurance provides that loss payment proceeds shall be paid in U.S. dollars or other freely convertible currency.

(2) Within the meaning of § 201.11(e), as well as of this subparagraph, insurance is "placed" in a country only if payment of the insurance premium is made to, and the insurance policy is issued by, an insurance company office located in that country.

3. Section 201.52(a)(4) is amended by revising paragraph (a)(4)(ii) and adding paragraph (a)(4)(iii) to read as follows:

§ 201.52 Required documents.

(a) * * *

(4) * * *

(ii) When the commodity is transported to the cooperating country under its own power (e.g., a fishing vessel), AID will require a certificate signed by the importer or its authorized agent, certifying that the commodity has been received by the importer, to be submitted instead of a bill of lading.

(iii) When the supplier is not responsible under the terms of its agreement with the importer for assuring that the commodities are loaded on board the vessel, such as when delivery terms are f.a.s. port of shipment, the importer may request and the Office of Commodity Management may authorize the following documentation, instead of a bill of lading, to be submitted with a claim for reimbursement or payment for the commodities:

(*a*) A dock or warehouse receipt containing commodity description, weight and cubic measurement, port of loading, and, if available, name and flag of vessel; the receipt must show consignment of the commodities to a person or organization designated by the importer; *and*

(*b*) A letter from the consignee addressed to AID undertaking to arrange for shipment of the goods to the cooperating country and to deliver to the Chief, Banking and Finance Division, Office of Financial Management, AID, Washington, D.C. 20523, within 15 days from the date of shipment, a copy of bill of lading evidencing shipment to the cooperating country. The bill of lading shall indicate the carrier's complete statement of charges as in paragraph (a)(4)(i) of this section.

* * * * *

Dated: September 1, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-27610 Filed 9-23-81; 8:45 am]

BILLING CODE 4710-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1930-3]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency approval of a revision to the New York State Implementation Plan concerning a "special limitation" (variance) issued by the State to the Long Island Lighting Company (LILCO). The "special limitation" permits LILCO to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2 and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility. These units are normally limited by State regulation to the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight. The use of the higher sulfur content fuel oil would be permitted for a maximum period of three years from today.

EFFECTIVE DATE: This action becomes effective September 24, 1981.

ADDRESSES: All correspondence, comments and other written submissions pertaining to this action, including documents referenced in this notice, are available for public inspection during normal business hours at the following locations:

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

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

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of the Federal Register, 1100 L Street, NW, Room 840, Washington, D.C. 20408

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

SUPPLEMENTARY INFORMATION: On April 29, 1980 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State

Implementation Plan (SIP) concerning a "special limitation" issued by the State under the provisions of Part 225.2 of Title 6 of its Official Compilation of Codes, Rules and Regulations. This "special limitation" allows the continued use by the Long Island Lighting Company (LILCO) of fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2 and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility, all located in Suffolk County, New York. New York State regulation normally limits fuel oil sulfur content at these units to a maximum of 1.0 percent; however, under EPA-1 approved "special limitations" higher sulfur content fuel oil has been burned at these units since July 20, 1976. The most recent "special limitation" issued by the State would allow the use of 2.8 percent sulfur content fuel oil for a maximum additional period of three years from today. The last EPA approved "special limitation" expired on May 31, 1980.

EPA reviewed the technical material submitted by New York State along with the proposed SIP revision request and concurred with the State's determination that no violation of national ambient air quality standards would occur at any location in any state. Also, since the emission levels associated with the burning of 2.8 percent sulfur content fuel oil were included in the "baseline," as defined in EPA's Prevention of Significant Deterioration regulations (45 FR 52675, August 7, 1980), no prevention of significant deterioration increment would be consumed as a result of the continued use of 2.8 percent sulfur content fuel oil. Based upon this review and EPA's own analysis of the technical material submitted, EPA proposed to approve the New York SIP revision submitted on July 31, 1980 (45 FR 50833). In that Federal Register notice of proposed rulemaking EPA advised the public that comments received on or before September 2, 1980 would be considered in the Administrator's final decision.

On August 28, 1980 the State of Connecticut filed a petition, pursuant to Section 126 of the Clean Air Act, objecting to the proposed approval of the New York SIP revision and claiming that approval would violate the provisions of Section 110(a)(2)(E) of the Clean Air Act. Section 126 of the Clean Air Act provides a mechanism for any state or political subdivision to petition the EPA to determine, after public hearing, whether emissions from a major pollution source in another state would prevent the petitioning state from attaining or maintaining ambient air quality standards or would interfere with measures required to be included in the petitioning state's SIP to prevent significant deterioration of air quality or protect visibility. EPA held a public hearing on Connecticut's Section 126 petition on December 3 and 4, 1980. EPA's review of the Section 126 petition is continuing and it is expected that a decision will be announced shortly.

On August 29, 1980, the State of Connecticut filed the only comment on EPA's proposed approval of the New York revision. Connecticut requested that EPA deny the New York revision because of the impact on Connecticut's air quality. Connecticut asked EPA to consider the impact of the revision on Connecticut's secondary sulfur dioxide standard, the national ambient air quality standards for sulfur dioxide and total suspended particulate and the PSD growth margin. Connecticut also questioned the modeling techniques used by EPA to evaluate the revision.

On April 16, 1981 the New York State Department of Environmental Conservation submitted a supplemental air quality modeling analysis of LILCO's sulfur oxide impact on Connecticut. On May 20, 1981 (46 FR 27501) EPA reopened the comment period on the New York SIP revision request until June 19, 1981 to allow additional comments on this supplemental analysis. Two letters of comment were received. One, from the United Illuminating Company, supported the conclusions reached by New York State. The other was from the Connecticut Department of Environmental Conservation. In its letter Connecticut reiterated many of the arguments presented in the proceedings on its Section 126 petition and provided additional criticism of technical aspects of the modeling analysis submitted by New York.

EPA reviewed the supplemental submission and the comments and evaluated whether the New York variance met the requirements of Section 110, including Section 110(a)(2)(E) (relating to interstate pollution). EPA's evaluation demonstrated that (1) the revision will not violate the national ambient air quality standards in New York; (2) the revision will not cause violations of national ambient air quality standards [1] or significantly contribute to pollution levels in Connecticut; and (3) the revision will not interfere with Connecticut's PSD measures since the entire increment for sulfur dioxide is available. The revision, therefore, meets the requirements of Section 110, including Section 110(a)(2)(E) and is approvable.

EPA is taking final action today even though a determination on Connecticut's Section 126 petition has not been made. EPA considered all of Connecticut's comments and has found that the revision is approvable. There is therefore no reason to delay taking final action. This action is being made immediately effective because it approves a variance that relieves a restriction.

A more detailed discussion of the basis for approving the New York SIP revision and EPA's response to comments is included in a "Technical Support Document." This document is available for public inspection at the locations in the "Addresses" section of today's notice.

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

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This approval of a New York SIP revision is not major. This action imposes no new requirements. Rather, the action approves a variance that continues the emission limitation allowed under prior variance.

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

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

Dated: September 19, 1981.

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

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

[1] Connecticut also requested that EPA evaluate the effect of the New York revision on Connecticut's secondary sulfur dioxide standard. Under Section 110(a)(2)(E), EPA is required to consider the impact on the federal national ambient air quality standards, but not stricter state standards. nevertheless, EPA's analysis demonstrated that the revision does not prevent attainment or maintenance of Connecticut's secondary sulfur dioxide standard.

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

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding a new paragraph (c)(63) as follows:

§ 52.1670 Indentification of plans.

* * * * *

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

* * * * *

(63) Revision submitted on April 29, 1980 by the New York State Department of Environmental Conservation which grants a "special limitation" establishing, until three years from [the date of today's publication], a sulfur-in-fuel-oil limitation of 2.8 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1, 2 and 3 and the Port Jefferson generating facility, units 3 and 4.

[FR Doc. 81-27791 Filed 9-23-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6149]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

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

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

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

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

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

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

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

§ 64.6 List of eligible communities.[1]

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama: Limestone	Limestone County [1]	010307	Sept. 2, 1975, emergency; July 16, 1981, regular	770318
Arkansas:				
Jefferson	Pine Bluff, city of	050109	Aug. 13, 1974, emergency; July 16, 1981, regular	770218
Pulaski	Pulaski County [1]	050179	Mar. 6, 1979, emergency; July 16, 1981, regular	771025
Connecticut:				
New Haven	Cheshire, town of	090074	Mar. 13, 1975, emergency; July 16, 1981, regular	740405
Hartford	New Britain, city of	090032	Aug. 22, 1973, emergency; July 16, 1981, regular	740524
Hartford	Southington, town of	090037	July 3, 1975, emergency; July 16, 1981, regular	740510
Iowa:				
Dubuque	Durango, city of	190119	Apr. 10, 1974, emergency; July 16, 1981, regular	781017
Shelby	Irwin, city of	190249	May 1, 1975, emergency; July 16, 1981, regular	741220
Illinois:				
McHenry	Richmond, village of	170484	May 9, 1975, emergency; July 16, 1981, regular	740405
Cook	South Barrington, village of	170161	Aug. 1, 1975, emergency; July 16, 1981, regular	740322

[1] Key to reading fifth column (effective date):
The first two digits designate the year;
The middle two digits designate the month, and
the last two digits designate the day.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Kane	South Elgin, village of	170892	June 13, 1975, emergency; July 16, 1981, regular	740405
Will	Wilmington, city of	170715	Aug. 7, 1974, emergency; July 16, 1981, regular	740412
Indiana:				
Howard	Howard County [1]	180414	Mar. 6, 1975, emergency; July 16, 1981, regular	770729
Cass	Logansport, city of	180023	May 1, 1975, emergency; July 16, 1981, regular	740201
Kentucky:				
Bourbon	Bourbon County [1]	210271	July 31, 1975, emergency; July 16, 1981, regular	770624
Greenup	Flatwoods, city of	210087	May 6, 1975, emergency; July 16, 1981, regular	740201
Louisiana:				
Acadia Parish	Acadia Parish [1]	220001	Apr. 16, 1975, emergency; July 16, 1981, regular	760110
Pointe Coupee Parish	Pointe Coupee Parish [1]	220140	Apr. 23, 1973, emergency; July 16, 1981, regular	771120
Calcasieu Parish	Vinton, town of	220042	Feb. 6, 1975, emergency; July 16, 1981, regular	740524
Jefferson Davis Parish	Welsh, town of	220100	Dec. 5, 1974, emergency; July 16, 1981, regular	740524
Massachusetts: Middlesex	Ashland, town of	250179	Apr. 24, 1975, emergency; July 16, 1981, regular	740200
Maryland: Harford	Aberdeen, town of	240041	May 22, 1974, emergency; July 16, 1981, regular	741206
Maine: Cumberland	North Yarmouth, town of	230202	Mar. 9, 1976, emergency; July 16, 1981, regular	760131
Michigan:				
Ingham	Delhi, charter township of	260088	Sept. 15, 1975, emergency; July 16, 1981, regular	740720
Lapeer	Imlay City, city of	260337	Aug. 25, 1975, emergency; July 16, 1981, regular	750912
Eaton	Oneida, township of	260070	Dec. 29, 1978, emergency; July 16, 1981, regular	770114
Missouri:				
New Madrid	Canalou, town of	290248	Mar. 26, 1981, emergency; July 16, 1981, regular	760611
New Madrid	Morehouse, city of	290255	Mar. 25, 1975, emergency; July 16, 1981, regular	740315
North Carolina:				
Randolph	Asheboro, city of	370196	June 12, 1975, emergency; July 16, 1981, regular	740315
Randolph	Randolph County [1]	370195	Feb. 3, 1976, emergency; July 16, 1981, regular	750103
Nebraska: Washington	Blair, city of	310228	Sept. 17, 1974, emergency; July 16, 1981, regular	740621
New York: Niagara	Wheatfield, town of	360513	July 5, 1973, emergency; July 16, 1981, regular	740110
Oklahoma: Tulsa	Sperry, town of	400213	June 17, 1975, emergency; July 16, 1981, regular	731207
Pennsylvania:				
Washington	Allenport, borough of	420845	Mar. 10, 1975, emergency; July 16, 1981, regular	740621
Delaware	Aston, township of	421602	Apr. 21, 1975, emergency; July 16, 1981, regular	741025
Luzerne	Avoca, borough of	420597	Mar. 7, 1975, emergency; July 16, 1981, regular	740719
Fayette	Belle Vernon, borough of	420457	July 19, 1974, emergency; July 16, 1981, regular	740110
Allegheny	Ben Avon, borough of	420010	June 2, 1976, emergency; July 16, 1981, regular	731220
Washington	Charleroi, borough of	420850	Oct. 4, 1974, emergency; July 16, 1981, regular	740123
Allegheny	Crescent, township of	421060	Jan. 24, 1975, emergency; July 16, 1981, regular	740531
Washington	Dunlevy, borough of	422133	Dec. 5, 1974, emergency; July 16, 1981, regular	750103
Adams	East Berlin, borough of	420001	Nov. 17, 1972, emergency; July 16, 1981, regular	730309
Washington	East Bethlehem, township of	422140	Mar. 18, 1975, emergency; July 16, 1981, regular	770812
Chester	East Marlborough, township of	421480	Mar. 28, 1975, emergency; July 16, 1981, regular	750124
Beaver	East Rochester, borough of	420108	Aug. 8, 1978, emergency; July 16, 1981, regular	740201
Washington	Elco, borough of	420852	Oct. 30, 1974, emergency; July 16, 1981, regular	741122
Allegheny	Elizabeth, borough of	421263	Apr. 7, 1976, emergency; July 16, 1981, regular	740109
York	Glen Rock, borough of	420924	Mar. 16, 1973, emergency; July 16, 1981, regular	731012
Allegheny	Green Tree, borough of	420040	June 27, 1974, emergency; July 16, 1981, regular	740621
Mercer	Greenville, borough of	420674	Aug. 23, 1974, emergency; July 16, 1981, regular	740823
Chester	Kennett Square, borough of	420280	Apr. 21, 1975, emergency; July 16, 1981, regular	731228
Westmoreland	Monessen, city of	420887	Dec. 5, 1974, emergency; July 16, 1981, regular	740621
Lancaster	Mountville, borough of	420560	Aug. 5, 1975, emergency; July 16, 1981, regular	740719
Northampton	North Catasauqua, borough of	420727	May 9, 1975, emergency; July 16, 1981, regular	740503
Washington	North Charleroi, borough of	422137	Dec. 13, 1974, emergency; July 16, 1981, regular	741101
Greene	Rices Landing, borough of	420479	Dec. 16, 1975, emergency; July 16, 1981, regular	741108
Washington	Roscoe, borough of	420858	Mar. 20 1975, emergency; July 16, 1981, regular	740607
Washington	Speers, borough of	422138	Nov. 29, 1974, emergency; July 16, 1981, regular	741101
Washington	Stockdale, borough of	420859	Sept. 13, 1974, emergency; July 16, 1981, regular	740614
Adams	Straban, township of	421259	Jan. 13, 1975, emergency; July 16, 1981, regular	750103
Erie	Wesleyville, borough of	420456	Mar. 19, 1975, emergency; July 16, 1981, regular	740531
Chester	West Bradford, township of	421495	Feb. 10, 1975, emergency; July 16, 1981, regular	741108
Lancaster	West Donegal, township of	421788	June 5, 1975, emergency; July 16, 1981, regular	740830
South Carolina: Spartanburg	Landrum, town of	450215	Nov. 24, 1975, emergency; July 16, 1981, regular	741108
Texas:				
Chambers	Anahuac, city of	480120	June 27, 1975, emergency; July 16, 1981, regular	740628
Nueces	Driscoll, city of	480507	June 10, 1975, emergency; July 16, 1981, regular	740301
San Patricio	Odem, city of	480558	June 27, 1974, emergency; July 16, 1981, regular	740329
Refugio	Woodsboro, town of	480987	Mar. 13, 1981, emergency; July 16, 1981, regular	760702
Wisconsin:				
Outagamie	Kaukauna, city of	550305	July 22, 1975, emergency; July 16, 1981, regular	740628
Oconto	Oconto Falls, city of	550298	June 23, 1975, emergency; July 16, 1981, regular	740109
Outagamie	Shioctin, village of	550309	June 10, 1975, emergency; July 16, 1981, regular	740531
Illinois: Macoupin	Staunton, city of	170434	July 18, 1975, emergency; July 17, 1981, regular	740517
North Dakota: Pembina	Cavalier, township of	380274	July 20, 1981, emergency; July 20, 1981, regular	0
Illinois:				
Tazewell	Creve Coeur, village of	170646	July 23, 1981, emergency; July 23, 1981, regular	740301
Mason	Havana, city of	170465	July 23, 1981, emergency; July 23, 1981, regular	740405
Ohio: Stark	Brewster, village of	390510	Mar. 5, 1975, emergency; July 31, 1981, regular	740208

Total is: 76.

[1] Unincorporated areas.

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

Issued: September 10, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27719 Filed 9-23-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94; Amdt. No. 80-5]

Minimum Levels of Financial Responsibility for Motor Carriers; Clarification of Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Clarification of technical corrections to final rule.

SUMMARY: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. A number of technical corrections were made to the final rule to indicate among other things the OMB approval of the BMCS forms. These corrections were published on Monday, September 14, 1981 at 46 FR 45612. The two forms, MCS-82 and MCS-90, were printed in columnar form and were difficult to understand. The OMB approval numbers were also omitted. To prevent any chance of misunderstanding in the language of the two forms, they are being reproduced in the correct format.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety (BMCS), (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Sec. 30, Pub. L. 96-296, 94 Stat. 793; sec. 108(b)(5), Pub. L. 96-410, 94 Stat. 2767; 23 U.S.C. 315; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on September 21, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

The following corrections are made in FR Doc. 81-17438 appearing on page 45612 in the issue of Monday, September 14, 1981, as set forth below.

1. On page 45613, column one, under Illustration I, Form MCS-90 is reproduced in its entirety.

2. On page 45614, column one, under Illustration II, Form MCS-82 is reproduced in its entirety.

BILLING CODE 4910-22-M

[ILLUSTRATION 1]

Form MCS-90
(7/81)

Expiration Date 06/30/83
Form Approved
OMB No. 2125-0074

ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

MOTOR VEHICLE means a land vehicle, machine, truck, tractor, trailer, or semitrailer with a gross vehicle weight rating of 10,000 pounds or more propelled or drawn by mechanical power and used on a highway for transporting property.

BODILY INJURY includes injury to the body, sickness, or disease to any person, including death resulting from any of these.

ENVIRONMENTAL RESTORATION means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish, and wildlife.

PROPERTY DAMAGE includes damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provisions, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the

agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

This insurance is primary and the company shall not be liable for amounts in excess of $_____ for each accident.

This insurance is excess and the company shall not be liable for amounts in excess of $_____ for each accident in excess of the underlying limit of $_____ for each accident.

Whenever required by the Bureau or the ICC the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is:_____

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

Issued to_____ of _____

Dated at_____ this_____ day of_____, 19__

Amending Policy No._____

Effective Date_____ Countersigned by_____
Authorized Company Representative

Name of Insurance Company_____

BILLING CODE 4910-22-C

The Motor Carrier Act of 1980 requires limits of financial responsibility according to type of carriage and commodity transported by the motor carrier. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.

THE SCHEDULE OF LIMITS SHOWN BELOW DOES NOT PROVIDE COVERAGE.

The limits shown in the schedule are for information purposes only.

Schedule of Limits

[Public liability—freight vehicles with gross vehicle weight rating of 10,000 pounds or more]

Type of carriage	Commodity transported	Combined Single Limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce)	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (in interstate or intrastate commerce)	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	$1,000,000	$5,000,000
(3) For-hire and Private (in interstate commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	$500,000	$1,000,000

Note.—This table showing the schedule of limits may appear at the bottom of Form MCS-90.

BILLING CODE 4910-22-M

[ILLUSTRATION II]

Form MCS-82
(7/81)

Expiration Date 06/30/83
Form Approved
OMB No. 2125-0075

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

PARTIES	Surety Company and Principal Place of Business Address	Motor Carrier Principal, I.C.C. Docket No. and Principal Place of Business
	_____	_____
	_____	_____
	_____	_____
	_____	_____

PURPOSE This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein; subject to the governing provisions and following conditions.

GOVERNING PROVISIONS
(1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 USC 10927 note)
(2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau)
(3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS The Principal is or intends to become a motor carrier of property which operates a motor vehicle having a gross vehicle weight rating of 10,000 pounds or more subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Section's 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed $_____, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: _____.

This bond is effective from _____ (12:01a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty five (35) days notice in writing to the other party (said 35 day notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

_____
Date

(AFFIX CORPORATE SEAL)

_____
Surety

_____, _____
City State

By_____

ACNOWLEDGEMENT OF SURETY

STATE OF_____ COUNTY OF_____

On this _____ day of _____, 19____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____, the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the board of directors of said corporation, that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

(OFFICIAL SEAL)

_____

_____
Title of official administering oath

Surety Company File No. _____

[FR Doc. 81-27797 Filed 9-23-81; 8:45 am]
BILLING CODE 4910-22-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Extension of the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean

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

ACTION: Final rule.

SUMMARY: The effective date of the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP) is extended through March 31, 1982. All regulations governing foreign and domestic fishing for butterfish continue in force. The intended effect is to continue the optimum yield at the same level as the 1980–1981 fishery.

EFFECTIVE DATE: On October 23, 1981, the FMP is extended through March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Fisheries Management Division, National Marine Fisheries Service.

SUPPLEMENTARY INFORMATION: The FMP for Butterfish (Peprilus triacanthus) prepared by the Mid-Atlantic Fishery Management Council (Council), was approved on November 9, 1979, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMP became effective on October 28, 1980 (45 FR-71357). The FMP established the optimum yield (OY) at 11,000 metric tons (mt), the domestic allowable harvest (DAH) equal to the domestic annual processing (DAP) at 7,000 mt, and the total allowable level of foreign fishing (TALFF) at 4,000 mt. These management measures were extended from April 1, 1980 through March 31, 1981, by Amendment No. 1 (45 FR 71357).

The Assistant Administrator initially approved Amendment 2 with a notice published in the Federal Register on April 29, 1981 (46 FR 23957). This amendment extends the FMP through March 31, 1982, and retains all management measures contained in the original FMP (Appendix 1). This extension of the FMP provides continued management of the butterfish fishery while the Council continues to work on an amendment consolidating the FMPs for the Atlantic mackerel, squid, and butterfish fisheries.

Public comments on this extension of the FMP were invited for a 45-day period ending June 15, 1981. No comments were received. NOAA issues this rule to inform the public that the FMP is effective and continues through March 31, 1982.

The Council certified an annual fishing level of 759 mt of butterfish for the 1981–82 fishing year under Section 201(d)(3) of the Magnuson Act (letter dated March 12, 1981). Action on the certification is pending. The Department of State has made a preliminary allocation of 637 mt to foreign nations to allow an incidental catch of butterfish in the directed foreign fisheries for squid.

National Environmental Policy Act of 1969 (NEPA)

Amendment 2 extends the existing management regime. The environmental impact will be those described in the environmental impact statement and the supplemental environment impact statement prepared for the initial FMP and for Amendment 1. Therefore, the Assistant Administrator has determined that no supplemental statement or assessment is necessary for Amendment 2.

Classification

The Administrator, NOAA, has determined that this action is not a major rulemaking requiring the preparation of a regulatory impact statement under Executive Order 12291.

Because there are no changes in regulations and the amendment only extends the effective date of the FMP, the Acting Administrator has determined that there is no significant economic impact on the public requiring a regulatory flexibility analysis (5 U.S.C. 601 et seq.) and no increase in the Federal paperwork burden (44 U.S.C. 3501 et seq.).

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

Dated: September 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-27728 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 185
Thursday, September 24, 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.

PRESIDENT'S COMMISSION ON PENSION POLICY

1 CFR Part 470

Privacy Act of 1974; Withdrawal of Proposed Rule

AGENCY: President's Commission on Pension Policy.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: On page 39431 in the August 3, 1981, Federal Register the Commission published a document to remove Part 470 from Title 1 of the Code of Federal Regulations. That document was submitted to the Office of the Federal Register as a "final rule," consequently it was published in the rules and regulations section of the Federal Register. The document should have been a withdrawal of a proposed rule and published in the proposed rules section.

FOR FURTHER INFORMATION CONTACT: Dennis Condie (202) 472-9058.

Dated: September 18, 1981.

Dennis G. Condie,

Acting Administrative Officer.

[FR Doc. 81-27618 Filed 9-23-81; 8:45 am]
BILLING CODE 6820-99-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Filberts Grown in Oregon and Washington; Proposal To Establish Inshell Trade Demand for the 1981-82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule pertains to the establishment of an inshell trade demand for the 1981-82 marketing year. The established trade demand would be used in implementing volume regulation percentages necessary to promote orderly marketing during that year.

DATE: Written comments to this proposal must be received by October 5, 1981.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

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

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. The final regulation would apply during the 1981-82 marketing year which began May 1, 1981, and be used in connection with the implementation of volume regulations for that year. Handlers need to know what trade demand quantity may apply during the 1981-82 marketing year so they can plan their operations accordingly. Moreover, the establishment of any trade demand quantity must be accomplished soon so that the preliminary free percentage, which will release no less than 70 percent of the established trade demand quantity, can be computed prior to September 20, as provided by the order.

The proposal is to establish a trade demand for filberts for the 1981-82 marketing year as prescribed in § 982.40(b) of the marketing agreement and Order No. 982, as amended (7 CFR Part 982; 46 FR 26037) regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on a recommendation of the Filbert/Hazelnut Marketing Board, hereinafter referred to as the "Board", at its meeting on July 29, 1981.

Section 982.40(b) of the order, as amended effective May 11, 1981, prescribes that prior to August of a marketing year, the Board shall recommend establishment of an inshell trade demand for that year to the Secretary. The trade demand must be based on the average of the trade acquisitions of inshell filberts during the preceding three marketing years unless the trade acquisitions in any one or all of those years was abnormally low because of crop conditions. If those conditions existed, then an earlier year or years would be used to determine the three-year average. If the Secretary finds, on the basis of the Board's recommendation or other information, that volume regulation for that marketing year would tend to effectuate the declared policy of the act, the Secretary shall establish the trade demand computed in accordance with § 982.40(b).

On July 29, the Board computed an inshell trade demand for the 1981-82 marketing year of 5,111 tons, using the period May 1, 1978 through April 30, 1981. During that period, domestic inshell trade acquisitions totalled 15,140 tons. Dividing these acquisitions by three and rounding to the nearest full ton results in a three-year average of 5,047 tons. The Board added 64 tons to that amount, which was the three-year average of imported inshell filberts during that period. However, § 982.16 of the order defines "inshell trade demand" as the quantity of inshell filberts acquired by the trade from all handlers during a marketing year for distribution in the continental United States. Thus, by definition, the computation of the inshell trade demand must be limited to trade acquisitions of domestic filberts. Consequently, the Board should have recommended an

inshell trade demand of 5,047 tons, instead of 5,111 tons, for the 1981–82 marketing year.

The Board estimated that the 1981 filbert crop would approximate or exceed last year's record crop of 15,400 tons. Barring adverse weather conditions through the harvest period, a crop that size normally would result in approximately 14,800 tons of merchantable inshell filberts. The carryover supplies of merchantable inshell filberts from last year's crop approximated 1,405 tons. Thus, 1981–82 season merchantable inshell supplies should be far in excess of inshell needs, and volume regulation appears appropriate for the 1981–82 marketing year.

Prior to September 20, a preliminary free percentage would be computed by Board management to release 70 percent of the established trade demand. After the field price has been negotiated between growers and handlers, a free percentage to release 80 percent of the "trade demand" would be computed. On or before November 15, the Board would meet to recommend to the Secretary the final free and restricted percentages to release 100 percent, or up to 110 percent if market conditions justify, of the inshell trade demand previously established by the Secretary for the marketing year.

The free percentage portion of the production would be for use in all outlets, but primarily in the domestic inshell market. Inshell filberts withheld from handling (i.e., restricted filberts) may be shelled for domestic or foreign shipment, exported or disposed of in outlets which are noncompetitive with normal market outlets for inshell filberts.

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

Therefore, § 982.230 is removed and a new § 982.231 is proposed to be added to read as follows:

Note.—The following section will not be published in the Code of Federal Regulations.

§ 982.231 Trade demand and free and restricted percentages—1981–82 marketing year.

(a) The trade demand for merchantable inshell filberts for the 1981–82 marketing year shall be 5,047 tons.

(b) Reserved.

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-27809 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1098

[Milk Order No. 98]

Milk in the Nashville, Tennessee, Marketing Area; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposal to continue the suspension of certain provisions of the order relating to the pooling standards for distributing plants under the Nashville, Tennessee, Federal milk order. The suspension would have removed the requirement that a distributing plant have route disposition of at least 50 percent of combined receipts and diversions to qualify as a pool plant. This action was requested by a handler operating a distributing plant in the regulated area to assure that producers regularly supplying a portion of the market's fluid milk requirements continue to share in the proceeds of the market's Class I sales.

A cooperative association representing a majority of the producers on the market submitted comments opposing the continuation of the suspension. Because of the conflicting viewpoints among interested parties, no action is being taken at this time to suspend the provisions in question.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 20, 1981; Published August 25, 1981 (46 FR 42871).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Nashville, Tennessee, marketing area. This proceeding was initiated by a notice of proposed rulemaking published in the Federal Register (46 FR 42871) concerning a proposed continuation of the suspension of certain provisions of the order. Interested person were invited to file written data, views, or arguments thereon not later than September 1, 1981.

The provisions that were proposed to be suspended for the months of September through November are as follows:

In § 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13."

Statement of Consideration

The suspension would have continued to make inoperative for September through November 1981 the provision that a distributing plant each month must dispose of at least 50 percent of its milk receipts as route disposition to qualify as a pool plant. The suspension action was requested by Kraft, Inc., which operates a pool distributing plant regulated under the Nashville order. Kraft also had requested the recent suspension of these provisions, which was effective for May through August 1981. In its original request for the suspension, Kraft expressed the belief that the problem for which a suspension was requested would be resolved during the fall months. Kraft now indicates that their April forecast of fall operations may not be realized and that there will continue to be a temporary imbalance in its operations between supply and demand for fluid sales.

In addition to its request for extension of the suspension, Kraft has requested that the Department consider at a public hearing a proposal to change the pooling standards for distributing plants. A Notice of Hearing that includes Kraft's proposal, and others, has been issued.

Dairymen, Inc. (DI), a cooperative association that represents a majority of the producers in the Nashville market, opposed the continuation of the suspension. DI contended that the opening of a new distributing plant by the Kroger Company in August 1981 would substantially increase the amount of milk in the Nashville market needed for Class I sales. DI also stated that Kraft, Inc., has increased the number of producers associated with its Nashville plant in order to provide milk to its cheese plants in the area. DI contended that much of the milk associated with the Kraft plant is not available for Class I use at a time when Class I utilization in the market will be increasing, and, therefore, Kraft's Nashville plant should be excluded from the pool unless it meets the order's requirements for pool plant status.

Kraft stated in its comments that its Class I sales will be adversely affected during September 1981 because a court action has delayed the opening of the Nashville public schools from late August to September 14, 1981.

The delayed opening of public schools in Nashville does create a temporary situation that affects the market's Class I sales. Since Kraft is a major supplier of milk to the schools, its Class I sales will be adversely affected in the month of September. However, in view of the conflicting viewpoints among interested parties concerning the request, it is concluded that the suspension should not be continued. Accordingly, the proceeding begun in this matter on August 20, 1981, is hereby terminated.

The Department has issued a notice of hearing to consider, among other things, Kraft's proposal to amend the pooling standards for distributing plants under the Nashville order. The problems raised by Kraft, Inc. and Dairymen, Inc., in this proceeding may be placed on the record at the hearing.

Signed at Washington, D.C., on September 18, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-27735 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22148]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections and repair as necessary of the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer on certain Airbus Industrie Model A300 series airplanes. This AD is prompted by reports of fatigue cracks in the upper skins of the spar boxes of the horizontal stabilizer which could result in failure of the horizontal stabilizer.

DATES: Comments must be received on or before November 23, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn.. Rules Docket (AGC-24) Docket No. 22148, 800 Independence Avenue SW., Washington, D.C. 20591;

or delivered in duplicate to:

Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 22148.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.[1]

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 22148." The post card will be dated, time stamped and returned to the commenter.

Fatigue testing by the manufacturer on certain Airbus Industrie Model A300 series airplanes has shown that the machined upper skin on the lefthand, righthand, and center spar boxes of the horizontal stabilizer will develop cracks after a number of operational cycles which could result in structural failure of the horizontal stabilizer and loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive inspections of the upper skins of the spar boxes of the horizontal stabilizer for cracks, and repair as necessary, on certain Airbus Industrie Model A300 series airplanes.

Although information available to the FAA indicates that Airbus Model A300 series airplanes on the U.S. aircraft registry have been modified in accordance with Airbus Service Bulletin No. A300-55-017, it is proposed to make the modifications a regulatory requirement to assure compliance by all currently U.S. registered airplanes as well as those airplanes that may enter the U.S. aircraft registry in the future.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, certificated in all categories, that have not been modified in accordance with Airbus Industrie Service Bulletin A300-55-017, Revision 3, dated November 5, 1979.

Compliance is required as indicated, unless already accomplished.

To detect cracks in the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer, and to prevent the possible structural failure of the horizontal stabilizer, accomplish the following:

(a) Prior to the accumulation of 12,000 hours time in service, or within the next 300 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, inspect the upper skins of the horizontal stabilizer's lefthand, righthand, and center spar boxes in accordance with the instructions in paragraph 2.B, "INSPECTION," of Airbus Industrie Service Bulletin A300-55-022, Revision 1, dated March 28, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) Repeat the inspection required in paragraph (a) of this AD at intervals not exceeding 3,000 hours total time in service from the last inspection until the aircraft has accumulated 21,000 hours total time in service. After 21,000 hours total time in service have been accumulated, perform the inspection required in paragraph (a) of this AD at intervals not exceeding 1,500 hours time in service from the last inspection.

[1] Service bulletin filed as part of the original document.

(c) If cracks are found during the inspections required by paragraphs (a) or (b) of this AD, perform inspections and repairs in accordance with the Modification, Inspection and Repair Alternatives Flow Chart in Figure 1 of the Service Bulletin, or an FAA-approved equivalent, and continue the inspection required by paragraphs (a) or (b) except that where inspections reveal one crack longer than 2 inches, or more than one crack, the repair procedure and inspection schedule must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on September 16, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-27607 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-35]

Proposed Extension of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend VOR Federal Airway V-70 from Brownsville, TX, to Monterrey, Mexico. The Government of Mexico has requested this airway extension to provide a direct route to/from the Brownsville terminal area.

DATE: Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-35, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V-70 from Brownsville, TX, direct to Monterrey, Mexico. The Government of Mexico requested this airway extension in order to establish direct routing to Brownsville and for transition routes to other airports located on both sides of the U.S./Mexico boundary. This action would improve air traffic control flexibility for flight operations in these terminal areas and aid flight planning. Section 71.123 was republished in the Federal Register on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V-70 [Amended]

By deleting the words "From Brownsville, TX," and substituting for them the words "From Monterrey, Mexico; Brownsville, TX;" and by adding the words at the end of the description "The airspace within Mexico is excluded."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 16, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-27566 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AAL-7]

Proposed Designation of Transition Area and Designation of Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new Central Alaska Transition Area and a new Additional Control Area 1200 located in the Anchorage, AK, Flight Information Region (FIR). The new transition area and the new control area would encompass several smaller areas and establish a 1,200-foot floor that is consistent throughout this area.

DATE: Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-7, 701 C Street, Box 14, Anchorage, AK. 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interrested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.163 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a new Central Alaska Transition Area and a new Additional Control Area "Control 1200" located in the Alaskan Flight Information Region (FIR). The proposal would revoke several small transition and control areas that would be encompassed by the new Central Alaska Transition Area and the new Additional Control Area 1200. This action would facilitate flight planning and enhance the safe and efficient conduct of flight. Sections 71.163 and 71.181 were republished in the Federal Register on January 2, 1981 (46 FR 449 and 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.163 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFFR Part 71) as republished (46 FR 449 and 540) as follows:

§ 71.163 [Amended]

1. By revoking title and text of the following:

Control Areas 1217, 1218, 1235, 1400, 1401, and 1487.

2. By adding:

Control 1200

That airspace extending upward from 5,500 feet MSL to FL 450 within the area bounded by a line beginning at lat. 54°38'15"N., long. 132°50'00"W.; to lat. 54°00'00"N., long. 136°00'00"W.; to lat. 59°08'30"N., long. 147°18'30"W.; to lat. 56°00'00"N., long. 153°00'00"W.; to lat. 53°30'00"N., long. 160°00'00"W.; to lat. 55°41'00"N., long. 160°00'00"W.; to lat. 56°30'00"N., long. 154°00'00"W.; to lat. 57°45'00"N., long. 151°30'00"W.; to lat. 59°04'20"N., long. 151°30'00"W., thence easterly 3 NM from and parallel to the U.S. coastline to the point of beginning.

§ 71.181 [Amended]

1. By revoking title and text of the following:

Kodiak, AK, Talkeetna, AK; and Valdez, AK.

2. By adding:

Central, AK

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 59°58'00"N., long. 144°00'00"W.; to lat. 63°10'00"N., long. 144°00'00"W.; to lat. 62°38'00"N., long. 145°41'00"W.; to lat. 63°00'00"N., long. 151°10'00"W.; to lat. 61°00'00"N., long. 155°30'00"W., to lat. 60°30'00"N., long. 155°30'00"W.; to lat. 58°45'00"N., long. 160°00'00"W.; to lat. 55°41'00"N., long. 160°00'00"W.; to lat. 56°30'00"N., long. 154°00'00"W.; to lat. 57°45'00"N., long. 151°30'00"W.; to lat. 59°04'20"N., long. 151°30'00"W.; thence easterly 3 NM from and parallel to the U.S. coastline to the point of beginning.

3. Anchorage, AK

By deleting the words "(lat. 61°10'16"N., long. 149°58'48"W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; that airspace extending upward from 9,500 feet MSL within a 172-mile radius of the Anchorage VORTAC extending from the 090° radial clockwise to the 165° radial, excluding the portions within federal airways, Control 1310, Control 1218, the Middleton Island, AK, Johnstone Point, AK, Cordova, AK, and the Valdez, AK, Transition Areas, and the Anchorage Oceanic Control Area; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC extending from the 165° radial clockwise to the 090° radial excluding the portions within the United States, federal airways, Control 1218 and the King Salmon, AK, Transition Area." and substitution for them the words "(lat. 61°10'39"N., long. 149°59'38"W.)"

4. Dillingham, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC."

5. Fairbanks, AK

By deleting the words "to 62°45'00"N., 148°48'00"W.; to 62°59'00"N., 150°15'00"W.;"

6. Gulkana, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 8.5 miles E and 5.5 miles W of the Gulkana VORTAC 184° radial extending from 9 miles S to 30 miles S of the VORTAC; and within 8.5 miles W and 5.5 miles E of the Gulkana VORTAC 356° radial extending from 9 miles N to 30 miles N of the VORTAC."

7 Homer, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Homer VORTAC extending from the 027° radial clockwise to the 252° radial excluding the portion within Control 1218."

8. Iliamna, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the Iliamna NDB 189° bearing from the Iliamna NDB, extending from the NDB to 18.5 miles south of the NDB."

9. King Salmon, AK

By deleting the words "that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, AK, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, federal airways, Control 1217, Control 1234, Control 1400, and Control 1401."

(Secs. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854 (24 FR 9565; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 (CFR 11.65)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 17, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-27608 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812 3000]

McCaffrey and McCall, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City advertising agency to cease misrepresenting in advertisements that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company would be required to have a reasonable basis for advertising representations relating to the efficacy, performance or benefit of any drug, device or other produce; would be barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order would also require that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Comments must be receive on or before November 23, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of McCaffrey and McCall, Inc., a corporation, File No. 812 3000, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of McCaffrey and McCall, Inc., a corporation, sometimes hereinafter referred to as respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between McCaffrey and McCall, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent McCaffrey and McCall, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of New York, with its executive office and principal place of business located at 575 Lexington Avenue, New York, New York 10022.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts alleged in the draft of complaint here attached are true, except for jurisdictional facts which are hereby admitted.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

8. Nothing in this order shall be deemed to deny or limit proposed respondent with respect to any right (except those rights waived in this agreement), defense, or affirmative defense to which proposed respondent may otherwise be entitled by law or in a compliance action or any other action.

9. If the Federal Trade Commission hereafter promulgates any trade regulation rule or guide governing the advertising or offering for sale of any product subject to this order, and such rule or guide concerns practices covered by this order, and said rule or guide is less restrictive than the corresponding provision(s) of this order, and respondent files a motion with the Commission to modify this order to correspond to such less restrictive rule or guide, the Commission shall rule upon said motion within one hundred and twenty (120) days after said motion is filed, or if respondent's motion to modify is filed at least sixty (60) days prior to the effective date of such rule or guide, the Federal Trade Commission shall rule upon respondent's motion within sixty (60) days after the effective date of such rule or guide. Should the Federal Trade Commission fail to rule upon respondent's motion to modify within such time periods, then such rule or guide shall automatically be deemed to modify and replace the corresponding provision(s) of this order.

ORDER

Part I

It is ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae (hereinafter sometimes referred to as "razor bumps").

2. Making any statement or representation, directly or by implication, that tests, studies or demonstrations prove or constitute proof that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae ("razor bumps").

Part II

It is further ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, by persons afflicted with "razor bumps" will reduce or minimize that condition or is efficacious for the treatment of "razor bumps", unless at the time of each dissemination of such statement or representation respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such statement or representation. Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons independently of each other. Such persons shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

Part III

For purposes of Part IV and Part V of this order, the term "product" shall be defined as follows: electric and cordless shavers, microwave ovens and toaster ovens.

Part IV

It is further ordered that respondent McCaffrey and McCall, Inc., its successors

and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any "product" as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, concerning the performance, or any other characteristic, feature, attribute or benefit of any product unless respondent possesses and relies upon a reasonable basis for such statement or representation at the time of its initial dissemination and each subsequent dissemination. Such reasonable basis shall consist of competent and reliable evidence which substantiates such statement or representation.

2. Advertising any product by referring to or presenting evidence, including a test, survey, experiment, demonstration, study or report, or the results thereof, which evidence is represented, directly or by implication, as supporting, showing or proving the existence or nature of any fact or feature respecting such product when such evidence does not support, show or prove such fact or feature.

3. Making any statement or representation, directly or by implication, by reference to a test, survey, experiment, demonstration, study or report, unless such work has been designed, executed, and analyzed in a competent and reliable scientific manner and unless its purpose, content, validity, reliability, results, or the conclusions which may be drawn therefrom, are fairly and accurately represented.

Part V

It is further ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product, as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall maintain written records:

1. Of all materials relied upon in making any claim or representation covered by this order.

2. Of all test reports, studies, surveys or demonstrations in its possession that contradict, qualify, or call into question the basis upon which respondent relied at the time of the initial dissemination and each continuing or successive dissemination of any claim or representation covered by this order.

Such records shall be retained by respondent for a period of three years from the date respondent's advertisements, sales materials, promotional materials, or post purchase materials making such claim or representation were last disseminated. Such records will be made available to the Commission staff for inspection upon reasonable notice.

Part VI

It is further ordered that respondent shall forthwith distribute a copy of this order to each of its operating divisions and to each of its officers, agents, representatives or employees who are engaged in the preparation and placement of advertisements or other product-related sales materials.

Part VII

It is further ordered that respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Part VIII

It is further ordered that respondent shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

North American Philips Corp., McCaffrey & McCall, Inc., File No. 812 3000

Analysis of Proposed Consent Orders To Aid Public Comment

The Federal Trade Commission has provisionally accepted agreements containing consent orders to cease and desist from North American Philips Corporation and McCaffrey and McCall, Inc.

The proposed consent orders have been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become a part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements and take other appropriate action or make final the proposed orders contained in the agreements.

This matter concerns radio and print advertisements for the Black Pro Rotary Razor, an electric shaver developed primarily for black men. The shaver was advertised as a means of curing "razor bumps", a painful skin condition resulting from shaving. This condition is known medically as pseudofolliculitis barbae (PFB). The complaint challenges the following claims:

a. "With the * * * Black Pro, razor bumps go away. And stay away."

b. "[North American Philips Corporation] * * * and a leading black university have found a dramatic cure for your shaving problems * * * Even in *daily* shaving." (emphasis in original)

c. "The one that really works * * * Other companies have tried to come up with a razor bump cure. But only * * * [North American Philips Corporation] has succeeded * * *."

d. "Razor bumps go away and stay away as proven in tests at a leading black university."

e. "In a study conducted at a leading black university, black men suffering from razor bumps tested the * * * Black Pro Rotary Razor in daily shaving."

f. "These unretouched photos prove that after shaving for six weeks with the * * * Black Pro, your skin can be free of razor bumps."

Staff evaluated substantiation materials submitted by the companies in support of the ads. These materials consisted of tests conducted on behalf of the companies. Staff determined that these tests wee inadequate to support the ad claims.

The complaint charges that the Black Pro shaver will not cure the condition of razor bumps and that moreover, the university tests referred to in the advertising do not provide the proof claimed. Nor does the photographic demonstration included in the advertising prove the curative ability of the shaver, it is charged. The complaint further alleges that contrary to the ad statements, the razor was not tested in a daily shaving regimen. In addition, the companies are charged with not having had a reasonable basis for claiming that the Black Pro shaver is an effective treatment for the razor bumps condition.

Both provisionally accepted consent orders contain provisions designed to remedy the advertising violations charged, as well as to prevent respondents from engaging in similar allegedly illegal acts and practices in the future.

The orders contain reasonable basis provisions consistent with Commission case law requirements which have evolved over the years. In regard to claims made in future advertising for electric and cordless shavers, microwave ovens and toaster ovens, the companies must possess and rely in advance upon a reasonable basis of support consisting of competent and reliable evidence substantiating the claims. The types of claims regulated are representations concerning the performance, or any other characteristic, feature, attribute or benefit of the three product lines covered by the orders.

Further, the orders establish certain requirements as to shaver, microwave oven, or toaster oven advertisements which refer to a test, survey, experiment, demonstration, study or report. First, the evidence referred to must actually support, show or prove the product fact or feature claimed in the advertising. Second, the research must

have been designed, executed and analyzed in a competent and reliable scientific manner. Finally, the orders require that only fair and accurate representations be made in the advertising as to the purpose, content, validity, reliability or results of the research referred to, or the conclusions which may be drawn from it.

With regard to Black Pro advertising specifically, the orders expressly prohibit the companies from making PFB cure claims for the shaver (or for any other device or for a drug), either alone or by referring to a test, study or demonstration. Any future claims regarding treatment or reduction of the PFB condition must be supported by a reasonable basis consisting of at least two well-controlled clinical studies.

Finally, the orders contain three-year recordkeeping provisions requiring the retention of both materials which support the ad claims, as well as those which contradict or qualify the claims.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27811 Filed 9-23-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 812 3000]

North American Philips Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City corporation to cease misrepresenting that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company would be required to have a reasonable basis for representations relating to the efficacy, performance or benefit of any drug, device or other product; would be barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order would also require that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Comments must be received on or before November 23, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of North American Philips Corp., a corporation; File No. 812 3000 Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of North American Philips Corporation, a corporation, sometimes hereinafter referred to as respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between North American Philips Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent North American Philips Corporation is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its executive office and principal place of business located at 100 East 42nd Street, New York, New York 10017.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts alleged in the draft of complaint here attached are true, except for jurisdictional facts which are hereby admitted.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service except that, up to and including December 31, 1981 or the effective date of this order, whichever is later, proposed respondent may ship Black Pro shaver packaging which may not conform to the terms of this order. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

8. Nothing in this order shall be deemed to deny or limit proposed respondent with respect to any right (except those rights waived in this agreement), defense, or affirmative defense to which proposed respondent may otherwise be entitled by law or in a compliance action or any other action.

9. If the Federal Trade Commission hereafter promulgates any trade regulation rule or guide governing the advertising or offering for sale of any product subject to this

order, and such rule or guide concerns practices covered by this order, and said rule or guide is less restrictive than the corresponding provision(s) of this order, and respondent files a motion with the Commission to modify this order to correspond to such less restrictive rule or guide, the Commission shall rule upon said motion within one hundred and twenty (120) days after said motion is filed, or if respondent's motion to modify is filed at least sixty (60) days prior to the effective date of such rule or guide, the Federal Trade Commission shall rule upon respondent's motion within sixty (60) days after the effective date of such rule or guide. Should the Federal Trade Commission fail to rule upon respondent's motion to modify within such time periods, then such rule or guide shall automatically be deemed to modify and replace the corresponding provisions(s) of this order.

ORDER

Part I

It is ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae (hereinafter sometimes referred to as "razor bumps").

2. Making any statement or representation, directly or by implication, that tests, studies or demonstrations prove or constitute proof that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae ("razor bumps").

Part II

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, by persons afflicted with "razor bumps" will reduce or minimize that condition or is efficacious for the treatment of "razor bumps", unless at the time of each dissemination of such statement or representation respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such statement or representation. Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons independently of each other. Such persons shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

Part III

For purposes of Part IV and Part V of this order, the term "product" shall be defined as follows: electric and cordless shavers, microwave ovens and toaster ovens.

Part IV

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any "product" as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, concerning the performance, or any other characteristic, feature, attribute or benefit of any product unless respondent possesses and relies upon a reasonable basis for such statement or representation at the time of its initial dissemination and each subsequent dissemination. Such reasonable basis shall consist of competent and reliable evidence which substantiates such statement or representation.

2. Advertising any product by referring to or presenting evidence, including a test, survey, experiment, demonstration, study or report, or the results thereof, which evidence is represented, directly or by implication, as supporting, showing or proving the existence or nature of any fact or feature respecting such product when such evidence does not support, show or prove such fact or feature.

3. Making any statement or representation, directly or by implication, by reference to a test, survey, experiment, demonstration, study or report, unless such work has been designed, executed, and analyzed in a competent and reliable scientific manner and unless its purpose, content, validity, reliability, results, or the conclusions which may be drawn therefrom, are fairly and accurately represented.

Part V

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, of other device, in connection with the advertising, offering for sale, sale or distribution of any product, as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall maintain written records:

1. Of all materials relied upon in making any claim or representation covered by this order.

2. Of all test reports, studies, surveys or demonstrations in its possession that contradict, qualify, or call into question the basis upon which respondent relied at the time of the initial dissemination and each continuing or successive dissemination of any claim or representation covered by this order.

Such records shall be retained by respondent for a period of three years from the date respondent's advertisements, sales materials, promotional materials, or post purchase materials making such claim or representation were last disseminated. Such records will be made available to the Commission staff for inspection upon reasonable notice.

Part VI

It is further ordered that respondent shall forthwith, relative to the products specified in Part III, distribute a copy of this order to each of its concerned operating divisions and to each of its officers, agents, representatives or employees who are engaged in the preparation and placement of advertisements or other sales materials concerning said products.

Part VII

It is further ordered that respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Part VIII

It is further ordered that respondent shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

North American Philips Corp., McCaffrey and McCall, Inc., File No. 812 3000

Analysis of Proposed Consent Orders To Aid Public Comment

The Federal Trade Commission has provisionally accepted agreements containing consent orders to cease and desist from North American Philips Corporation and McCaffrey and McCall, Inc.

The proposed consent orders have been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments

received and will decide whether it should withdraw from the agreements and take other appropriate action or make final the proposed orders contained in the agreements.

This matter concerns radio and print advertisements for the Black Pro Rotary Razor, an electric shaver developed primarily for black men. The shaver was advertised as a means of curing "razor bumps", a painful skin condition resulting from shaving. This condition is known medically as pseudofolliculitis barbae (PFB). The complaint challenges the following claims:

a. "With the * * * Black Pro, razor bumps go away. And stay away."

b. "[North American Philips Corporation] * * * and a leading black university have found a dramatic cure for your shaving problems * * * Even in *daily* shaving." (emphasis in original)

c. "The one that really works * * * Other companies have tried to come up with a razor bump cure. But only * * * [North American Philips Corporation] has succeeded * * *"

d. "Razor bumps go away and stay away as proven in tests at a leading black university."

e. "In a study conducted at a leading black university, black men suffering from razor bumps tested the * * * Black Pro Rotary Razor in daily shaving."

f. "These unretouched photos prove that after shaving for six weeks with the * * * Black Pro, your skin can be free of razor bumps."

Staff evaluated substantiation materials submitted by the companies in support of the ads. These materials consisted of tests conducted on behalf of the companies. Staff determined that these tests were inadequate to support the ad claims.

The complaint charges that the Black Pro shaver will not cure the condition of razor bumps and that moreover, the university tests referred to in the advertising do not provide the proof claimed. Nor does the photographic demonstration included in the advertising prove the curative ability of the shaver, it is charged. The complaint further alleges that contrary to the ad statements, the razor was not tested in a daily shaving regimen. In addition, the companies are charged with not having had a reasonable basis for claiming that the Black Pro shaver is an effective treatment for the razor bumps condition.

Both provisionally accepted consent orders contain provisions designed to remedy the advertising violations charged, as well as to prevent respondents from engaging in similar allegedly illegal acts and practices in the future.

The orders contain reasonable basis provisions consistent with Commission case law requirements which have evolved over the years. In regard to claims made in future advertising for electric and cordless shavers, microwave ovens and toaster ovens, the companies must possess and rely in advance upon a reasonable basis of support consisting of competent and reliable evidence substantiating the claims. The types of claims regulated are representations concerning the preformance, or any other characteristic, feature, attribute or benefit of the three product lines covered by the orders.

Further, the orders setablish certain requirements as to shaver, microwave oven, or toaster oven advertisements which refer to a test, survey, experiment, demonstration, study or report. First, the evidence referred to must actually support, show or prove the product fact or feature claimed in the advertising. Second, the research must have been designed, executed and analyzed in a competent and reliable scientific manner. Finally, the orders require that only fair and accurate representations be made in the advertising as to the purpose, content, validity, reliability or results of the research referred to, or the conclusions which may be drawn from it.

With regard to Black Pro advertising specifically, the orders expressly prohibit the companies from making PFB cure claims for the shaver (or for any other device or for a drug), either alone or by referring to a test, study or demonstration. Any future claims regarding treatment or reduction of the PFB condition must be supported by a reasonable basis consisting of at least two well-controlled clinical studies.

Finally, the orders contain three-year recordkeeping provisions requiring the retention of both materials which contradict or qualify the claims.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27812 Filed 9-23-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 57

Education of Handicapped Children in the DOD Dependents Schools; Hearings

AGENCY: Department of Defense (DOD).

ACTION: Hearings on proposed rule.

SUMMARY: Pursuant to Section 5(a) of the Education for All Handicapped Children Act, Pub. L. No. 94-142, 20 U.S.C. 1412(7)(B)(1976), the Department of Defense announces that it will conduct public hearings to receive comments from the general public and other interested parties concerning the proposed DOD Instruction on "Education of Handicapped Children in the DOD Dependents Schools." The proposed Instruction was published in the Federal Register on September 11, 1981 for public notice and comment. (46 FR 45368; FR Doc. 81-26583.)

DATES: Public hearings will be held on October 15 and 16, 1981, beginning at 10 a.m. and continuing for as long as necessary thereafter. Persons desiring to testify must notify the DOD Dependents Schools in writing by October 9, 1981.

ADDRESSES: The public hearings will be held in room 8N54, Hoffman Building No. 2, 200 Stovall Street, Alexandria, VA 22331. Since space is limited persons desiring to testify must notify DOD Dependents Schools in writing at the following address: Dr. Diane L. Goltz, Department of Defense Dependents Schools, Hoffman Building No. 1, Room 148, 2461 Eisenhower Avenue, Alexandria, VA 22331.

SUPPLEMENTARY INFORMATION: Each presentation at the public hearings will be limited to 10 minutes. Persons testifying at the hearings are encouraged to submit written statements, which must be received at the above address by October 13, 1981. Oral presentations should not repeat the written statements, but should offer new material or respond to the comments of others.

M. S. Healy,

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

September 18, 1981.

[FR Doc. 81-27733 Filed 9-23-81; 8:45 am]

BILLING CODE 3810-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, and 173

[Docket No. HM-138A; Notice No. 81-6]

Enforcement Procedures and Related Miscellaneous Proposals

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB proposes to make the following changes to Parts 107, 171, and 173 concerning primarily the procedural requirements of its hazardous materials exemption, approval, preemption, and enforcement programs:

1. Several substantive and non-substantive changes would be made to the enforcement procedures dealing with initiation of cases, their administrative handling, determination of appropriate sanctions, and the right of appeal of the parties.

2. Changes are proposed to the exemption procedures in Part 107 to make enforcement action a basis for taking action against an exemption holder or party to an exemption, and to clarify, by a related amendment to § 171.2 the fact that violation of a term or condition of an exemption can be the basis for an enforcement action.

3. In association with the changes cited in 2. above, the enforcement procedures would also be amended to include violation of the terms of an approval issued under Part 173 as a basis for enforcement action.

4. Section 171.2 would be amended further to provide a more specific prohibition against the improper use of DOT authorized and required markings associated with specification identifications, and exemption, approval and registration numbers.

5. For clarification, § 173.1 would be amended to highlight the fact that Part 173 contains, in addition to shipper requirements applicable to reconditioners (§ 173.28) and retesters, repairers, and rebuilders (§ 173.34).

6. The procedures relating to inconsistency rulings and non-preemption determinations would be amended to reflect the fact that responsibility for those functions has been transferred within the MTB from the Associate Director for Operations and Enforcement to the Associate Director for Hazardous Materials Regulation.

7. The definition of the term "person" would be amended to clarify the fact that the term includes governmental entities when those entities engage in commercial transportation of hazardous materials.

DATE: Comments must be received by October 22, 1981.

ADDRESS: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 755-4973.

SUPPLEMENTARY INFORMATION: On September 9, 1976, the MTB published Amendment No. 107-3 (41 FR 38167) prescribing, as pertinent here, the procedures to be followed by the MTB in carrying out its enforcement responsibilities under sections 109, 110, and 111 of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1808, 1809, and 1810). Because the provisions adopted therein related to the practices and procedures of the MTB, Amendment 107-3 was issued as a final rule without prior notice and comment.

However, the MTB stated in the preamble its intention to review the procedures based on experience gained in their operation and invited public participation in that review through the submission of comments. No written comments were ever received in response to that solicitation.

Notwithstanding the absence of public comments in response to the requirements adopted in 1976, the MTB has had extensive dealings with persons subject to its hazardous materials enforcement jurisdiction through individual enforcement cases. This experience, together with the ongoing evaluation of the effectiveness, efficiency, and fairness of the hazardous materials enforcement program, form the bases for the proposals made in this notice of proposed rulemaking. Many of the changes proposed herein are merely editorial in nature, others seek to remove redundancies, and the remainder actually alter the substance of, or add to, existing requirements. With respect to due process protections existing in current requirements, the proposals made herein would not detract from them, but rather add thereto. There follows an analysis by section of those proposed changes which would alter the substance of current requirements or add new ones.

Part 107

Subpart A—General Provisions

Section 107.13. Two minor changes would be made in paragraphs (a) and (h) to clarify who may issue a subpoena and the related area of how a subpoena is modified or quashed. Paragraph (a) would be amended to substitute a reference to an "official presiding over a hearing" for the current reference to "the MTB official designated to preside over a hearing." This change would reflect the fact that, although not required by statute to do so, it has been an MTB practice to obtain the services of non-MTB personnel (i.e., Administrative Law Judges) to preside over hearings.

The proposed change to paragraph (h) would make it consistent with paragraph (a) by correctly identifying to whom a subpoena recipient should apply in order to have a subpoena modified or quashed. As proposed, an application to modify or quash would be sent to the official who issued the subpoena.

Subpart B—Exemptions

Section 107.109. This proposal would add as a basis for denying an application for exemption false statements, misrepresentations, or omissions of material fact used to support the application. This authority in the Associate Director for HMR to terminate further consideration of application for the stated reasons, would be consistent with current authority under § 107.119 allowing the Associate Director for HMR to terminate existing exemptions for the same reasons. By providing this authority at the application stage, administrative time and money can be saved in these cases where misrepresentation is a problem.

Section 107.119. Two important proposals made in this Notice relate to the enforcement of the terms and conditions of an exemption. This section contains proposals regarding the impact of enforcement actions against exemption holders and parties to examptions on the right to continue activities under the exemption. Associated with this proposal is a proposal in § 107.307 providing for initiation of an enforcement case for

failure to comply with the terms of an exemption or an approval.

Under the § 107.119 proposal, the Associate Director, Office of Hazardous Materials Regulation (OHMR), could suspend the authority to operate under an exemption during the pendency of an enforcement action against the holder thereof or party thereto. This would apply when action is brought against the holder or party in cases where the exemption itself is involved as well as in cases where it is not. In a like manner, the Associate Director, OHMR could terminate an exemption when the holder or party has been found to be in violation in accordance with the enforcement procedures in Subpart D, or when the holder or party submitted false information in its application, or if it misrepresented or failed to reveal a material fact.

The § 107.307 proposal is based on the premise that a failure to comply with the terms or conditions of an exemption or approval in effect renders the exemption or approval a nullity, and places the holder or party in the position he would have been in absent the exemption or approval, i.e., he is required to comply with the underlying regulations to which the exemption or approval was addressed. In addition to the proposals herein, language would be added to each exemption and approval to reflect this procedure. In addressing exemption and approval enforcement in this manner, the respondent would be able to avail itself of the procedural protections of the enforcement procedures.

Subpart D—Enforcement

Section 107.229. Because establishing knowledge is fundamental to a finding of violation under the HMTA and these regulations, it is proposed to add a definition of the term "knowledge" or "knowingly".

As developed by the Supreme Court in *United States* v. *International Minerals and Chemical Corporation,* 402 U.S. 558 (1971), knowledge, as proposed herein, means that a person who is engaged in activity subject to the HMTA and the hazardous materials regulations is presumed to be aware of that statute and those regulations, as applicable to the particular activity in question. Actual knowledge that a given act is a violation of a particular requirement is not required, and the concept includes, with respect to the facts which establish a violation, what the person *should have known* in the proper exercise of its responsibilities. This definition is of course subject to the limitation prescribed in section 110(a) of the HMTA that excepts from liability for imposition of a civil penalty an employee who acts without knowledge (thus placing the onus solely on the employer).

In addition, it is proposed to add a definition of the term "investigation" which would encompass the inspection activity of the MTB authorized under section 109(c) of the HMTA, as well as the investigation authority granted under section 109(a). This addition is considered appropriate because the majority of the MTB hazardous materials field effort involves compliance inspections.

Compliance Orders and Civil Penalties

To the extent possible, the requirements and procedures applicable to both civil penalty actions and compliance order actions would be merged to avoid redundancy.

Section 107.307. One of the more significant substantive changes proposed in this Notice, and reflected in the merged civil penalty and compliance order provisions, is the authority of the MTB's Office of Operations and Enforcement (OOE) to seek in one notice of probable violation, both a civil penalty and a compliance order. Although the OOE has historically had this authority under the HMTA, it had never been implemented in the regulations, and thus has never been exercised. The provision for a dual notice of probable violation is proposed as an enforcement tool in those cases where the OOE has reason to believe that either a civil penalty or a compliance order alone would not achieve the desired level of compliance.

Section 107.309. A new section would be added to Subpart D covering use by the OOE of warning letters as an enforcement tool. Although this form of enforcement imposes no sanctions, its use is appropriate where an inspection reveals that a person's compliance status is generally good and that any probable violations noted are minor in nature and clearly present an aberration to an otherwise sound program.

The OOE has used the warning letter for approximately three years, and its use has demonstrated its effectiveness. Although the letter does not require a response most persons who receive one submit information explaining the cause of the problems observed or demonstrating why the observed conduct was not in violation. This form of communication between the OOE and regulated persons serves the dual purposes of informing those persons of deficiencies and also educating them as to the requirements of the Hazardous Materials Regulations applicable to their operations.

Section 107.311(c). The change proposed in this paragraph would allow the OOE to amend a notice of probable violation already issued to a respondent. This provision would enable the OOE to take action on new information that it may discover, as in the case of an inspection of a separate facility of the respondent, without having to issue a new notice. Should the OOE amend a notice of probable violation under this proposal, the respondent would be given 30 days to respond and could treat the amended notice as an initial notice for the purpose of choosing his response option (i.e., informal, hearing, or payment/compliance).

Section 107.317(b). This proposal would require a respondent, as part of his request for an informal conference, to state which of the allegations made by OOE in the notice of probable violation he admits and which ones he denies, as well as the issues the respondent will raise at the conference. This proposal is designed to identify at the outset what the conference will entail and thus enable a fuller discussion of salient points.

Section 107.319(a). The proposal in this section providing for an Administrative Law Judge (ALJ) to preside over hearings convened at the request of a respondent under proposed § 107.313(a)(3), reflects the current practice of the MTB. Although it has been determined in an opinion by the DOT General Counsel that a hearing of the type provided for in 5 U.S.C. 554 (formerly, the Administrative Procedure Act) is not required by the HMTA, the MTB has provided APA-type hearings before an ALJ and believes it is in the interest of administrative due process to continue to do so. Since the DOT does not maintain a staff of ALJs, it is necessary for the Chief Counsel of RSPA to obtain them on a case-by-case request to the Office of Administrative Law Judges, Office of Personnel Management, or through contractual arrangement with retired or otherwise inactive ALJs. Consequently, minor delays can be expected between the time of the respondent's request and the assignment of an ALJ.

It should be noted that a request for a hearing would have to be made by a respondent in both civil penalty and compliance order cases. Under current § 107.315, a hearing is automatically invoked whenever a respondent challenges an allegation in a notice of probable violation proposing a compliance order. There is no reason why the compliance order case should differ from a civil penalty case, and the MTB believes that the affirmative

election for a hearing is the better procedure.

Section 107.321(a). Although the proposals in this Notice do not prescribe a full complement of procedural requirements governing the conduct of a hearing, the MTB does believe, and has proposed, that testimony offered during a hearing should be oral. With respect to other procedural requirements governing the proceeding, the ALJ would have discretion to impose whatever format he chose.

Section 107.325. Under the current regulations there are two deficiencies relating to appeals that need to be corrected. One, relating to the respondent, is dealt with in paragraph (b) and provides that in cases not involving a hearing the respondent may appeal an order of the Associate Director for OOE to the Director, MTB. Although not currently provided in the regulations, this right of appeal has been provided to each respondent since the inception of the hazardous materials enforcement program of the MTB.

The other deficiency is the failure of the regulations to permit the OOE to appeal an adverse decision of an ALJ to the Director of MTB, thereby placing OOE in a procedural position inferior to the respondent. Accordingly, paragraph (a) permits either party to an enforcement hearing to appeal an adverse final order of an ALJ.

In addition, paragraph (c) provides basic requirements that an appeal must conform to, and is designed to assist the Director of MTB in making a thorough and expeditious decision.

Finally, a new paragraph (f) would make failure to comply with a term or condition of a compliance order a basis for OOE initiating an enforcement case.

Section 107.327. This section would prescribe the mechanisms governing an offer in compromise by the respondent in both civil penalty cases and compliance order cases. An offer of an amount in compromise of a civil penalty proposed or assessed would stay the running of any response period then outstanding. This proposal would merely formalize current practice. If accepted, an amount in compromise would constitute a full satisfaction of the civil penalty and would have no effect on the finding of a violation. Thus, the compromise would go only to the amount of the penalty, and not to the underlying violations on which the penalty is based.

The proposals concerning compliance orders in this section are designed to be more specific than current language. For example, under current language there is no requirement that the respondent identify the facts or proposed compliance order terms and conditions he challenges. The proposal would require a statement as to both. In addition, language would be added in paragraph (b)(3) establishing an administrative cause of action for failure to comply with the terms of an executed consent order (this provision would thus be consistent with the proposed requirement in § 107.325 that would make failure to comply with the terms of a compliance order a basis for the MTB to initiate an enforcement case).

Section 107.331. An amendment to paragraph (b) is necessary in order to make clear that civil penalties for up to the $10,000 maximum provided in the HMTA, may be assessed for each violation of a requirement relating to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a container or package. In this context, each violation means each container found to have been in violation of an applicable requirement.

Section 107.333. Although no changes are proposed in the statutorily prescribed assessment criteria, this rulemaking provides an opportunity to state the MTB position regarding use of these criteria (currently prescribed in § 107.359). It has been the practice of the MTB, and this practice would continue under these proposals, to use the assessment criteria merely as general guidelines in establishing the preliminary civil penalties proposed in the Notice of Probable Violation. The MTB believes this to be appropriate since at the Notice stage no assessment of a final civil penalty has been made.

In addition, with respect to the assessment criteria relating to the economic impact of a civil penalty on a respondent, the MTB believes that that is a matter best raised by the respondent if that factor is to have the greatest effect on penalty mitigation. Only the respondent can gauge, and provide pertinent and current information concerning, its ability to pay and its ability to continue in business in the face of the civil penalty proposed in the notice of probable violation or assessed under an order.

Part 171

The definition of "person" in § 171.8 would be amended in this proposal to correct an error that occurred in the final rule consolidating the Hazardous Materials Regulations (HM-112, 41 FR 15995, April 15, 1976). In that rule, where "person" was first defined, the MTB's predecessor excluded governmental agencies from the definition to reflect the fact that the Hazardous Materials Regulations have never been applied directly to regulate customary governmental activity. Such activity as the transportation, for governmental purposes, of hazardous materials by an agency of the Federal, State or local governments is not regulated. However, the act of offering such materials to a commercial carrier for transportation has always been considered subject to the regulations. This fact is witnessed by the existence of exceptions for certain Federal activities (see, for example, 49 CFR 173.7). Similarly, a governmental agent boarding a commercial passenger aircraft with a hazardous material in his possession is employing a commercial activity subject to the regulations.

Where governmental functions may be mixed with commercial activity, such as where an employee of a State university transports a hazardous material, the facts of the specific activity will have to be examined to determine whether the transportation is for a governmental purpose and therefore not subject to the regulations.

As noted previously, § 171.2 would be revised to indicate that not only do the specific requirements prescribed in subchapter C apply to the activities of persons engaged in hazardous materials transportation, but also the requirements imposed through exemptions and approvals issued under the Hazardous Materials Regulations. This proposal is a necessary adjunct to the language proposed in § 107.307 (discussed above in connection with § 107.119) establishing the violation of the term of an exemption, approval, or order as a basis for asserting the enforcement jurisdiction of section 110 of the HMTA.

In addition, it is proposed to add language to § 171.2, to clarify the fact that DOT markings and designations may not be used on any container, or in connection with any shipment, that is not in full compliance with all applicable provisions in the Hazardous Materials Regulations. Thus, for example, this language is intended to make clear the fact that a drum reconditioner may not place his drum reconditioner's registration number bearing the letters DOT, on a drum which is not a fully complying DOT specification container (including all required embossment markings).

In consideration of the foregoing, the MTB proposes to amend 49 CFR Parts 107, 171, and 173 as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

Subpart A—General Provisions

1. In § 107.13, the first sentence of paragraph (a), and paragraph (h) would be revised as follows:

§ 107.13 Subpoenas; witness fees.

(a) The Director, MTB, the Chief Counsel, Research and Special Programs Administration, or the official designated to preside over a hearing
* * *

* * * * *

(h) Any person to whom a subpoena is directed may, no later than 10 days after service thereof, apply to the person who issued the subpoena to quash or modify it. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The person who issued the subpoena may:

* * * * *

Subpart B—Exemptions

2. In § 107.109, paragraph (c) is revised to read as follows:

§ 107.109 Administrative review.

* * * * *

(c) The Associate Director for HMR denies an application in accordance with the following:

(1) The application is denied if it does not contain adequate justification, or if it contains any false or misleading statements, or fails to state a material fact.

(2) If the Associate Director for HMR denies an application under this paragraph he notifies the applicant in writing of his reasons therefor and publishes notice of the denial in the Federal Register.

* * * * *

3. In § 107.119, the title would be revised, paragraph (b) would be revised, and paragraph (c) (1) and (4) would be revised as follows:

§ 107.119 Amendment, suspension and termination.

* * * * *

(b) The Associate Director for HMR may amend or suspend an exemption if—

(1) He determines that an activity under the exemption is not being performed in accordance with the terms of the exemption;

(2) He is notified by the Associate Director for OE that the exemption holder is the subject of an enforcement proceeding being conducted under Subpart D of this part; or

(3) On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life or property.

(c) The Associate Director for HMR terminates an exemption if—

(1) He determines that the exemption is no longer consistent with the public interest;

* * * * *

(4) As the result of an enforcement proceeding conducted and concluded under Subpart D of this part, the exemption holder has been found to have violated a regulation to which the exemption related.

* * * * *

Subpart C—Preemption

4. In Subpart C, the designations "OE" and "OOE" would be changed to read "OHMR" wherever they appear.

§§ 107.203 and 107.215 [Amended]

5. In §§ 107.203 and 107.215, paragraph (b)(1) would be amended by changing the words "Office of Operations and Enforcement" to read "Office of Hazardous Materials Regulation."

6. Subpart D would be revised in its entirety as follows:

Subpart D—Enforcement

Sec.
107.299 Definitions.
107.301 Responsibility for enforcement.
107.303 Purpose and scope.
107.305 Investigations.

Compliance Orders and Civil Penalties

107.307 General.
107.309 Warning letters.
107.311 Notice of Probable Violation.
107.313 Reply.
107.315 Admission of violations.
107.317 Informal response.
107.319 Request for a hearing.
107.321 Hearing.
107.323 ALJ's decision.
107.325 Appeals.
107.327 Compromise.
107.329 Compliance order for immediate compliance.
107.331 Maximum penalties.
107.333 Assessment considerations.

Criminal Penalties

107.335 Criminal penalties generally.
107.337 Referral for prosecution.

Injunctive Action

107.339 Injunctions generally.
107.341 Imminent hazards.

Authority: 49 U.S.C. 1804, 1808 and 1809; 49 CFR 1.53, App. A to Part 1.

Subpart D—Enforcement

§ 107.229 Definitions.

In this subpart, and in enforcement actions initiated thereunder,

"Investigation" includes investigations authorized under 49 U.S.C. 1809(a) and inspections authorized under 49 U.S.C. 1809(c).

"Knowledge" or "knowingly" means that a person who performs functions described in Section 105(a) of the Act (49 U.S.C. 1804(a)) is presumed to be aware of the requirements of the Act and the requirements of this subchapter and subchapter C governing those functions. Knowledge includes both actual knowledge of the facts that give rise to a violation, as well as what a person should have known as a result of the proper performance of its responsibilities. In making a finding that an act constitutes a knowing violation, the Associate Director for OE is not required to show that a respondent was aware that the act constituted a violation.

§ 107.301 Responsibility for enforcement.

In accordance with delegations of authority from the Secretary of Transportation set forth in Part 1 of this title, responsibility for enforcement of this subchapter and Subchapter C of this chapter is exercised by:

(a) The Federal Aviation Administration with respect to the transportation or shipment of hazardous materials by aircraft;

(b) The United States Coast Guard with respect to the transportation or shipment of hazardous materials by vessels;

(c) The Federal Highway Administration with respect to the transportation or shipment of hazardous materials by highway vehicles;

(d) The Federal Railroad Administration with respect to the transportation or shipment of hazardous materials by railroad; and

(e) The MTB with respect to shipments of hazardous materials involving more than one mode of transportation, and the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of containers which are represented, marked, certified, or sold for use in the transportation of hazardous materials, other than in bulk form.

§ 107.303 Purpose and scope.

This subpart describes the various enforcement authorities exercised by the OOE and the associated sanctions and prescribes the procedures governing the exercise of those authorities and the imposition of those sanctions.

§ 107.305 Investigations.

(a) *General.* The OOE may initiate investigations relating to compliance by any person with any provision of this subchapter or Subchapter C of this

chapter, or any exemption, approval, or order issued thereunder, or any court decree relating thereto. The OOE encourages voluntary cooperation with its investigations. When circumstances warrant, however, subpoenas may be issued to compel the attendance of witnesses or the production of documents in accordance with and subject to § 107.13 and hearings may be conducted, and depositions taken pursuant to section 109(a) of the Act. The OOE may conduct investigative conferences and hearings in the course of any investigation.

(b) *Investigators.* Investigations are conducted by OOE Hazardous Materials Enforcement Specialists who are duly designated for that purpose. Each official so designated may administer oaths and receive affirmations in any matter under investigation by the OOE.

(c) *Notification.* Any person who is the subject of an OOE investigation and who is requested to furnish information or documentary evidence is notified as to the general purpose for which the information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file is closed without prejudice to further investigation by the OOE.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the OOE, remain confidential under the investigatory file exception to the public disclosure requirements of 5 U.S.C. 552.

§ 107.307 General

(a) When the OOE has a reason to believe that a person is knowingly engaging or has knowingly engaged in conduct which is a violation of the Act or any provision of this subchapter or Subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, and if time, the nature of the violation, and the public interest permit, the OOE may conduct proceedings to assess a civil penalty or to issue an order directing compliance, or both, or seek any other remedy available under the Act.

(b) In the case of a proceeding initiated for failure to comply with an exemption or an approval, or for performance of a function not permitted in an approval, the allegation of a violation of a term or condition thereof, is considered by the OOE to constitute an allegation that the exemption or approval holder is failing, or has failed, to comply with the underlying regulations from which relief was granted by the exemption or approval.

§ 107.309 Warning letters.

(a) In addition to the initiation of proceedings under § 107.307 for the imposition of sanctions or other remedies, the OOE may issue a warning letter to any person whom the OOE believes to have committed a probable violation of the Act or any provision of this subchapter, Subchapter C of this chapter, or any exemption, approval, or order issued thereunder.

(b) A warning letter issued under this section includes—

(1) A statement of the facts upon which the OOE bases its determination that the person has committed a probable violation;

(2) A statement that the recurrence of the probable violations cited may subject the person to enforcement action; and

(3) An opportunity to respond to the warning letter by submitting pertinent information or explanations concerning the probable violations cited therein.

§ 107.311 Notice of probable violation.

(a) The OOE begins an enforcement action under § 107.307, by serving a notice of probable violation on a person alleging the violation of one or more provisions of the Act, this subchapter, or Subchapter C of this chapter, or any exemption, approval, or order issued thereunder.

(b) A notice of probable violation issued under this section includes the following information:

(1) A citation of the provisions of the Act, this subchapter, Subchapter C of this chapter, or the terms of any exemption, approval, or order issued thereunder which the OOE believes the respondent is violating or has violated.

(2) A statement of the factual allegations upon which the demand for remedial action or a civil penalty is based.

(3) A statement of the respondent's right to present written or oral explanations, information, and arguments in answer to the allegations and in mitigation of the sanction sought in the notice of probable violation.

(4) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

(5) In addition, in the case of a notice of probable violation proposing a compliance order, a statement of the actions to be taken by the respondent to achieve compliance.

(6) In addition, in the case of a notice of probable violation proposing a civil penalty—

(i) A statement of the maximum civil penalty for which the respondent may be liable;

(ii) The amount of the preliminary civil penalty being sought by OOE, which, except as provided in paragraph (c) of this section, constitutes the maximum amount OOE may seek throughout the proceeding; and

(iii) A description of the manner in which the respondent makes payment of any money due the United States as a result of the proceeding.

(c) The OOE may amend a notice of probable violation at any time before issuance of a compliance order or an order assessing a civil penalty. If an amendment includes any new material allegation of fact or seeks new or additional remedial action or an increase in the amount of the proposed civil penalty, the respondent has 30 days from receipt of the amended notice of probable violation to respond under § 107.313(a).

§ 107.313 Reply.

(a) Within 30 days of receipt of a notice of probable violation, the respondent must either—

(1) Admit the violations under § 107.315;

(2) Make an informal response under § 107.317; or

(3) Request a hearing under § 107.319.

(b) Failure of the respondent to file a reply as provided in this section constitutes a waiver of the respondent's right to appear and contest the allegations and authorizes the Associate Director for OOE, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and issue an order directing compliance or, where appropriate, assess a civil penalty, or both.

(c) Upon the request of the respondent, the OOE may, for good cause shown and filed within the 30 days prescribed in the notice of probable violation, extend the 30-day response period.

§ 107.315 Admission of violations.

(a) In responding to a notice of probable violation issued under § 107.311, the respondent may admit the alleged violations and agree to accept the terms of a proposed compliance order or to pay the amount of the preliminarily assessed civil penalty.

(b) If the respondent agrees to the terms of a proposed compliance order, the Associate Director for OOE issues a

final order prescribing the remedial action to be taken by the respondent.

(c) Payment of a civil penalty must be made by certified check or money order payable to the Treasury of the United States and sent to the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, S.W., Room 8420, Washington, D.C. 20590.

§ 107.317 Informal response.

(a) In responding to a notice of probable violation under § 107.311, the respondent may submit to the OOE official who issued the notice, written explanations, information, or arguments in response to the allegations, the terms of a proposed compliance order, or the amount of the preliminarily assessed civil penalty.

(b) The respondent may include in his informal response a request for a conference. A request for a conference must include which allegations are admitted and which are denied, and must set forth the issues the respondent will raise at the conference.

(c) Upon receipt of a request for a conference conforming with paragraph (b) of this section, the OOE, in consultation with the Chief Counsel's Office, arranges for a conference as soon as practicable at a time and place of mutual convenience.

(d) The respondent's written explanations, information, and arguments as well as the respondent's presentation at a conference are considered by the Associate Director for OOE in reviewing the notice of probable violation. Based upon a review of the proceeding, the Associate Director for OOE may dismiss the notice of probable violation in whole or in part. If he does not dismiss it in whole, he issues an order directing compliance or assessing a civil penalty, or both.

§ 107.319 Request for a hearing.

(a) In responding to a notice of probable violation under § 107.311, the respondent may request a formal administrative hearing on the record before an Administrative Law Judge obtained by the Office of the Chief Counsel.

(b) A request for a hearing under paragraph (a) of this section must—

(1) State the name and address of the respondent and of the person submitting the request if different that the respondent;

(2) State with particularity the issues whether it is admitted or denied; and

(3) State with particularity the issues to be raised by the respondent at the hearing.

(c) After a request for a hearing that complies with the requirements of paragraph (b) of this section, the Chief Counsel obtains an Administrative Law Judge (ALF) to preside over the hearing and notifies the respondent of this fact. Upon assignment of an ALJ, all further matters in the proceeding are conducted by and through the ALJ.

§ 107.321 Hearing.

(a) To the extent practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred or at a place convenient to the respondent. Testimony by witnesses shall be given orally under oath and the hearing shall be recorded verbatim.

(b) The ALJ may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 107.13;

(3) Adopt procedures for the submission of motions, evidence, and other documents pertinent to the proceeding;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues of any other proper purpose; and

(9) Take any other action authorized by, or consistent with, the provisions of this subpart and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The OOE official who issued the notice of probable violation, or his representative, has the burden of proving the facts alleged therein and may offer such relevant information as may be necessary to fully inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the sanction being sought and conduct such cross-examination as may be required for a full disclosure of the facts.

§ 107.323 ALJ's decision.

(a) After consideration of all matters of record in the proceeding, the ALJ shall issue an order representing the final decision in the proceeding. The ALJ may dismiss the notice of probable violation in whole or in part or grant the relief sought by the OOE in the notice. If the ALJ does not dismiss the notice of probable violation in whole, he issues an order directing compliance or assessing a civil penalty, or both. The order includes a statement of the findings and conclusions, and the reasons therefor, on all material issues of fact, law, and discretion.

(b) If, within 20 days of receipt of an order issued under paragraph (a) of this section, the respondent does not submit in writing his acceptance of the terms of an order directing compliance, or, where appropriate, pay a civil penalty, or file an appeal under § 107.325, the case may be referred to the Attorney General with a request that an action be brought in the appropriate United States District Court to enforce the terms of a compliance order or collect the civil penalty.

§ 107.325 Appeals.

(a) *Hearing proceedings.* A party aggrieved by an ALJ's decision and order issued under § 107.323 may file an appeal with the Director, MTB, in accordance with paragraph (c) of this section.

(b) *Non-hearing proceedings.* A respondent aggrieved by an order issued under § 107.317, may file an appeal with the Director, MTB, in accordance with paragraph (c) of this section.

(c) An appeal of an order issued under this subpart must—

(1) Be in writing and addressed to the Director, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590;

(2) Be filed within 20 days of the respondent's receipt of the order;

(3) State with particularity the findings in order that the respondent challenges, and include all information and arguments pertinent thereto.

(d) If the Director, MTB affirms the order in whole or in part, the respondent must comply with the terms of the Director's decision within 20 days of the respondent's receipt thereof, or within the time prescribed in the order. If the respondent does not comply with the terms of the Director's decision within 20 days of receipt, or within the time prescribed in the order, the case may be referred to the Attorney General for action to enforce the terms of the Director's decision.

(e) The filing of an appeal stays the effectiveness of an order issued under § 107.317 or § 107.323. However, if the Director, MTB, determines that it is in the public interest, he may keep an order directing compliance in force pending appeal.

(f) The failure of a respondent to comply with the terms of a compliance order after an appeal, if any, has been finally affirmed by the Director, MTB, constitutes a basis for the OOE to initiate an enforcement action under § 107.311 for violation of the specific terms of the agreement alleged by the OOE to have been violated or not otherwise complied with.

§ 107.327 Compromise.

At any time before an order issued under § 107.317 or § 107.323 is referred to the Attorney General for enforcement, the respondent may propose a compromise as follows:

(a) In civil penalty cases, the respondent may offer to compromise the amount of the penalty by submitting a certified check or money order for a specific amount to the Chief Counsel who may, after consultation with OOE, accept or reject it.

(1) A compromise offer stays the running of any response period then outstanding.

(2) If a compromise offer is accepted, the respondent is notified in writing that the acceptance is in full satifaction of the civil penalty, and OOE closes the case.

(3) If a compromise offer is rejected, the respondent is notified in writing and is given 10 days or the amount of time remaining in the then outstanding response period, whichever is longer, to respond to whatever action of the OOE or the Director is then outstanding.

(b) In compliance order cases, the respondent may propose a consent agreement to the Associate Director for OOE. If the Associate Director for OOE accepts the agreement, he issues an order in accordance with its terms. If the Associate Director for OOE rejects the agreement, he directs that the proceeding continue.

(1) An agreement submitted to the Associate Director for OOE must be accompanied by—

(i) A statement of any allegations of fact which the respondent challenges; and

(ii) The reasons why the terms of a compliance order or proposed compliance order are or would be too burdensome for the respondent, or why such terms are not supported by the record in the case.

(2) An agreement submitted to the Associate Director for OOE under this paragraph must include—

(i) A proposed compliance order suitable for issuance by the Associate Director;

(ii) An admission of all jurisdictional facts;

(iii) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenges or contest the validity of the order; and

(iv) An acknowledgment that the notice of probable violation may be used to construe the terms of the order.

(3) The failure of a respondent to comply with the terms of an agreement executed under this section, constitutes a basis for the OOE to initiate an enforcement action under § 107.311 for the violation of the specific terms of the agreement alleged by the OOE to have been violated or not otherwise complied with.

§ 107.329 Compliance order for immediate compliance.

(a) Notwithstanding § 107.311, the Associate Director for OOE may issue a compliance order for immediate compliance, which is effective upon issuance and remains in effect until rescinded or suspended, if he finds—

(1) There is a strong probability that a violation is occurring or is about to occur;

(2) The violation poses an unreasonable risk to health or to safety or life or property; and

(3) The public interest requires the avoidance or amelioration of the risk through immediate compliance and waiver of the procedures afforded under §§ 107.311 through 107.325.

(b) A compliance order for immediate compliance is served promptly upon the person against whom the order is issued by the fastest practicable means, with a copy served in the manner provided in § 107.11. The copy contains a written statement of the relevant facts and the legal basis for the order, including the findings required by paragraph (a) of this section.

(c) The Associate Director for OOE may rescind or suspend a compliance order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, a suspension or rescission may be accompanied by a notice of probable violation issued under § 107.311.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation issued under § 107.311 the criteria set forth in paragraph (a) of this section are satisfied, the Associate Director for OOE may issue a compliance order for immediate compliance, even if any applicable response period has not expired.

(e) At any time after a compliance order for immediate compliance has become effective, the Director, MTB, or his delegate may request the Attorney General to bring an action for appropriate relief in accordance with § 107.339.

§ 107.331 Maximum penalties.

(a) A person who knowingly violates a requirement of this subchapter applicable to the transporting of hazardous materials or to the causing of them to be transported or shipped is liable of a civil penalty of not more than $10,000 for each violation. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of this subchapter applicable to the manufacture, fabrication, marketing, maintenance, reconditioning, repair, or testing of a package or container which is represented, marked, certified or sold by that person for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $10,000 for each violation.

§ 107.333 Assessment considerations.

In assessing a civil penalty under this subpart, the Associate Director for OOE takes into account:

(a) The nature and circumstances of the violations;

(b) The extent and gravity of the violation;

(c) The degree of the respondent's culpability;

(d) The respondent's history of prior offenses;

(e) The respondent's ability to pay;

(f) The effect on the respondent's ability to continue in business; and

(g) Such other matters as justice may require.

Criminal Penalties

§ 107.335 Criminal penalties generally.

Section 110(b) of the Act (49 U.S.C 1809(b)) provides a criminal penalty of a fine of not more than $25,000 and imprisonment for not more than five years, or both, for any person who willfully violates a provision of the Act or a regulation issued under the Act.

§ 107.337 Referral for prosecution.

If the OOE becomes aware of a possible willful violation of the Act, this chapter, Subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, it shall report it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. If appropriate the Chief Counsel refers

the report to the Department of Justice for criminal prosecution of the offender.

Injunctive Action

§ 107.339 Injunctions generally.

Whenever it appears to the OOE that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of the Act, this subchapter, subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, the Director, MTB, or his delegate, may request the Attorney General to bring an action in the appropriate United States District Court for such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages as provided by section 111(a) of the Act.

§ 107.341 Imminent hazards.

Whenever it appears to the OOE that there is a substantial likelihood that death, serious illness, or severe personal injury will result from the transportation of a particular hazardous material, or particular hazardous materials containers before a compliance order proceeding or other administrative hearing or formal proceeding to abate the risk of that harm can be completed, the Director, MTB, or his delegate, may bring an action in the appropriate United States District Court for an order suspending or restricting the transportation of that hazardous material or those containers or for such other equitable relief as is necessary or appropriate to ameliorate the hazard as provided by section 111(b) of the Act.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

7. Section 171.2 would be revised to read as follows:

§ 171.2 General requirements.

(a) No person may offer or accept a hazardous material for transportation in commerce within the United States unless that material is properly classed, described, packaged, marked, labeled, and in the condition for shipment as required or authorized by this subchapter (including §§ 171.12 and 176.11), an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(b) No person may transport a hazardous material in commerce within the United States unless that material is handled and transported in accordance with this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(c) No person may represent, mark, certify, or sell a packaging or container as meeting the requirements of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, governing its use in the transportation in commerce of a hazardous material, whether or not it is used or intended to be used for the transportation of a hazardous material, unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, or repaired, as the case may be, in accordance with this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(d) The representations, markings, and certifications subject to the prohibitions of paragraph (c) of this section include:

(1) Specification identifications that include the letters "DOT" or "UN";

(2) Exemption, approval, and registration numbers that include the letters "DOT";

(3) Test dates displayed in association with specification, registration, approval, or exemption markings indicating compliance with a test or retest requirement of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter; and

(4) Any other marking indicating a packaging or container meets a requirement of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, when the packaging or container does not meet that requirement.

(e) No person may offer a package for transportation in commerce within the United States bearing a marking that is specified by this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, for the transportation of a hazardous material unless that marking is as specified or authorized by this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter for the hazardous material in the package. Markings subject to the prohibitions of this paragraph include:

(1) Any marking required by Subchapter D of Part 172 of this subchapter; and

(2) Exemption, approval, and registration numbers issued under this subchapter or Subchapter B of this chapter.

8. In § 171.8, the definition of "person" would be revised to read as follows:

§ 171.8 Definitions.

* * * * *

"Person" means—

(1) Any individual, firm, co-partnership, corporation, company, association, or joint-stock association; and

(2) Any Federal or State government agency or any political subdivision of a State (as defined in § 107.201(b) of this chapter), when that agency or political subdivision offers for transportation or transports hazardous materials in commerce.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

9. In § 173.1, paragraph (a) would be revised to read as follows:

§ 173.1 Purpose and scope.

(a) This part—

(1) Defines hazardous materials for transportation purposes;

(2) Prescribes requirements to be observed in preparing hazardous materials for shipment by air, highway, rail, or water, or any combination thereof; and

(3) Prescribes the inspection, testing, and retesting responsibilities for persons who retest, recondition, maintain, repair, and rebuild containers used or intended for use in the transportation of hazardous materials.

* * * * *

(49 U.S.C. 1804, 1808, and 1809; 49 CFR 1.53, App. A. to Part 1)

Note.—Because the proposals made in this Notice relate to (a) agency practices and procedures or (b) clarifications of existing regulations and policies, the Materials Transportation Bureau has determined that the Notice—(1) Is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact would be so minimal; (4) would not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act; and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Issued in Washington, D.C., on September 15, 1981.

A. I. Roberts,

Associate Director for Hazardous Materials Regulation.

[FR Doc. 81-27492 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 173

[Docket No. HM-166 K, Notice No. 81-7]

Transportation of Anhydrous Ammonia in Intrastate Commerce

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau proposes to amend Part 173 of Title 49 CFR to authorize the use of nonspecification cargo tanks, and of specification cargo tanks with a design pressure of 250 psig, for the transport of anhydrous ammonia in intrastate commerce under certain conditions. This action is necessary because individual states have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC-330 and MC-331 cargo tanks with a design pressure of 265 psig. The intended effect of this action is to allow continued use of nonspecification cargo tanks and specification cargo tanks with a design pressure of 250 psig for the transportation of anhydrous ammonia in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements.

DATE: Comments must be received by November 23, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Material Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public Dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 426-2075.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 U.S.C. 1801 et seq.) the MTB has encouraged the adoption of the Hazardous Materials Regulations (HMR) (49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulations throughout the nation. Certain areas of transportation demand a strong predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation, and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible, Congress intended to make such State or local action unnecessary.

On May 22, 1980, the MTB promulgated a rule designating certain hazardous materials as hazardous substances under the HMTA and assigned them reportable quantities (RQ's). (See FR Volume 45, No. 101, Thursday, May 22, 1980, page 34560-34705.) In that rulemaking, DOT asserted its authority over the intrastate shipment of hazardous substances by motor carrier and made the provisions of the HMR apply to the carriage of these substances. Anhydrous ammonia was one of the materials designated a hazardous substance with a reportable quantity of 100 lbs, and its transport in this or larger amounts per package anywhere in the United States was made subject to the HMR, including specification containers.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations and the assertion of DOT's authority over the intrastate transport of hazardous substances has created an anomalous situation in certain states for certain cargo tank owners and operators. DOT regulations require cargo tanks for anhydrous ammonia to be in compliance with either DOT Specification MC-330 or MC-331 at a design pressure of 265 psig. However, a number of cargo tanks not subject to DOT (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards, including the ASME Code, and were otherwise qualified for use, they do not meet, or were not marked and certified to meet, the standards now required by DOT regulations. The result of a state's adoption and enforcement of DOT regulations and the designation of anhydrous ammonia as a hazardous substances is to immediately require that all cargo tanks in that jurisdiction comply with DOT specification without an adequate transition period.

This proposal is limited in its applicability to intrastate transportation by highway in jurisdictions where the use of these cargo tanks has been permitted in the past. It includes intrastate operations by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use (in states where such use is permitted), of a cargo tank for the transportation of anhydrous ammonia that is not marked according to Specification MC-330 or MC-331 or one that has a design pressure of 250 psig, provided it (1) is marked and conforms to the edition of the ASME code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) was manufactured prior to January 1, 1981; (4) is painted white or aluminum; (5) has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331; (6) is operated exclusively in intrastate commerce (including its operation by a motor carrier otherwise engaged in interstate commerce); and (7) is operated in conformance with the regulations except the specification requirements.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this regulation is not adopted, there may be a serious economic hardship on small anhydrous ammonia carriers because their nonspecification cargo tanks will no longer be authorized for transportation of anhydrous ammonia in several states. New DOT specification tanks would have to be purchased and deliveries to users of anhydrous ammonia could be severely disrupted.

In consideration of the foregoing, 49 CFR Part 173 would be amended to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGING

1. In § 173.315 a new note, Note 17, would be added to the table in § 173.315(a)(1). The note would be referenced in the last two columns of the table (with headings of "Type" and "Minimum design pressure," respectively) for the first material entry "Anhydrous ammonia."

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * * * *

(a) * * *

(1) * * *

Table

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight [1]	Percent by volume [2]	Type [3]	Minimum design pressure (psig)
Anhydrous ammonia (See Notes 14 and 17 and paragraph (1) of this section.	56	82; see Note 5	DOT-51, MC-330, MC-331; see Notes 12 and 17.	265 see Note 17.
* * * * * * *				

[1] See note 1.
[2] See paragraph (f) of this section.
[3] See notes 2.

NOTE 17.—A nonspecification cargo tank meeting and marked in conformance with, the edition of the ASME code in effect when it was fabricated, may be used for the transportation of anhydrous ammonia if it—
(1) Has a minimum design pressure no lower than 250 psig;
(2) Was manufactured in conformance with the ASME code prior to January 1, 1981, according to its ASME name plate and manufacturer's data report;
(3) Is painted white or aluminum;
(4) Complies with Note 12 of this paragraph;
(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331;
(6) Was used to transport anhydrous ammonia prior to January 1, 1981;
(7) Is operated exclusively in intrastate commerce (including its operation by a motor carrier otherwise engaged in interstate commerce) in a state where its operation was permitted by the laws of that State (not including the incorporation of this subchapter) prior to January 1, 1981; and
(8) Is operated in conformance with all other requirements of this subchapter.

* * * * * * *

49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, Appendix A to Part 1 and paragraph (a)(4) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a "major rule" under the terms of Executive Order 12291 and does not require Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq. A regulatory evaluation and environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., on September 15, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-27466 Filed 9-23-81; 8:45 am]
BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 81-09; Notice 1]

Consumer Information Regulations; Revocation of Tire Reserve Load Information Requirement

AGENCY: National Highway Traffic Safety Administration, (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment of the Consumer Information Regulations to delete the requirement that motor vehicle manufacturers provide information on passenger car tire reserve load. Upon reevaluation of the tire reserve load information requirement, NHTSA believes that this information is of little value to consumers. The proposal is intended to avoid unnecessary regulatory burdens on industry associated with providing information which is not meaningful.

DATE: Comments must be received on or before November 23, 1981. Proposed effective date for the amendment is the date of publication of the final rule.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) are intended to provide prospective purchasers and first purchasers of new motor vehicles and tires with useful information on the performance of these products in specified areas. Manufacturers must provide information in the areas of passenger car and motorcylce stopping distance (49 CFR 575.101), passenger car tire reserve load (49 CFR 575.102), truck camper loading (49 CFR 575.103), and passenger car tire performance (49 CFR 575.104). Tire reserve load is the difference between a tire's stated load rating and the load imposed on the tire at maximum loaded vehicle weight. Under the regulation, this difference is expressed as a percentage of tire load rating.

On March 15, 1979 (44 FR 15748), in response to a petition for rulemaking from General Motors Corporation, NHTSA proposed modification of the tire reserve load requirements of the Consumer Information Regulations, including deletion of the requirement as it applies to most passenger cars. Although that proposal was ultimately withdrawn (45 FR 47152; July 14, 1980), several comments were received from both industry and consumer representatives questioning the value of tire reserve load information. Upon reevaluation of the issues addressed in that rulemaking action, the agency has determined to propose deletion of the tire reserve load requirements from the consumer information program.

NHTSA's previous decision to retain tire reserve load as a consumer information item was based in part on a 1979 study entitled "Final Report—Tire Reserve Load Percentage and Tire Failure—Correlation Study", prepared for NHTSA by Chi Associates, Inc. (Docket 79-02, Notice 1, No. 016). That study reported that statistical analysis of available data indicated a direct relationship between tire reserve load percentage and tire failure. However, the comparison conducted in the study did not account for the increased exposure to tire failure of certain vehicles resulting from the greater numbers of these vehicles on the road. Moreover, further examination revealed that the tire reserve load percentages relied on in the study were greatly understated in many cases.

To provide a more reliable basis for evaluation of the regulation, NHTSA commissioned a second Chi Associates study to anlyze new tire reserve load data obained by NHTSA from eight automobile manufacturers by means of special orders. This second study also made use of an expanded body of failure data derived from manual screening of data files. The results of this study were reported in "Statistical Analysis of Tire Failure vs. Tire Reserve Load Percentage" (Docket 81-09, Notice 1, No. 001).

Based on the results of the second Chi Associates study, NHTSA prepared its own analysis entitled "The Relationship Between Tire Reserve Load Percentage and Tire Failure Rate" (Docket 81-09, Notice 1, No. 002). This report noted that no correlation between tire failure rate and tire reseve load percentage could be observed for Ford, American Motors and foreign-made vehicles. The tire

failure rate for Chrysler cars appeared to increase as tire reserve load percentage increased, while, for General Motors vehicles with tire reserve load percentages of 5 percent or less, failure rates appeared to decrease as reserve load percentage increased. The reliability of observations drawn from the General Motors data is considered questionable due to the broad data groupings used in GM's submission. The report states that, when all data is considered, no relationship exists between tire reserve load percentage and tire failure rate.

A further limiting factor on the usefulness of tire reserve load information is the general lack of significant differences in reported tire reserve load capacity among passenger cars. Review of manufacturers' past submissions indicates that the great majority of passenger cars have a reported tire reserve load percentage of less than 5 percent.

In addition, information on recommended tire size designation and recommended inflation pressure for maximum loaded vehicle weight, required under paragraphs (c) (2) and (3) of the tire reserve load regulation (49 CFR 575.102(c) (2) and (3)), is redundant of information required to be included on the glove compartment placard under 49 CFR 571.110, S4.3 (c) and (d), Tire Selection and Rims. The latter standard also provides safeguards against the use of tires with inadequate load carrying capacity.

In view of the apparent absence of a nexus between tire reserve load and safety, the lack of major differences among reported tire reserve load percentages, and the adequate safeguards against tire overloading provided by Federal Motor Vehicle Safety Standard No. 110, NHTSA has tentatively concluded that 49 CFR 575.102, Tire Reserve Load, should be revoked and that section of the Consumer Information Regulations reserved. Since this proposal would relieve a restriction, an immediate effective date is proposed.

NHTSA has evaluated this proposal and found that its effect would be to provide minor cost savings for motor vehicle manufacturers. Accordingly, the agency has determined that the proposal is not a major rule within the meaning of Executive Order 12291 and is not significant for purposes of Department of Transportation policies and procedures for internal review of proposals. The agency has further determined that the cost savings are not large enough to warrant preparation of a regulatory evaluation under the procedures. The agency has also concluded that the environmental consequences of the proposed change will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

NHTSA has considered the effects of this proposal on small entities, pursuant to the requirements of the Regulatory Flexibility Act. The agency has determined that a regulatory flexibility analysis need not be prepared for this proposal due to the limited impact of this action on small entities. The impact of the action on small entities will be limited because the tire reserve load requirements apply only to manufacturers of passenger motor vehicles and few, if any, of these manufacturers can be considered small businesses.

PART 575—CONSUMER INFORMATION REGULATIONS

§ 575.102 [Reserved]

In consideration of the foregoing, it is proposed that 49 CFR Part 575, Consumer Information Regulations, be amended by revocation of § 575.102.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 112, 119; Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 17, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-27615 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order Nos. 1473 and 1495]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee); and Burlington Northern Railroad Company and Fort Worth and Denver Railway Company, Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Requests for comment on final rules.

SUMMARY: The Commission is requesting information on whether temporary service over lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island), under Section 122 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), should be terminated or permitted to continue, and on the compensation formula to be applied, if service continues, where Rock Island and operating carriers have not agreed on a compensation amount.

DATE: Information from all parties shall be filed by October 13, 1981.

ADDRESS: Fifteen copies of such documents shall be filed with the Secretary of the Commission and served on Rock Island. Rock Island shall serve copies of its comments contemporaneously on railroads providing service on the Rock Island.

FOR FURTHER INFORMATION CONTACT:

Melvin F. Clemens, Jr., (202) 275-7840 or 275-1559

Paul E. Graham, (202) 275-7840 or 275-7520

SUPPLEMENTAL INFORMATION: Under Section 122 of RITEA, we have been authorizing a number of carriers to provide service on Rock Island's lines. This is an interim measure designed, at least in part, to insure continued transportation service until an application for purchase or lease is filed with the Commission. H.R. Rep. No. 96-1041, 2nd Sess. (1980). We intend to consider whether, and for how long, this service over Rock Island should be permitted to continue, especially where efforts are not being made to purchase or lease the Rock Island lines.

In order for us to reexamine our use of Section 122 of RITEA, Rock Island, the various carriers authorized to provide service on the Rock Island in Twenty-second Revised Service Interim Order No. 1473 and Fourth Revised Service Order No. 1495 (Interim Service Carriers), and any interested person (particularly shippers and communities on the lines) should file comments or provide information and argument relating to the necessity and appropriateness of such service authority. Part of this showing should include a detailed history, discussion, and status report on negotiations for the purchase or lease of Rock Island lines.

In a letter dated August 28, 1981, Rock Island has requested that no extension be considered for those carriers whose rates of compensation to the Trustee are based on the rates found reasonable in *St. Louis-S.F Ry. Co.—Compensation-Chicago, R.I.&P.*, 363 I.C.C. 264 (Frisco Formula). Further, the Trustee urges that all service authority under Section 122 of RITEA be terminated and, in the public interest, that authority be granted only to those rail carriers who are negotiating in good faith with the Trustee under interim lease agreements either approved by the Court or in the process of such approval.

In *William M. Gibbons* v. *United States*, No. 80-1786 (7th Cir., Aug. 26, 1981), the court indicated that the Commission's action in developing the Frisco Formula was appropriate "under the circumstances" in which the formula was devised. Because of the court's qualified approval and Rock Island's request, we will reexamine the Frisco Formula.

With regard to the compensation issue, the Rock Island is directed to provide sufficient information on leases entered into with the affected carriers and any other contracts to permit the Commission to consider whether, if operating authority is continued, it should continue to prescribe the Frisco Formula as the appropriate measure of compensation in those cases in which the Trustee and the other carriers are unable to agree on compensation. Interim Service Carriers, particularly those that have not entered interim lease agreements with the Trustee shall set forth information and arguments concerning the appropriate level of compensation for the future.

A copy of this order shall be served upon the Washington agent for each of the named railroad respondents. Notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and publishing a copy in the Federal Register.

Oral argument is not presently contemplated by the Commission. However, if the Commission subsequently determines that an oral argument would be helpful, notice of the time and place for such argument will be published in the Federal Register.

Dated: September 18, 1981.

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

James H. Bayne,

Acting Secretary.

Commissioner Gresham, concurring:

I am troubled by two aspects of the Commission's decision. First, I would have structured this decision in the form of a show cause order. It is vital that the Commission receive reliable information on compensation and on the extent of negotiations concerning purchase or lease. I hope that this request for voluntary submissions will produce a record adequate to obtain a clear understanding of these issues. If not, I believe a show cause order will be necessary at some future date to require production of the needed information.

Second, the majority's request for information appears to presuppose a result—continuation of the service order. While I have little doubt that the interim carriers can provide evidence of the need for their continued service, I do not believe that simply assuming the need for continuation meets our responsibility to minimize our involvement in private enterprise and to ensure a prompt resolution of the RI bankruptcy.

Appendix A

Respondents

Rock Island

William M. Gibbons, Trustee, Chicago, Rock Island and Pacific Railroad Company, 332 S. Michigan Avenue, Chicago, Illinois 60604

Service Order No. 1473

R. K. Knowlton, Vice President—Law, Atchison, Topeka and Sante Fe Railroad Company (The), 80 E. Jackson Boulevard, Chicago, Illinois 60604

R. W. Donnem, Senior Vice President—Law, Baltimore and Ohio Railroad Company (The), P.O. Box 6419, Cleveland, Ohio 44101

H. A. Whitbeck, President, Brandon Corporation, 28th and N Street, Omaha, Nebraska 68107

H. H. Noble, President, Cadillac & Lake City Railway Company, Old Depot Square, 76 South Sierra Madre, Suite 230, Colorado Springs, Colorado 80903

D. Arnold, President, Cedar Rapids and Iowa; City Railway Company, P.O. Box 351, Cedar Rapids, Iowa 52406

J. P. Daley, Vice President and General Counsel, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606

J. J. Nagle, General Counsel, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Union Station, 516 West Jackson Boulevard, Chicago, Illinois 60606

W. A. Hatton, President, Davenport, Rock Island and North Western Railway Company, 547 West Jackson Boulevard, Chicago, Illinois 60606

Arthur K. Nelson, Iowa Northern Railroad, c/o Carus Corporation, 1500 Eighth Street, La Salle, Illinois 61301

Charles Hicks, General Manager, Keota-Washington Transportation Company, Box 156, Garrison, Iowa 52229

E. T. Barnes, Jr., President, The La Salle and Bureau County Railroad Company, P.O. Box 497, La Salle, Illinois 61301

Bernard H. Schrawm, General Counsel, Little Rock and Western Railway Corporation, P.O. Box 1107, Green Bay, Wisconsin 54305

R. E. Zimmerman, Vice President—Law, Louisiana and Arkansas Railway Company, 114 West Eleventh Street, Kansas City, Missouri 64105

Arthur Albin, General Attorney, Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, Texas 75202

M. M. Hennelly, Senior Vice President and General Counsel, Missouri Pacific

Railroad Company, Missouri Pacific Building, St. Louis, Missouri 63103
Richard W. Parker, Norfolk and Western Railway Company, Law Department, 8 North Jefferson Street, Roanoke, Virginia 24042
F. J. Duggan, President, Peoria and Pekin Union Railway Company, 101 Wesley Road, Creve Coeur, Illinois 61611
D. K. McNear, President, St. Louis Southwestern Railway Company, Southern Pacific Building, One Market Plaza, San Francisco, California 94105
J. L. Tapley, Vice President—Law, Southern Railway Company, P.O. Box 1808, Washington, D.C. 20013
R. E. McMillan, President, Toledo, Peoria and Western Railroad Company, 2000 East Washington Street, East Peoria, Illinois 61611
V. W. Scott, General Counsel, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179

Service Order No. 1495

D. E. Engle, Vice President—Corporate Law, Burlington Northern Railroad Company, BN Building, 176 East Fifth Street, St. Paul, Minnesota 55101

[FR Doc. 81-27725 Filed 9-23-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 185
Thursday, September 24, 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

Programmatic Agreement Regarding Federal Licenses, Permits, and Undertakings Affecting Historic Properties in the San Juan Basin, New Mexico, Colorado, Arizona, and Utah

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of the Interior, National Park Service, Bureau of Land Management, Office of Surface Mining, Geological Survey, Bureau of Indian Affairs, and Bureau of Reclamation, and the State Historic Preservation Officers of New Mexico, Arizona, Colorado, and Utah. This Agreement will establish consistent interagency standards for the identification, evaluation, and treatment of historic properties subject to effect by the undertakings of the signatory agencies in the San Juan Basin, an area shared among the four above-named States that is rich in both energy resources and historic properties. Use of the standards will eliminate the need for Council comment on most individual undertakings, pursuant to Section 106 of the National Historic Preservation Act.

Comments Due: October 26, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 80228.

FOR FURTHER INFORMATION CONTACT: Mr. Louis S. Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 70228 (303-234-4946).

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council.

Dated: September 18, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-27718 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981-Crop Rice Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop rice loan and purchase rates.

SUMMARY: This notice of determination sets forth the loan and purchase rates applicable to the 1981 crop of rice. The loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop rice in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: THOMAS FINK, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for rice is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of rice is mandatory at a level which is determined in accordance with the formula prescribed by Section 101(h)(1) of the Act. Section 101(h)(2) provides that the Secretary shall make available to cooperators loans and purchases for the 1981 crop of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to its established price for the preceding year's crop. If the Secretary determines loans and purchases at the foregoing level for the 1981 crop would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may, notwithstanding the foregoing provisions of this paragraph, establish loans and purchases for such crop at such level, not less than $6.31 per hundredweight (cwt.) nor more than the parity price thereof, as the Secretary determines necessary to avoid such consequences.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *

The Secretary has determined that the 1981-crop rice loan and purchase rate will be $8.01 per cwt. and has announced such rate in the Federal Register (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of rice.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of rice.

The individual county loan and purchase rates, premiums, discounts,

and location differentials for the 1981 crop of rice are as follows:

Determinations

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the milling yield (in pounds per cwt.) of whole kernels by the applicable loan value for whole kernels (as shown in the table below according to classs), and round the result to the nearest hundredth. Similarly, multiply the difference between the total milling yield and the whole kernels yield (in pounds per cwt.) by the applicable loan value for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of the two computations to obtain the basic loan and purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Loan Value for Whole Kernals and Broken Rice

(in cents per pound)

Rough rice class	Whole kernels	Broken rice
Long grains	14.54	4.70
Medium grains	12.79	4.70
Short grains	12.79	4.70

(b) *Schedule of Premiums and Discounts*—(1) *Premium.* The basic rate determined under paragraph (a) shall be adjusted for Grade U.S. No. 1 by the following premiums:

	Cents per 100 lbs.
Grade U.S. No. 1	8

(2) *Discounts*—(i) *Grade.* The basic rate determined under paragraph (a) shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lbs.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50
Grade U.S. No. 6	1.05

(ii) *Smut damage.* The rate for rice with smut damage shall be further adjusted by the following discounts:

	Cents per 100 lbs.
Percent smut damage:	
Trace	0
0.1 to 1.0	5
1.1 to 2.0	10
2.1 to 3.0	15
3.1 and over	25

(3) *Location differentials.* For rice produced in areas specified below, the indicated discounts for location (to adjust for transportation costs of moving rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (a) and shall be in addition to any adjustments made under subparagraphs (1) and (2) of this paragraph (b). However, if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

Differential Table

(Dollars per hundredweight)

Production areas	Discount
State of Florida	3.92
States of North Carolina and South Carolina	3.93
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bossier Parish, La.	1.93
Imperial County, Calif., and adjacent counties in Arizona and California	3.99
Counties of Marion, Pike, and St. Charles, Mo.	2.70

(4) *Other.* Rice that (i) contains in excess of 14 percent moisture, (ii) is weevily, (iii) is musty, or (iv) is sour, shall not be eligible for loan. However, in the event that such rice is delivered in satisfaction of loan obligations to CCC, such rice will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity office for settlement purposes. CCC will, from time to time, adjust such discounts as CCC determines appropriate to reflect changes in market conditions. Procedures may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 63 Stat. 1051, as amended, sec. 702, 91 Stat. 910 (7 U.S.C. 1441 and 1421))

Signed at Washington, D.C., on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-27733 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-05-M

Packers and Stockyards Administration

WK-259 Stockyards, Inc., Leitchfield, Kentucky, et al.; Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KY-168 WK-259 Stockyards, Inc., Leitchfield, Kentucky

MN-175 Rich Prairie Livestock Exchange, Inc., Pierz, Minnesota

NC-151 East Carolina Stockyard, Ayden-Grifton, North Carolina

TN-179 Lewisburg Feeder Pig Market, Lewisburg, Tennessee

TX-325 Bridgeport Livestock Auction, Bridgeport, Texas

VA-154 Mountain Empire Feeder Pig Association, Seven Mile Ford, Virginia

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by October 9, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., 16th day of September 1981.

Robert H. Larsen,

Acting Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-27737 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

Science and Education Administration

Animal Health Science Research Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463, Science and Education announces the following meeting:

Name: Animal Health Science Research Advisory Board.

Date: October 29-30, 1981.

Time: 8:30 a.m.

Place: Room 5221, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: the Board will consult with and advise the Secretary of Agriculture on implementing animal health and disease research programs. Recommendations will be made also on priorities of research in these programs.

Board Names and Agenda: Available from contact person below

Contact Person: Dr. Anson R. Bertrand, Director of Science and Education, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5923.

Done at Washington, D.C., this 21st day of September 1981.

Anson R. Bertrand,

Director, Science and Education.

FR Doc. 81-27739 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-03-M

Statistical Reporting Service [1]

Prospective Plantings Report

Notice is hereby given that the Statistical Reporting Service (SRS) will combine the January and March *Prospective Plantings* reports into a February 1 *Prospective Plantings* report to be released at 3:00 p.m. (EST) on February 18, 1982.

The report will include expected plantings in all States for corn, durum and other spring wheat, oats, barley, flaxseed, cotton, rice, sorghum, sweet potatoes, dry edible beans, dry edible peas, soybeans, sunflowers, peanuts, sugar beets, and acreage for harvest of hay and tobacco.

A split intentions survey was conducted in 1981, with the southern States surveyed on January 1, and the northern States on March 1. The change to the February 1 *Prospective Plantings* report is a result of analysis of comments and recommendations from data users to provide a single report on prospective plantings for the Nation.

This action will provide data users an early season indication of farmers' planting intentions and at the same time allow time for producers to monitor markets and finalize their plans while SRS accomplishes required reduction in expenditures and reporting burden.

Done at Washington, D.C., this 18th day of September 1981.

William E. Kibler,

Acting Administrator.

[FR Doc. 81-27736 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-18-M

[1] Pursuant to a reorganization of USDA outlined in Secretary's Memorandum 1000-1, dated June 17, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing USDA's reorganization is being drafted for later publication.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on October 16, 1981, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau and the need for providing data in more datail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: (1) Introductory remarks by the director, Bureau of the Census, including staff changes and major budget program developments; (2) election of chairperson-elect; (3) update on 1980 census; (4) measurement of the underground economy; (5) status report on gross-flow data; (6) evaluation studies for the 1982 economic censuses; (7) statistics on alimony and child suppport; (8) linking census data in the food and fiber sector of the economy; (9) general discussion and committee recommendations; and (10) date and plans for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Thomas L. Mesenbourg, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5483.

Dated: September 18, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

FR Doc. 81-27732 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Lamb Meat From New Zealand; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: We are initiating a countervailing duty investigation to determine whether New Zealand is subsidizing its producers and exporters of lamb meat. We are terminating under section 303 of the Tariff Act of 1930 as amended and initiating under Title VII of the Act.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roland Macdonald, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On April 23, 1981, we received a petition in proper form from the National Wool Growers Association of Salt Lake City, Utah, filed on behalf of the U.S. industry producing lamb meat. They were joined in this petition by the National Lamb Feeders Association on May 12, 1981. The petition alleged that the New Zealand government grants subsidies to its producers and exporters of lamb meat.

After reviewing the petition, we decided that it contained sufficient grounds to initiate a countervailing duty investigation under section 303 of the Tariff Act of 1930, as amended. Therefore, on May 18, 1981, we announced the initiation, stating that we would issue a preliminary determination by July 17, 1981, if our investigation proceeded normally (46 FR 27151). We presented a questionnaire concerning the allegations to the government of New Zealand and The Meat Producers Board. On July 19, 1981, we postponed our preliminary determination from July 17, 1981, to September 19, 1981, because

the case was found to be "extraordinarily complicated" (46 FR 34357).

On September 17, 1981, the U.S. Trade Representative Office announced that New Zealand was a "country under the Agreement," as set out in section 701(b) of the Act (46 FR 46263). As a result Title VII of the Act became applicable to the then pending countervailing duty investigation. According to section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 of the Act must terminate. Where an initiation, but not a preliminary determination, has been made under section 303, the case is to be treated as if it were initiated under section 702 the day Title VII first applied to that country. Therefore, we are terminating the investigation we initiated on May 18, 1981, and are initiating today another countervailing duty investigation, which is to be effective September 17, 1981.

Scope of the Investigation

The merchandise covered by this investigation is lamb meat provided for in item 106.30 of the Tariff Schedules of the United States. Lamb meat comes from a sheep that is usually less than a year old, weighs about 110 pounds, and has not cut its permanent incisors.

In our present investigation we expect to cover the same programs cited in original initiation notice (46 FR 27151).

Notification to ITC

Pursuant to section 702(d) of the Tariff Act we are notifying the U.S. International Trade Commission (ITC) and making available to it information relating to the matter under investigation. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC has 45 days after it receives notice from us to determine whether or not there is a reasonable indication that imports of lamb meat from New Zealand are likely to materially injure a U.S. industry. If the ITC's determination is negative, we will terminate this investigation.

If its determination is affirmative, we will issue a preliminary determination by September 11, 1981. In view of the present status of this investigation and the analysis already completed in this case, however, we expect to issue a preliminary determination in advance of that date.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27754 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council and its Scientific and Statistical Committee; Meeting Amendment

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Change in Date and Time of the Pacific Fishery Management Council public meeting with partially closed session.

SUMMARY: The scheduled public meeting with partially closed session of the Pacific Fishery Management Council as published in the Federal Register, September 2, 1981 (46 FR 44028), has been changed and is now scheduled as a one-day session as follows:

From

Council—open meeting—October 7–8, 1981 (11 a.m. to 5 p.m., on October 7; 8 a.m. to 5 p.m., on October 8)

Council—closed session—October 7, 1981 (8 a.m. to 10 a.m.)

To

Council—open meeting—October 7, 1981 (9 a.m. to 5 p.m.)

Council—closed session—October 7, 1981 (8 a.m. to 9 a.m.)

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: September 21, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27813 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Oceanic and Atmospheric Administrative, Commerce.

ACTION: Notice of Public Meeting with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Western Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, 16 U.S.C. 1852, as amended), to manage and conserve America's fisheries as specified by the Act.

Meeting Agenda

(Open Meeting)—review the status of spiny lobster, billfish, and precious corals fishery management plans and review progress of a bottomfish planning document. (Closed Session)—receive a State Department briefing on tuna discussions between Japan and the U.S.; Micronesia issues and fishery enforcement problems and other international fisheries developments. The Council will also discuss personnel matters concerning appointments to the advisory subpanels. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Dates

(Open Meeting)—October 8–9, 1981 (10 a.m. to 5 p.m., on October 8, 1981; 9 a.m., to 3 p.m., on October 9).

(Closed Session)—October 8, 1981 (8 a.m. to 10 a.m.).

Address

The meeting will take place at the State Capitol, Honolulu, Hawaii.

FOR FURTHER INFORMATION: Western Pacific Fishery Management Council, 1164 Bishop Street—Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on 9/18/81, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meeting and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (b) in fact properly classified pursuant to such an executive order and 5 U.S.C. 552b(c)(6), as information of a personal nature where

disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: September 21, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27614 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Santek, Inc., having a place of business at 4110 Romaine St., Greensboro, North Carolina, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Electrostatic Precipitator Apparatus Using Fluid Collection Electrodes", U.S. Patent Application No. 837,488 (dated September 28, 1977). The availability of this invention for licensing was announced in the Federal Register on September 26, 1978. Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: September 17, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-27771 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, October 13, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquires regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated Washington, D.C. September 16, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-27779 Filed 9-23-81; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

Review of Contract Market Designation Applications

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of changes in internal Processing Procedures.

SUMMARY: This notice sets forth changes in the internal processing procedures of the Commodity Futures Trading Commission ("Commission") in the review of applications for contract market designations. These changes are made in an effort to accelerate the pace of review of contract market designation applications. The changes are also intended to assure that only contracts actively sought by an exchange are considered by the Commission. The changed procedures will apply to all exchanges presently designated as contract markets as well as to exchanges which seek designation in the future. Each of the eleven presently designated exchanges were sent notice of these changes by letter dated September 17, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert W. Clark, Associate Director, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-7303; or,

Theodore W. Urban, Esquire, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: The text of the Commission's September 17, 1981, letter concerning the changes in internal procedures for the review of contract market designation applications is as follows:

In an effort to accelerate the pace of review of applications for contract market designation, the Commission has decided to alter certain internal procedures. These changes should help to assure that only contracts actively sought by an exchange are considered, and that contracts in which the exchange has lost interest do not consume staff time that can better be expended on other designation projects.

The principal manifestation that an exchange has lost interest in a particular application, or has relegated it to a matter of relatively minor importance, is failure to respond in a timely manner to written inquiries concerning the contract emanating from the Commission's staff. From time to time, several months or more go by without response. To date, the Commission's staff has continued to process the application to the extent possible despite this silence.

In the future, however, we will deem an application to have been voluntarily withdrawn if no written response on the merits of our inquiry is received within 90 days after the inquiry was sent. In that event, a new application will have to be submitted to reinstitute the designation process, and staff will be assigned as they become available. Over time, the period for response may be shortened further if it is fair and feasible to do so, in order to expedite new contract processing.

Another internal procedure to be adopted is the establishment of a system of priorities in the processing of multiple contract market applications received from the same exchange, based in part on the sponsoring exchange's own assessment of which pending applications should be reviewed first by the Commission. It is quite common for the Commission to receive a number of contract market applications from the same exchange in relatively rapid succession. Ordinarily, staff work on each application will begin as soon as possible after its receipt. But some applications are frequently of greater

importance or urgency to the sponsoring exchange than are others.

The Commission will take into consideration in assigning staff and processing applications any timely indication from an exchange of the relative importance to it of particular proposals. This indication should be given before the Commission has committed significant resources to processing an application that the exchange wishes to de-emphasize. Otherwise, processing will occur in the routine manner.

The Commission also invites suggestions from the exchanges regarding any other step that should be considered to expedite the processing of new contract applications.

Issued in Washington, D.C. September 21, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27758 Filed 9-23-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Small Flood Control Authority Project Along Salt Creek at Laurelville, Ohio; Intent To Prepare a Final Draft Impact Statement

To Prepare a Final Draft Environmental Impact Statement (FEIS) for a Proposed Section 205 Small Flood Control Authority Project Along Salt Creek at Laurelville, Ohio.

Agency: Army Corps of Engineers, DOD, Ohio River Division, Huntington District, Huntington, West Virginia.

Action: Notice of Intent to Prepare a Final Draft Environmental Impact Statement (FEIS).

1. The Huntington District, Ohio River Division, U.S. Army Corps of Engineers is preparing a Final Draft Environmental Impact Statement on a small flood control project at Laurelville, Ohio. The proposed project consists of widening the channel to 100 feet in width and placing stone bank protection at areas of slope instability. The project will extend for 1 mile from the Hocking County Road 174 Bridge to just upstream of the confluence of Salt Creek and Laurel Run.

2. Alternatives considered include no action, the construction of levees around the village and a subdivision just downstream, combination levee and channel widening, clearing, and debris removal in conjunction with the selected removal of bars, and flood proofing of structures. These alternatives were evaluated to arrive at the selected plan which could reduce flood damages and reduce impacts on human resources.

3a. Public meetings have been held in the past at the request of local public officials and other interested agencies. Citizens and business owners in the flood-plain area attended the meetings and expressed interest in the outcome of the District planning effort.

Public activities will deal with the overall flood damage reduction plan for Laurelville. The plan components will be presented to the elected officials of the study area as well as the citizens and business population.

A formal meeting will be scheduled to provide for discussion and input to final plan components.

3b. Significant issues to be analyzed in depth in the FDEIS will be the impact of floods on the existing environment and the selected plan features. The selected plan includes channel widening and stone slope protection of unstable areas.

3c. Consultation shall be conducted with the U.S. Fish and Wildlife Service and the Environmental Protection Agency during the final planning process pursuant to the requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq. (Pub. L. 85-624) and the Endangered Species Act, 16 U.S.C. 1531 et seq. (Pub. L. 93-205) and the National Park Service and State Historic Preservation Office(s) pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655) the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291), and EO 11593.

4. A public meeting will be held in the Village of Laurelville in the near future to present the selected plan and hold discussions with the local officials and any other interested parties.

5. It is anticipated that the FEIS will be available for public review by October 1, 1981.

6. Questions concerning the proposed action and FDEIS can be answered by:

Mr. Larry W. Davis (Civil Engineer-Study Manager), or Mr. John Wright (Environmentalist), Huntington District, Corps of Engineers, PO Box 2127, Huntington, WV 25721.

Dated: September 9, 1981.

James H. Higman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-27760 Filed 9-23-81; 8:45 am]

BILLING CODE 3710-05-M

DEPARTMENT OF EDUCATION

Library Services and Construction Act; Promulgation of Federal Shares

Sections 7(b)(1) and 7(b)(2) of the Library Services and Construction Act, as amended, provide for the Secretary to promulgate the Federal share for each State and Territory every second fiscal year. Per capita income data from the Department of Commerce for the years 1977, 1978, and 1979 have been used to establish the Federal shares applicable to Title I. The Federal shares published in the table below are effective for fiscal years ending September 30, 1982 and September 30, 1983.

(Catalog of Federal Domestic Assistance Program Number 84.034, Library Services—Grants for Public Libraries)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

State	Federal share (percent)
Alabama	59.95
Alaska	33.00
Arizona	52.78
Arkansas	60.67
California	43.13
Colorado	48.51
Connecticut	42.66
Delaware	46.34
District of Columbia	39.16
Florida	51.65
Georgia	56.72
Hawaii	46.40
Idaho	56.18
Illinois	43.52
Indiana	50.97
Iowa	50.20
Kansas	48.63
Kentucky	57.80
Louisiana	57.08
Maine	59.61
Maryland	46.22
Massachusetts	49.21
Michigan	46.09
Minnesota	49.66
Mississippi	64.54
Missouri	53.09
Montana	56.12
Nebraska	51.76
Nevada	40.16
New Hampshire	52.52
New Jersey	44.09
New Mexico	57.31
New York	47.76
North Carolina	57.71
North Dakota	54.12
Ohio	50.06
Oklahoma	52.81
Oregon	48.80
Pennsylvania	51.00
Rhode Island	51.57
South Carolina	59.70
South Dakota	57.96
Tennessee	58.19
Texas	50.42
Utah	58.26
Vermont	58.23
Virginia	50.98
Washington	45.65
West Virginia	57.80
Wisconsin	51.70
Wyoming	44.58
American Samoa	66.00
Guam	66.00
Puerto Rico	66.00
Trust Territory	100.00
Virgin Islands	66.00

State	Federal share (percent)
Northern Marianas	66.00

[FR Doc. 81-27875 Filed 9-23-81; 8:45 am]
BILLING CODE 4000-01-M

Transition Program for Refugee Children

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications.

SUMMARY: Applications are invited for grants under the Transition Program for Refugee Children.

Authority for this program is contained in Section 412(d)(1) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980 (Pub. L. 96-212).

(8 U.S.C. 1522(d))

Eligible applicants are State educational agencies.

This program supports educational activities designed to meet the special needs of eligible refugee children and to enhance their transition into American society.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by October 30, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education Minority Languages Affairs, U.S. Department of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The Secretary announces October 7, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance under the Transition Program for Refugee Children. A grant is made to a State educational agency based on the number of eligible children enrolled in public and nonprofit private schools in the State, using the weighting factors announced in this notice. Using the same formula, the State educational agency awards subgrants to local educational agencies in its State that propose to serve eligible children within their jurisdictions. As provided in 34 CFR 538.20, the State educational agency makes subgrants to local educational agencies within 60 days after the State receives the grant award funds. When a local educational agency does not apply to serve its eligible children, the State educational agency provides services directly to those children or arranges for provision of services to those children through subgrants, contracts, and cooperative agreements with other public and private nonprofit organizations, agencies, and institutions.

Awards under this program are to provide educational services to eligible children during the current school year (1981-1982).

Weighting factors: Section 538.31 of the program regulations authorizes the Secretary to announce the weighting factors to be used in distributing funds under this program. For the award of fiscal year 1981 funds, the Secretary uses the following formula for fund distribution:

Recency of arrival in the United States (in years)	Weighting factors by school level	
	Elementary	Secondary
Less than 1	10	10
1 to 2	5	7
2 to 3	2	5
3 to 4	0	1
More than 4	0	0

Available funds: It is expected that approximately $44.3 million will be available for grants to State educational agencies. These funds are a fiscal year 1981 appropriation with availability until September 30, 1982.

It is estimated that these funds will provide approximately $400 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that the States report.

These estimates, however, do not bind the U.S. Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

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

Applicable regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Transition Program for Refugee Children (34 CFR Part 538) published on January 14, 1981 (46 FR 3378).

(2) Regulations governing the Refugee Resettlement Program (45 CFR Part 400) published on September 9, 1980 (45 FR 59818).

(3) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77; formerly 45 CFR Parts 100b and 100c), except as otherwise provided in 34 CFR Part 538.

FURTHER INFORMATION: For further information contact Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages

Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472-7177

(8 U.S.C. 1522(d))

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-27872 Filed 9-23-81; 8:45 am]

BILLING CODE 4000-01-M

Transition Program for Refugee Children (Cuban and Haitian Entrant Domestic Assistance)

AGENCY: Department of Education.

ACTION: Closing date for transmittal of applications.

SUMMARY: Applications are invited for grants under the Transition Program for Refugee Children (Cuban and Haitian Entrant Domestic Assistance). Certain provisions of the regulations do not apply for purposes of this notice only, to reflect the requirements of the funding statute.

Authority for this assistance is contained in the Supplemental Appropriations and Rescission Act of 1981, Pub. L. 97-12, Section 501(a) of the Refugee Education Assistance Act of 1980, Pub. L. 96-422 (8 U.S.C. 1522 *et seq.*); and Title IV of Chapter 2 of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96-212 (8 U.S.C. 1101 *et seq.*).

Eligible applicants are State educational agencies who exercise authority over school districts which have 10,000 or more Cuban-Haitian entrant school-children.

This assistance supports educational activities designed to meet the special educational needs of eligible Cuban and Haitian entrant children in these school districts.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by October 15, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Departement of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information:

A. *Background.* Under the Supplemental Appropriations and Rescission Act of 1981 (hereinafter referred to as "the Act"), Congress authorized $6 million for the education of Cuban and Haitian entrant students. The funds are available through September 30, 1982, and are intended to serve as impact assistance in support of educational services provided by school districts with a population of eligible entrant children of 10,000 or more.

The Act appropriates funds for educational expenses under Section 501(a) of the Refugee Education Assistance Act of 1980. Under Section 501(a), the President may exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities exercised under Chapter 2 of Title IV of the Immigration and Nationality Act, as amended. That chapter authorizes, among other things, the provision of supplementary educational assistance to meet the special educational needs of refugee children and to enhance their transition into American society.

Under the Act, Congress has appropriated Federal assistance for the provision to Cuban-Haitian entrant children, of special educational services which are like those provided to refugee children under certain provisions of the Immigration and Nationality Act, as amended.

Final regulations in 34 CFR Part 538, governing the Transition Program for Refugee Children under the authority of Chapter 2 of Title IV of the Immigration and Nationality Act, as amended, were published on January 14, 1981, in the Federal Register (46 FR 3378).

In light of evident Congressional intent to extend certain benefits of Federal educational programs, currently authorized to be provided to eligible refugee children under the Immigration and Nationality Act, to eligible Cuban-Haitian entrants, the Transition Program for Refugee Program regulations will apply to this application notice. However, certain exceptions to those regulations, reflecting statutory requirements of the Act, apply to this application notice only. These exceptions, as noted below, define, for purpose of this application notice only, (1) applicants eligible for funding under the Act, and (2) "eligible children" in terms of the definition of "Cuban and Haitian entrant" used in Section 501(a) of the Refugee Education Assistance Act of 1980. The exception defining "eligible children" retains the State law age requirements, for the receipt of free elementary and secondary educational services, of the existing regulations.

Because of their inconsistency with the specific purpose of the Act or its requirements, the following sections of the regulations are inapplicable to this notice: Sections 538.2(a)(1) (i) and (ii), (2); 538.3(b)(2); and 538.4 ("eligible children" and "Indochinese children" definitions). Instead, the answers to Questions 1 and 2, below, govern the award of these funds.

Finally, general references in the regulations to LEAs or SEAs shall mean those LEAs (or SEAs) which meet the statutory requirement for funding under the Act by virtue of having a population of 10,000 or more Cuban-Haitian entrant school children in a school district.

Question 1: *Who is eligible to apply for financial assistance?*

(1) A State educational agency (SEA) is eligible to apply for a grant to assist local educational agencies in its State having 10,000 or more eligible children within its jurisdiction.

(2) A local educatioal agency (LEA) having 10,000 or more eligible children within its jurisdiction may apply to the SEA for a subgrant to provide services to eligible children enrolled in public and nonprofit private schools within its jurisdiction.

Question 2: *What definitions apply to this program?*

"Eligible children" means individuals who—

(1)(i) Have been granted parole status as Cuban-Haitian entrants (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of an individual at the time assistance or services are provided; or

(ii) Are any other nationals of Cuba or Haiti who—

(A)(1) Were paroled into the United States and have not acquired any other status under the Immigration and Nationality Act; or

(2) Are the subjects of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(3) Have applications for asylum pending with the Immigration and Naturalization Service; and

(B) With respect to whom final, nonappealable, and legally enforceable orders of deportation or exclusion have not been entered; and

(2) Are within the age limits for which the applicable State is required or permitted under State law to provide free public elementary and secondary school education for students in kindergarden through grade 12.

B. *Prerequisite.* The Secretary announces October 7, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance. Grants are awarded to provide educational services to eligible children during the current school year (1981–1982).

Available funds: It is expected that approximately $6 million will be available for grants to State educational agencies.

It is estimated that these funds will provide approximately $400 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that the States report.

This estimate, however, does not bind the Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

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

Applicable regulations: Regulations applicable include the following:

(1) Regulations governing the Transition Program for Refugee Children (34 CFR Part 538) published on January 14, 1981 (46 FR 3378).

(2) Education Department Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77; formerly 45 CFR Parts 100b and 100c) except as otherwise provided in 34 CFR Part 538.

FURTHER INFORMATION: For further information contact Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472-7177

(8 U.S.C. 1522(d) and 8 U.S.C. 1101 *et seq.)*

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 27873 Filed 9-23-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Issuance of Presidential Permit, PP-74, to the Power Authority of the State of New York to Construct, Connect, Operate and Maintain Electric Transmission Facilities Across the International Border Between the United States and Canada

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Issuance of Presidential Permit (Docket No. PP-74) to the Power Authority of the State of New York (PASNY) granting permission to construct, connect, operate, and maintain two 345-kilovolt electric transmission lines between the United States and Canada.

SUMMARY: The Department of Energy (DOE) gives notice of the issuance of a Presidential Permit (Docket No. PP-74) authorizing PASNY to import electricity from Canada via two 345-kilovolt transmission lines crossing the Niagara River. These transmission lines are to be constructed at a location several miles north of Niagara Falls, New York.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Utility Systems and Emergency Communications Divisions, Department of Energy, Room 4209, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3889;

Lise Courtney M. Howe, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A141, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: On December 16, 1980, PASNY applied to the DOE, (Docket No. PP-74), for authorization, pursuant to Executive Order 10485, as amended by Executive Order 12038, to construct, connect, operate, and maintain two 345-kilovolt transmission lines across the United States-Canadian border. These transmission lines would cross the Niagara River, near Niagara Falls, and would be used to import electric energy from Canada into the United States. PASNY proposes to install these two 345-kilovolt circuits in an existing underground power tunnel which extends from the area of the 345-kilovolt Niagara Power Plant switchyard to the headworks of the Niagara Power Dam, where the tunnel terminates. The Niagara River will be spanned by a double-circuit, 345-kilovolt overhead crossing from the headworks of the dam to a new tower owned by Ontario Hydro on the Canadian side of the river. The new tower will be located in an existing transmission line right of way. The total length of the 345-kilovolt transmission facility on the New York side of the river is less than one mile, of which only 700 feet consist of the overhead crossing from the headworks of the dam to the International Border; the remainder will be placed in the existing PASNY tunnel.

According to PASNY, the proposed interconnection will: (1) Increase capability for transferring power between Canada and New York, thereby permitting purchases of surplus power from Ontario; (2) displace oil-fired generation in New York by less costly imported electricity; (3) increase capability for emergency transfers between Canada and New York; and (4) increase ability to transfer power to

Ontario Hydro generated at the Niagara Project using, when available, Ontario Hydro's unused Niagara River water allocation.

The DOE conducted an environmental review of the proposed project and made a determination (April 8, 1981), that neither an environmental assessment nor an environmental impact statement was required.

The Department of State by letter dated July 21, 1981, and the Department of Defense by letter dated July 20, 1981, formally recommended that the Permit be granted.

Upon consideration of the matter, the DOE found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued by DOE on Sept. 4, 1981, to construct, connect, operate, and maintain an electric transmission facility at the U.S.-Canadian border. The Permit and its terms and conditions have been submitted to PASNY for acceptance.

Copies of the Permit are on file with the Division of Utility Systems and Emergency Communications and will, upon request, be made available for public inspection and copying in Room B-210, 2000 M Street NW., Washington, D.C.

Issued in Washington, D.C., September 4, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-27740 Filed 9-23-81; 8:45 am]

BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co. Through Its Subsidiary Anadarko Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Natural Gas Liquids Branch, Attn: Claude Corzatt, Office of Enforcement, 2000 M Street NW., Room 5108, Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On February 8, 1980, the OE published notification in the Federal Register that it executed a proposed Consent Order with Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company (Anadarko) of Houston, Texas, on January 2, 1980, 45 FR 8696 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Anadarko pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the Federal Register, 45 FR 21339 (1980) which stated that no comments were received and, therefore, the proposed Consent Order was finalized and made effective on March 12, 1980.

Pursuant to the Consent Order, Anadarko refunded the sum of $334,605.96 by certified check made payable to the United States Department of Energy. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken:

The OE is unable, readily, to identify the persons entitled to receive the $334,605.96, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 4, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V

Issued in Washington, D.C. on the 17th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27741 Filed 9-23-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Closed Meeting of Advisory Committee

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: October 8-9, 1981.

Place: Room 829, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472.

Time: 9:30 a.m., October 8 (adjourn 4:30 p.m.); 9:30 a.m., October 9 (adjourn 4:30 p.m.).

Purpose and Proposed Agenda: Internal classified discussions within the group of past and future efforts in such areas as civil defense, emergency mobilization preparedness and other stategic national security matters. The views of the Board will be discussed with the Director of FEMA and the Counsellor to the President.

The Director has determined that the board meeting should be closed because disclosure is likely to reveal matters that are specifically authorized to be kept secret in the interest of the national defense or foreign policy and are properly classified pursuant to Executive Order.

George W. Jett,

General Counsel.

September 18, 1981.

[FR Doc. 81-27713 Filed 9-23-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10422]

Space Charter Agreement Among Korea Shipping Corp., Neptune Orient Lines Inc., et al; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10422 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. 10422 is a space charter arrangement among Korea Shipping Corp., Neptune Orient Lines, Inc. and Orient Overseas Container Line, Inc. in the U.S./Far East trade.

This Finding of No Significant Impact (FONSI) will become final on or before October 2, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request form the Office of the Secretary, Room 11101, Federal

Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

FR Doc. 81-27721 Filed 9-23-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Clinton Bancshares, Inc., Formation of Bank Holding Company

Clinton Bancshares, Inc., Clinton, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.2 per cent or more of the voting shares of Clinton State Bank, Clinton, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27744 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Dakota Bancshares, Inc., Formation of Bank Holding Company

Dakota Bancshares, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Dakota County State Bank, South Sioux City, 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 18, 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27745 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc., Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, 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 First State Bank, Aransas Pass, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 18, 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27746 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Texana Bancshares, Inc.; Formation of Bank Holding Company

Texana Bancshares, Inc., Hamilton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First National Bank of Hamilton, Hamilton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27747 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

West Point Bancorp, Inc.; Acquisition of Bank

West Point Bancorp., Inc., St. Joseph, Missouri, 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 20.2 percent or more of the voting shares of Dakota Bancshares, Inc., St. Joseph, Missouri and thereby indirectly acquire 20 percent or more of the voting shares of Dakota County State Bank, South Sioux City, 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 18, 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27748 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Ysleta Bancshares, Inc.; Formation of Bank Holding Company

Ysleta Bancshares, Inc., El Paso, Texas, has applied for the Board's

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares, less directors' qualifying shares, of Bank of Ysleta, El Paso, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 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 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27749 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Medicare Program; Inpatient Hospital Deductible for 1982

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces Medicare's inpatient hospital deductible and coinsurance amounts for calendar year 1982. The Medicare statute specifies the formula the Secretary uses to determine these amounts. The inpatient hospital deductible will be $260. The daily coinsurance amounts will be: (a) $65 for the 61st through 90th days of hospitalization; (b) $130 for lifetime reserve days; and (c) $32.50 for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility. Each figure represents an increase of approximately 27 percent over the corresponding 1981 figure.

This notice also applies two new rules from sections 2131 and 2132 of the Omnibus Reconciliation Act of 1981, Public Law 97-35, concerning the inpatient hospital deductible and coinsurance amounts.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Guy King, Acting Director, Office of Financial & Actuarial Analysis, 3-0-3 Operations Building, Baltimore, Maryland 21235, (301) 594-2826.

SUPPLEMENTARY INFORMATION: Under the authority in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), I have determined that the Medicare inpatient hospital deductible for 1982 will be $260.

Section 1813 provides for an inpatient hospital deductible and certain coinsurance amounts to be deducted from the amout payable by Medicare for inpatient hospital services and post-hospitl extended care services furnished an individual Section 1813(b)(2) requires the Secretary of HHS to determine and publish, between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable for the following calendar year.

Because the coinsurance amounts in section 1813 are fixed percentages of the inpatient hospital deductible for services furnished in the same calendar year, the increase in the deductible has the effect of also increasing the amount of coinsurance the Medicare beneficiary must pay. Thus, for inpatient hospital services or post-hospital extended care services furnished in 1982, the daily coinsurance of the 61st through 90th days of hospitalization (¼ of the inpatient hospital deductible) will be $65; the daily coinsurance for lifetime reserve days (½ of the inpatient hospital deductible) will be $130; and the daily coinsurance for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility (⅛ of the inpatient hospital deductible) will be $32.50.

On August 13, 1981, Public Law. 97-35 amended section 1813 of the Social Security Act in two ways. First, section 2131 of Public Law 97-35 bases the coinsurance amount on the inpatient hospital deductible in effect when the services are furnished, rather than on the deductible in effect at the beginning of the beneficiary's spell of illness (benefit period). Congress explained that this change will not ony reduce Medicare program costs, but will also simplify administration of the program by making the amount of coinsurance the same for all services received during a calendar year. Previously, before calculating the amount of coinsurance for which the beneficiary was responsible, HCFA had to determine first when each spell of illness began.

Secondly, section 2132 of Public Law 97-35 increases the basis in the formula for the deductible calculation from $40 to $45, beginning January 1, 1982. For 1982, this change in the basis accounts for an increase in the deductible and coinsurance amouts of approximately 12.1 percent. The remainder of the overall 27 percent increase is due to the increase in the average per diem hospital cost. Congress explained that the inpatient hospital deductible is supposed to increase each year to reflect the covered cost of one day's hospital care, but in reality the calculation actually lags about 2 years behind actual hospital cost increases. Congress believes that the necessity of achieving a reduction in Medicare program costs warrants making the deductible more reflective of the current cost of one day's hospital care (page 317 of H.R. Rep. No. 97-158, 97th Congress, 1st Session (1981)).

Under the amended formula in the law, the deductible for calendar year 1982 must be equal to $45 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for calendar year 1980 to (2) the average per diem rate for such services in 1966. The amount so determined is rounded to the nearest multiple of $4. The average per diem rates are based on the amounts paid to participating hospitals by Medicare for inpatient services to insured individuals, plus the deductible and coinsurance amounts.

The average per diem rate for a calendar year is computed from the inpatient hospital bills for all beneficiaries. Each bill shows the number of inpatient days of care and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). The data are summarized for each year, and an average interim per diem rate computed that accurately reflects interim costs on an accrual basis.

In order to reflect the change in the average per diem hospital cost under the program properly, the average interim cost must be adjusted to show the effect of final cost settlements made with each participating hospital after the end of its accounting year. The final settlements adjust the interim payment to the hospital to the actual full cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost for 1980 differs from the ratio of final cost to interim cost for 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred.

The current average interim per deim rate for inpatient hospital services for calendar year 1980, based on tabulated interim costs, is $221.99; the corresponding amount for 1966 is $37.92.

The averages are based on approximately 105 million days of hospitalization in 1980 and 30 million days in 1966 (last 6 months of the year). The ratio of final cost to interim cost is approximately 1.047 for 1980 and 1.055 for 1966. Thus, the inpatient hospital deductible is $45 × (221.99 × 1.047)/(37.92 × 1.055)=$261.44, which is rounded to $260.

Impact Analyses

The inpatient hospital deductible and coinsurance amounts for the calendar year 1982 will be 27 percent higher than the 1981 amounts. The inpatient hospital deductible increased from $204 to $260; the daily coinsurance for the 61st through 90th days of hospitalization increased from $51 to $65; the daily coinsurance for lifetime reserve days increased from $102 to $130; and the daily coinsurance for the 21st through 100th days of post-hospital extended care services in a skilled nursing facility increased from $25.50 to $32.50.

The estimated cost to beneficiaries due to these increases is $560 million. About half, or $280 million, is due to the change in the law which increased from $40 to $45 the basis in the formula used to compute the deductible. The remaining $280 million increase is due to inflation. These amounts are based on an estimated 7.3 million beneficiaries who will have 8.3 million benefit periods and use 4.7 million coinsurance days and 1.2 million lifetime reserve days in 1982.

An additional $10 million will be paid by beneficiaries because of the change in the law which bases coinsurance amounts on the deductible in effect when the service is provided instead of the year in which the benefit period began. This provision will only affect beneficiaries who have benefit periods that overlap two or more calendar years.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires that an agency prepare a regulatory flexibility analysis for a proposed rule, or a final rule issued after a proposal, if a rule would have a significant economic impact on a substantial number of small businesses, small non-profit organizations, or small governmental jurisdictions. This notice merely announces (as required by section 1813 of the Social Security Act) amounts beneficiaries are responsible for in the cost of their own hospitalization or treatment in a skilled nursing facility. This announcement is made annually in the form of a notice. Because this notice is not a proposed rule or final rule issued after a proposal, no analysis is required under the Regulatory Flexibility Act.

However, we have determined that this notice will not have a significant economic impact on a substantial number of small entities. The increase of $570 million represents only 1.8 percent of the $32.5 billion which HCFA will pay to hospitals and skilled nursing facilities in 1982 for inpatient services provided to Medicare beneficiaries. That amount will be met by Medicare beneficiaries. Because this notice will not result in a significant economic impact on hospitals or skilled nursing facilities or other small entities, the Secretary certifies that a regulatory flexibility analysis is not required.

(Sec. 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 18, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27796 Filed 9-23-81; 8:45 am]

BILLING CODE 4110-35-M

Public Health Service Commissioned Officers: Board for Correction of Records

AGENCY: Department of Health and Human Services (DHHS)

ACTION: Notice.

SUMMARY: DHHS has issued procedures for correction of the records of individuals who hold or have held appointments in the PHS Commissioned Corps when it is considered necessary to correct an error or remove an injustice.

DATE: The procedures are effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Jack N. Markowitz, Rm. 17-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-5037

SUPPLEMENTARY INFORMATION: Section 312 of Pub. L. 96-76 (93 Stat. 579) enacted on September 29, 1979, extended to the PHS Commissioned Corps the provisions of 10 U.S.C. 1552. This provision authorizes the Secretary of Health and Human Services, under procedures established by the Secretary and acting through a civilian board, to correct any record of an individual who holds or has held an appointment in the PHS Commissioned Corps where the Secretary considers such action necessary to correct an error or remove an injustice. It also authorizes the Department to pay any amount due as a result of such correction.

The correction authority was originally enacted for the military services under the Legislative Reorganization Act of 1946, to relieve the Congress of handling a large number of private relief bills. Prior to the enactment of the legislation, an aggrieved individual, after exhausting available administrative remedies, was left to court action if the matter was justicable or to private relief legislation. Under the correction of record authority, decisions of the board are final and conclusive on all officers of the United States, unless its action is found by the courts to be arbitrary, capricious, or improper as a matter of law.

Application for correction may be made by the PHS commissioned officer or former PHS commissioned officer. If this is not possible, the application may be made by spouse, parent, heir, or legal represenative.

Dated: September 8, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27722 Filed 9-23-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Laguna, New Mexico; Proclaiming Certain Lands as Part of Pueblo of Laguna

September 15, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.1.

On September 15, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described land, known locally as Sanchez Ranch, located in Sandoval County, New Mexico, was added to and made a part of the Reservation of the Pueblo of Laguna.

New Mexico Principal Meridian

T. 14N, R. 3 W.,

Sec. 1, Lots 1, 2, 3, 4, 5; and SW¼;
Sec. 2, Lots 4, 5, SW¼SW¼, NW¼SW¼, SW¼NW¼, N½NW¼, and SE¼NW¼;
Sec. 3, Lots 1, 2, 3, 4, SE¼, S½NW¼, SW¼, and S½NE¼;
Sec. 4, S½;
Sec. 5, Lots 1, 2, 3, 4, SE¼, S½NW¼, SW¼, and S½NE¼;
Sec. 6, Lots 1, 2, 3, 4, S½ and S½N½;
Sec. 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, NE¼, NE¼SW¼, E½NW¼ and N½SE¼;
Sec. 8, Lots 1, 2, and N½SE¼;
Sec. 9, Lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼, N½SW¼, NW¼, and N½SE¼;

Sec. 11, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, E½NE¼, NW¼SW¼, NW¼ and E½SE¼;
Sec. 13, Lots 1, 2, 3, 4, 5, W½NW¼, E½SW¼, E½NW¼ and NW¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, NW¼ and NE¼;
Sec. 17, Lots 1, 2, 3, 4, NW¼ and NE¼;
Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, W½NE¼, SE¼NE¼, E¼SW¼, E½NW¼ and W½SE¼;

T. 14 N., R. 4 W.,
Sec. 1, Lots 1, 2, 3, 4, S½NW¼, SE¼, SW¼ and S½NE¼;
Sec. 12, Lots 1, 2, 3, 4, 5, 6, 7, 8, N½ and N½S½;
Sec. 13, all inclusive.

Containing 8,848.16 acres more or less, including an undivided 50 percent interest in and to all minerals in, on and under approximately 3,827.80 acres.

Said lands are subject to prior conveyances and reservations of the minerals under the described lands as shown of record, and subject to any patent reservation, easements and rights-of-way of record.

Kenneth L. Payton,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-27772 Filed 9-23-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

Chaco and San Juan Planning Units; New Mexico; Notice Requesting Filing of All Existing Surface Owner Consent Agreements of Surface Mining of Federal Coal

September 11; 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 CFR Part 3427, the Bureau of Land Management (BLM) is advising the public that valid written consent or evidence thereof, which would permit surface mining of the underlying Federal coal, given by qualified surface owners, should be filed with the New Mexico State Office, BLM. In addition, at this time, written statement from qualified surface owners of refusal to consent to surface coal leasing may be filed with the New Mexico State Office.

This notice applies only to areas identified as acceptable for further consideration for coal leasing in the Management Framework Plan update of the Chaco and San Juan Planning Units in the San Juan River Federal Coal Production Region.

DATES: Copies of all consent agreements, or evidence thereof, that have already been given by qualified surface owners should be received by November 20, 1981. Valid written consents given for lands in which the ownership of the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the Federal Government (split estate lands) will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, in accordance with the announced schedule of regional lease sales set forth by Secretarial decision. However, submission at this time of consent documents that presently exist will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the qualified surface owner consents apply. The lack of a valid written consent at this time will not preclude consideration of Federal coal tracts during the coal activity planning process, but it is the responsibility of parties intending to file consents to be aware of pending lease sale notice dates, as set forth in an announced regional lease sale schedule.

To preclude consideration of lands that cannot be leased, we encourage written statements from qualified surface owners who firmly refuse to consent to surface coal leasing to be filed with the New Mexico State Office.

ADDRESSES: Copies of the surface owner consent agreements, or evidence thereof should be sent to State Director, New Mexico State Office, BLM, P.O. Box 1449, Santa Fe, New Mexico 87501. Information concerning the requirements for surface owner consent agreements or statements of refusal to consent may also be obtained from this address.

Maps showing the areas acceptable for further consideration for coal leasing in the Chaco/San Juan portion of the San Juan River Federal Coal Production Region may be obtained at the BLM New Mexico State Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Day, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988-6226 or FTS 476-6226.

SUPPLEMENTARY INFORMATION: The BLM is requesting that valid written consent agreements, or evidence thereof, for lands in which the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the the Federal Government (split estate lands) should be filed with the New Mexico State Office, at the address given above by November 20, 1981.

The information being sought by the BLM will be used in the Federal coal activity planning process by the San Juan River Regional Coal Team and will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the consents apply. Valid written consents will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, as set forth in the Secretarial decision and announcement of regional lease sales to be scheduled, in accordance with 43 CFR 3427.2(a) 3420.6-2(b). However, early submission of surface owner consent documents that currently exist will aid the Regional Coal Team in considering the split estate coal tracts during the tract delineation, ranking, and scheduling. As indicated in 43 CFR 3420.6-1(b) and 3427.2(d), split estate tracts that would be mined by other than underground mining techniques, covered by written consents that have been filed with the appropriate BLM State Office before a decision on a pending regional coal lease sale schedule, will be given priority over those split estate tracts where there is no written consent from the qualified surface owner, all other factors being nearly equal. Surface owner consents may still be entered into during the activity planning stage, but parties intending to file written consents are responsible for being aware of pending lease sale notice dates. Information concerning lease sale notice dates may be obtained from the New Mexico State Office at the address given above.

Section 714(c) of the Surface Mining Control and reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0-5(pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on that land, or personally conduct farming or ranching operations upon a farm or ranch unit to affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations, and;

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and

(2) of this section. In computing the 3-year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this subsection."

Valid written consent is defined in the regulations (43 CFR 3400.0-5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal: (2) describe any financial or other consideration given or promised in return for permission, including in-kind consideration; (3) describe any consideration given in terms of type or methods of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for all split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, the consent must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tracts to which consent applies (i) payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the terms of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I(We) hereby declare that the evidence submitted, to the best of my(our)knowledge, represents a true, accurate, and complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notorized.

A qualified surface owner(s) that has not been contacted by or requested to enter into an agreement with a private party, who may wish to give consent to allow permission to enter and commence surface coal mining, may prepare, sign, and submit a consent document to the New Mexico State Office. The consent document should include the information and requirements specified earlier in this notice in order to constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0-5(zz)), and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilateral consent document must be signed by a private party at least 30 working days prior to the publication of the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

In accordance with 43 CFR 3427.2(a)(2), written statements from qualified surface owners who refuse to consent to coal leasing may be filed with the New Mexico State Office at the address given above. Early submittal of a refusal to consent by a qualified surface owner who is firmly against giving consent, thereby disqualifying the specified lands from further leasing consideration, will deter pressure from persons or parties seeking to enter into a consent agreement and will prevent continued inquiries by the BLM of the status of surface owner consent for the specified lands.

The written statement of refusal to consent by a qualified surface owner must confirm that the owner(s) has not previously given consent to mine and that the owner(s) does not intend to give consent for the expected future life of the Chaco/San Juan portion of the San Juan River Federal Coal Production Region. The refusal will be binding during the life of this land use plan, in this case 10 years maximum, or until the ownership of the surface estate changes.

Upon receipt and verification of the refusal to consent, the BLM will remove the Federal coal underlying the qualified surface owner's land from further consideration in the tract delineation, ranking, and scheduling process until such time as the Chaco/San Juan Management Framework land use plan is revised or until the ownership of the surface estate changes. Upon revision of the Chaco/San Juan Management Framework Plan, the qualified surface owner will be notified that the prior written refusal to consent is about to expire, and the owner will be given the opportunity to submit another statement of refusal.

Written statements of refusal to consent shall be signed and dated by the owner(s) as well as witnessed and/or notorized, and shall specify: (1) the location (State and county) and legal description of the lands; (2) the present legal address of the qualified surface owner involved in the refusal to consent; (3) that the owners have held legal or equitable title to the specified land surface for a period of at least 3 years prior to the refusal to consent; (4) whether the lands involved are the principal place or residence of the owner(s); (5) whether the lands involved are used to conduct farming or ranching; and (6) to what degree or percentage income from farming or ranching of the specified land surface contributes to the total income of the qualified surface owner(s). The submission of personal income records or other personal information is not to be made by the owner(s).

The written statements of refusal to consent by qualified surface owners will become part of the public record since the refusal will be the principal reason for not considering a particular tract in the tract delineation, ranking, and scheduling process. The written statements will be made available for public inspection in the New Mexico State Office.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81-27769 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR-19135, OR-19141, OR-19167]

Oregon; Order Providing for Opening of Land

1. By Powersite Cancellation No. 201 of December 5, 1972, the U.S. Geological Survey cancelled a portion of the land withdrawals for Powersite Classifications No. 67 of April 23, 1924, No. 150 of July 19, 1926, and No. 310 of November 1, 1938, to the following described lands:

Willamette Meridian

T. 18 S., R. 2W.,
Sec. 9, Lot 2.

Willamette National Forest

T. 19 S., R. 3 E.,
Sec. 25, SE¼SE¼;
Sec. 36, NE¼SE¼.
T. 20 S., R. 3 E.,
Sec. 13, SW¼NW¼ and NW¼SW¼;
Sec. 27; Lots 5, 6, 15, and 16;
Sec. 28, SW¼SE¼;
Sec. 33, Lot 2 and W½SE¼;
Sec. 34, NW¼NW¼.
T. 21 S., R. 3 E.,
Sec. 4, lot 3 and SE¼NW¼;
Sec. 12, S½SE¼;
Sec. 13, N½NE¼ and NW¼;
Sec. 14, N½,
Sec. 15, S½NE¼, SE¼NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 22, E½SE¼;
Sec. 23, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 24.
T. 19 S., R. 4 E.,
Sec. 28, N½NW¼ and SW¼NW¼;
Sec. 29, S½N½;
Sec. 30, SE¼NE¼;
Sec. 31, S½NE¼ and SE¼NW¼;
Sec. 32, NW¼NW¼.
T. 20 S., R. 4 E.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 26, S½;
Sec. 27, NE¼SE¼ and S½S½;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 34, N½NE¼ and NW¼;
Sec. 35, N½N½;
Sec. 36, NE¼, E½NW¼, and NW¼NW¼.
T. 21 S., R. 4 E.,
Sec. 4, N½;
Sec. 5, NE¼ and S½;
Sec. 7, S½NE¼, SE¼NW¼, SW¼, and N½SE¼;
Sec. 8, NW¼;
T. 24 S., R. 4E.,
Sec. 12 Lot 1 to 7, inclusive.
Sec. 19, S½N½ and S½;
Sec. 20, S½;
Sec. 21, S½SW¼;
Sec. 25, SW¼SW¼;
Sec. 26, S½S½;
Sec. 27, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 28, N½;
Sec. 29, N½NE¼ and NE¼NW¼;
Sec. 35, NE¼ and N½NW¼;
Sec. 36, NW¼NE¼, S½NE¼, NW¼, E½SW¼, and SE¼.
T. 22 S., R. 4 E.,
Sec. 1, Lots 1 and 2;
Sec. 5, W½SW¼
Sec. 6, Lot 1 and SE¼SE¼;
Sec. 8, NW¼.
T. 19 S., R. 5 E.,
Sec. 36, E½, S½NW¼, N½SW¼, and SE¼SW¼.
T. 20 S., R. 5 E.,
Sec. 31, S½NE¼;
Sec. 32, S½NE¼, S½;
Sec. 33, NE¼NE¼, S½NE¼, and S½;
Sec. 34, N½ and N½S½;
Sec. 35, W½NW¼ and NW¼SW¼.
T. 21 S. R. 5 E.,
Sec. 4, Lot 4, S½NW¼, and SW¼;
Sec. 5, Lots 1, 2, 3, and 4, and S½NE¼;
Sec. 6, Lot 1;
Sec. 9, W½NE¼, W½, and SE¼;
Sec. 15, NW¼SW¼ and S½SW¼;
Sec. 16, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, W½ and SE¼;
Sec. 25, SW¼ and SW¼SE¼;
Sec. 26, SW¼NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼ and NE¼NW¼;
Sec. 31, Lots 3 and 4, and SE¼SW¼;
Sec. 36, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 22 S., R. 5 E.,
Sec. 5, S½SW¼;
Sec. 6, Lots 2 to 6, inclusive, E½SW¼, and SE¼;
Sec. 7, N½NE¼;
Sec. 8, NW¼NE¼, S½NE¼, NW¼, E½SW¼, and SE¼;
Sec. 16, NW¼SW¼ and S½S½;
Sec. 17, E½;
Sec. 21, Lot 1, N½, and NE¼SE¼;
Sec. 22, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, SW¼NW¼, NW¼SW¼, S½SW¼ and SW¼SE¼;
Sec. 25, SW¼NE¼, S½NW¼, and S½;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 27, NE¼NE¼;
Sec. 36, NE¼NE¼.
T. 24 S., R. 5 E.,
Sec. 18, Lots 1 and 2, SW¼NE¼, E½W½, and SE¼;
Sec. 19, NE¼;
Sec. 20, S½NW¼, N½SW¼, and SE¼;
Sec. 21, SE¼SW¼;
Sec. 28, N½ and SE¼.

All unsurveyed lands lying within one-quarter of a mile of Salt Creek between its mouth and Mile 23 within the following townships and sections:

T. 22 S., R. 5½ E., unsurveyed,
Secs. 32 and 33.
T. 23 S., R. 5½ E., unsurveyed,
Secs. 3, 4, 5, 8, 9 and 10.

The areas described aggregate approximately 20,789.59 acres in Lane County, Oregon.

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

3. The land in the E½SW¼SE¼NW and SE¼SE¼NW¼, Sec. 4, T. 21 S., R. 3 E., and the land in Sec. 9, T. 18 S., R. 2 W., has been conveyed from United States ownership and will not be open to operation of the public land laws including the mining and mineral leasing laws.

4. The land in the S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼, Sec. 23, T. 21 S., R. 3 E., is withdrawn for Power Project No. 1145 of March 13, 1931, and a portion of the SE¼NE¼, Sec. 35, and a portion of the SW¼NW¼, Sec. 36, T. 21 S., R. 4 E., is withdrawn for Power Project No. 1851 of April 5, 1945, and will not be open to operation of the public land laws, including the mining laws.

5. A portion of the land in Sec. 36, T. 21 S., R. 4 E., is withdrawn for an Administrative Site by the Secretarial Order of September 4, 1908, and will not be open to operation of the public land laws, including the mining laws.

6. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818, and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10 a.m., on October 21, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1, except as provided in paragraphs 3, 4, and 5, will be open to such forms of disposition as may by law be made of national forest lands.

7 The lands described in paragraph 1, except as provided in paragraphs 3, 4, and 5, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

September 15, 1981.

[FR Doc. 81-27767 Filed 9-23-81; 8:45 am]
BILLING CODE 4310-84-M

San Juan River Regional Coal Production Region; Call for Expressions of Leasing Interest

September 9, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for Expressions of Leasing Interest in Federal Coal.

SUMMARY: This call for expressions of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the San Juan River Regional Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until November 20, 1981.

ADDRESS: Responses should be sent to State Director (910), Bureau of Land

Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and to District Conservation Manager for Resource Evaluation, U.S. Geological Survey, Conservation Division, Western Bank Bldg., Suite 1608, 505 Marquette, NW, Albuquerque, New Mexico 87101.

FOR FURTHER INFORMATION CONTACT: Gene Day, Coal Project Manager, New Mexico State Office, BLM, P.O. Box 1449, Santa Fe, New Mexico 87501, telephone (505) 988-6226. Paul Applegate, District Manager, Albuquerque District, BLM, P.O. Box 6770, Albuquerque, New Mexico 87107, telephone (505) 766-2455.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing is now in effect for coal leasing activity in the San Juan River Coal Region for possible lease sales beginning in September 1983.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public-body status and evidence of qualifications as required by 43 CFR 3420.1-4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site-specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest. Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs* (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. *Quality needs* (types and grades of coal) for both producers and users.

3. *Location*

a. Tracts desired by mining companies (narrativH† description with delineation on a surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine*

a. Surface or underground

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.)

5. *Proposed Uses of Coal*

a. By mining companies

b. By public and private industries

6. *Where coal is consumed (include extra-regional markets)*

7 *Transportation Needs (i.e., railroads, pipelines, etc.)*

a. Existing facilities

b. Proposed facilities and development timing

8. *Available Sources of Coal*

a. Presently operative

b. Contingency or other sources

9. *Information Relating to Mineral Ownership*

a. Information on surface owner consents previously granted. e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated non-Federal coal.

10. *Special qualifications* for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2-5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planning information for the Chaco/San Juan planning units may be obtained by contacting the Albuquerque BLM District Manager, at the address above. A map with information on the area open for expressions of interest and acceptable for further consideration for coal leasing is being sent to the BLM New Mexico "coal mailing list." This map may also be obtained by contacting the Coal Project Manager in the BLM New Mexico State Office at the address given above.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81-27770 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR-19679 (WASH)]

Washington; Order Providing for Opening of Land

1. By Powersite Cancellation No. 316 of January 3, 1973, the U.S. Geological Survey cancelled a portion of the land withdrawal for Powersite Classification No. 426 of July 25, 1952, as to the following described land:

Willamette Meridian

T. 5 N., R. 24 E.,

Sec. 32, N½NE¼SE¼.

The area described contains 20 acres in Benton County, Washington.

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

3. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818, and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10 a.m., on October 21, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will be open to operation of the public land laws generally.

4. The land has been open to applications and offers under the mineral leasing laws and to location under the United States mining laws

subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries conerning the land should be addressed to the State Director, Bureau of Land Managment, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

September 15, 1981.

[FR Doc. 81-27766 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 16103 (Wash)]

Washington; Termination of Proposed Withdrawal and Reservation of Land

On June 17, 1976, the Forest Service, U.S. Department of Agriculture, filed application OR 16103 (Wash) for withdrawal and reservation of certain land adjacent to the Wenatchee National Forest for granting of easements for road rights-of-way. The applicant agency has cancelled its application; therefore, the proposed withdrawal is hereby terminated in its entirety. The lands involved are described as follows:

Willamette Meridian

T. 25 N., R. 20 E.,
Sec. 114, W½SW¼ and SE¼SW¼.

A Strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of Dinklemen Ridge Road No. 2529, in and through the above-described subdivisions.

The area described aggregates 8.40 acres in Chelan County, Washington.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), such land will be at 10 a.m., on October 21, 1981, relieved of the segregative effect of the above-mentioned application.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

Dated: September 15, 1981.

[FR Doc. 81-27768 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

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: This Notice announces that Union Oil Company of California, Unit Operator of the Vermilion Block 14 Federal Unit Agreement No. 14-08-000-12339, submitted on August 18, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Vermilion Block 14 Federal Unit.

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 offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. 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 on 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 16, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

FR Doc. 81-27759 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-31-M

Third Seminar on Research and Development for Outer Continental Shelf Oil and Gas Operations

The Research and Development Program, Conservation Division, is holding its Third Seminar on November 18 and 19, 1981, at the National Center, Reston, Virginia.

The Program consists of contract reserach at universities, Government laboratories, and private companies in the categories of well-control, structures verification, and the effects of operations upon the environment. The agenda for the Seminar follows:

Wednesday, November 18, 1981.—Morning Session

9:00 Preliminary Remarks by Seminar Chairman—John Gregory, Research Program Manager, Conservation Division, U.S. Geological Survey

9:05 Welcome—Dr. Robert Rioux, Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey

9:15 Significance of Dynamic Response in the Estimation of Fatigue Life of Offshore Structures—Dr. J. Kim Vandiver, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Fatigue life investigations of offshore structures have shown that the ability to predict fatigue damage is extremely sensitive to errors in calculated values of structural natural frequencies and moderately sensitive to assumed values of modal damping.

9:45 Flexibility Monitoring of Offshore Structures—Dr. Sheldon Rubin, Aerospace Corporation, Los Angles, California.

A method is being developed for locating structural failures in fixed offshore platforms. The technique avoids measuring harmonic frequencies as in conventional methods; instead, it takes advantage of basic shear beam behavior of platforms.

10:15 Coffee.

10:45 Dynamic Response of Offshore Structures by the Random Decrement Technique—Dr. Jackson Yang, University of Maryland, College Park, Maryland.

The random decrement technique is being investigated as a method to detect structural distress in offshore platforms.

11:15 Geotechnical Aspects in the Design of Tension Leg Platforms—Dr. Robert L. McNeill, Sandia Laboratories, Albuquerque, New Mexico.

Soil-structure interaction mechanisms are being investigated in order to obtain a better understanding of the reliability of tension pile supports when subjected to large amplitude cyclic loads.

11:45 Fracture Toughness of Steel Weldments for Artic Structures—Dr. Harry I. McHenry, National Bureau of Standards, Boulder, Colorado.

Material toughness criteria are being developed by means of an elastic-plastic fractaure mechanics approach for steel structures operating in the Artic.

Wednesday, November 18, 1981.—Afternoon Session

12:15 Luncheon.

1:30 Frontier Hydrocarbon Resource Development: The Canadian Challenge—Dr. Raymond J. Smith, Offshore Structures, Resource Management Branch, Canada Oil and Gas Lands Administration.

The technical aspects of the challenges and risks associated with the exploration, development, and production of hydrocarbon resources in Canada's frontier regions.

2:00 Experimental Autonomous Vehicle (EAVE) Program: Unmanned, Untethered Submersible Technology—Paul Heckman, Naval Ocean Systems Center (NOSC), San Diego, California, Dr. Robert Corell, University of New Hampshire (UNH), Durham, New Hampshire.

A collaborative program is developing technology for inspecting underwater pipelines and structures by means of robot vehicles. At NOSC, magnetometer navigation and fiber optic communications are being developed. At UNH, acoustics for both navigation and communications are being investigated

3:00 Coffee

3:30 Mechanical Properties of Multiyear Sea Ice—Dr. Gordon F. N. Cox, Cold Regions Research and Engineering Laboratory, U.S. Army Corps of Engineers, Hanover, New Hampshire

Closed loop tests are being conducted at various strain rates to determine constitutive relations and rupture criteria for multiyear sea ice as it pertains to the design of offshore platforms

4:00 An Adaptive Technique for the Underwater Acoustic Telemetry of Digital Data—Dr. Eric Softley, Ocean Electronic Applications, Key Biscayne, Florida

A data telemetry scheme, which will automatically adapt to physical variations in the ocean environment, is being developed

5:00 Social Hour

Thursday, November 19, 1981.—Morning Session

9:00 The Dynamics of Well-Control—Dr. Ted Bourgoyne, Louisiana State University, Baton Rouge, Louisiana

A research simulated oil well facility has been developed and studies are being undertaken on the behavior of drilling fluids during steady state and transient conditions

9:30 Application of Fluidics to Mud-Pulse Telemetry—Allen Holmes, Harry Diamond Laboratories, Adelphi, Maryland

Laboratory and field experiments have been conducted on a fluidic mud-pulsing device positioned above the drill bit to provide on-line digital telemetry

10:00 Subsea Recapture of Oil from Blowing Wells—Dr. Jerome Milgram, Massachusetts Institute of Technology, Cambridge, Massachusetts

Hydrodynamic research has been conducted to determine effective methods for capturing oil which emanates from a blowing well

10:30 Coffee

11:00 Development of Fire Suppression Technology for Incipient Blowout Fires—John O'Neill, National Bureau of Standards, Washington, D.C.

Experimental studies using equipment at reduced scale indicate the feasibility of using water to suppress incipient blowout fires

11:30 Toxicity of Drilling Fluids on Corals—Eugene A. Shinn, U.S. Geological Survey, Fisher Island Station, Miami Beach, Florida

A study has been made of drilling mud plumes emanating from seven Gulf of Mexico platforms to determine the concentrations of suspended solids at various distances downstream from the platforms

Thursday, November 19, 1981.—Afternoon Session

12.00 Luncheon

1:30 Open Discussion of the Research Program—Mr. Richard Krahl, Assistant Deputy Division Chief, Offshore Field Activities, Conservation Division, U.S. Geological Survey

Adjourn

The Seminar is being held for the public without charge. Interested parties should write for invitations and technical material to Mr. John B. Gregory, Research Program Manager, Conservation Division, Mail Stop 620, National Center, Reston, Virginia 22092.

Andrew V. Bailey,

Acting Chief, Conservation Division.

[FR Doc. 81-27760 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: September 21, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Missouri Farmers Association, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 201 S. Seventh St., Columbia, Missouri 65201.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 201 S. Seventh St., Columbia, Missouri 65201.
Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Dale E. Bolander, 201 S. Seventh St., Columbia, Missouri 65201.
2. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Friend/Amigo, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Av. Yoli Kil. 2 Empalme, Sonora Mexico.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Av. Yoli Kil. 2 Empalme Sonora Mexico.
Person to Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Jesus Loperz Iriarte,
3. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Growers Cooperative of Nayarit.
Principal Mailing Address (Street No., City, State, and Zip Code): Juarez 101, Victoria de Cortazar, Guanajuato Mexico.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Juarez #111, Victoria de Cortazar, Guanajuato Mexico.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Eligio Esquivel W., Apartado Postal #1-142 Centro Civico, Mexicali Baja Cal.
4. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Sinaloa Growers and Producers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Av. de Los Naranjos 292 Frac. Chapultepec, Mexicali BC Mex.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Kino #200 Interior, Magdalena Sonora, Mexico.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Eduardo Hernandez Q., Apartado Postal #1-143 Centro Civico Mexicali Baja Calif. Mexico.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Vera Cruz Citrus Growers and Packers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Avenida de los Naranjos, numero 292 Fraccionamiento Chapultepec, Mexicali Baja Calif.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Av. Rio Nilo #139 Frac. Colinas de Rio Aguascalientes Ags.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Ma. Teresa Guerrero S., Apartado Postal #1-390 Centro Civico, Mexicali Baja Calif. Mexico.

James H. Bayne,

Acting Secretary.

FR Doc. 81-27757 Filed 9-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 169]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: September 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137.

Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 51460 (Sub-1)X, filed September 8, 1981. Applicant: ALFRED ROOT, JR., and SHIRLEY ROOT PISANESCHI, a partnership, 351 Wyoming Avenue, Wyoming, Luzerne County, PA 18644. Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517. Applicant seeks to remove restriction in its lead certificate to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" and (2) to broaden its territorial authority by substituting county-wide authority for Wyoming, PA and points within 25 miles thereof as follows: Luzerne, Carbon, Monroe, Wayne, Lackawanna, Susquehanna, Wyoming, Sullivan and Columbia Counties, PA.

MC 52680 (Sub-14)X, filed September 9, 1981. Applicant: D. A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 N. LaSalle, Suite 2027, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (A) broaden the commodity descriptions (1) from such merchandise as is dealt in by mail order houses, when such merchandise is transported for mail order or retail merchandise establishments to "such merchandise as is dealt in by mail order houses"; (2) from meat packing house products and groceries to "food and related products and groceries"; and (3) from meats, meat products, etc., to "food and related products"; and (B) change one-way authorities to radial authorities.

MC 127811 (Sub-28)X, filed September 16, 1981. Applicant: BRYWNOOD TRANSFER, INC., 175 8th Ave., SW, New Brighton, MN 55112. Representaitve: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 21F, certificate to (1) broaden the commodity description from television filming and recording trailers to "electrical equipment and machinery and transportation equipment"; (2) remove the restriction against service to Alaska and Hawaii, and (3) remove the facilities limitation at Minneapolis, MN.

MC 134272 (Sub-6)X, filed September 16, 1981. Applicant: DAY & ROSS, LTD, P.O. Box 540, Hartland, New Brunswick, Canada. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. Applicant seeks to remove restrictions in its Sub-No. 3 certificates to (1) broaden the commodity descriptions from (a) industrial machinery, attachments, and parts to "machinery, including attachments and parts"; (b) frozen foods and potatoes to "food and related products"; and (c) general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) expand city to county wide authority from Mars Hill, Bridgewater, Madawaska, Houlton, Fort Fairfield, Presque Isle, Van Buren and Fort Kent to Aroostook County, ME, and Vanceboro and Calais to Washington County, ME, (page 2); (3) change one-way to radial authority; and (4) remove the "except AK and HI" restriction (page 2).

MC 134556 (Sub-2)X, filed September 15, 1981. Applicant: WATCO, INC., Clayton Road, Canaan, CT 06018. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restriction in its lead and Sub-No. 1 permit by (1) broadening the commodity descriptions from cement products, lime and limestone products, silica and silica products, sand and sand products, asphalt and asphalt products, mortar mix, gravel, gravel mix, tar products, marble chips, calcium chloride (except in bulk, in tank vehicles), in the lead and Sub-No. 1, and from dry cement, in bulk, in tank vehicles, tar patch, in bags, and calcium chloride, in containers, to "petroleum, natural gas, and their products, chemicals and related products, coal and coal products, clay, concrete, glass, or stone products, ores and minerals, commodities in bulk, and building materials" in both permits; and (2) broaden the territorial descriptions to between all points in the U.S. under continuing contract(s) with a named shipper, in both permits.

MC 138313 (Sub-74)X, filed September 16, 1981. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, MT 59404. Representative: Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 73 certificate to broaden the commodity description from general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) to "general commodities (except classes A and B explosives)".

MC 138144 (Sub-65)X, filed September 8, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 45, 53F, 56F, 57F and 58F certificates to (1) broaden the commodity descriptions to "metal products and ores and minerals" from iron and steel articles, in part 3 of Sub-No. 45 and from iron and steel articles and materials, equipment and supplies used in the manufacture of iron and steel articles, in Sub-No. 57F; to "food and related products, farm products and waste and scrap materials" from hides and pelts, in Sub-No. 56F; to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in part (2) of Sub-No. 45: and to "lumber, wood products, forest products and building materials" from lumber, lumber products, wood products and forest products, in Sub-No. 58F, (2) replace one-way authority with radial authority, in Sub-Nos. 45, 57F and 58F; (3) remove the AK and HI exceptions, in Sub-Nos. 45, 53F and 58F, (4) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: Porter County, IN (for facilities at Burns Harbor, IN), and (for Portage, IN), in Sub-No. 45, Allegheny County, PA (for facilities at Clairton, Duquesne, Dravosburg, Homestead, McKeesport and McKees Rock, PA), Somerset and Cambria Counties, PA (for facilities at Johnstown, PA), Westmoreland County, PA (for facilities at Vandergrift, PA) and Bucks County, PA (for facilities at Fairless,

PA), in Sub-No. 57F, Lorain County, OH (for Lorain, OH), Will County, IL (for Joliet, IL) and Lake County, IN (for Gary, IN), in Sub-No. 57F, and Chicago, IL (for South Chicago, IL), in Sub-No. 57F, and (5) remove the "Originating at" restriction in Sub-No. 58F to authorize radial service between named facilities in Minnesota and points in the U.S.

MC 139835 (Sub-3)X, filed September 8, 1981. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to (A) remove restrictions in its lead and Sub-No. 1F certificate to (1) broaden the commodity description to "pulp, paper and related products" from labels, in the lead and Sub-No. 1F; and from paper, in Sub-No. 1F, to "printed matter" from printed forms, in Sub-No. 1F, (2) replace one-way authority with radial authority, in the lead and Sub-No. 1F, and (3) broaden the territorial description by substituting county-wide authority for city wide authority as follows: Harris County, TX (for Pasadena, TX) and Jackson County, MS (for Moss Point, MS), (B) remove restrictions in MC-136100 (Sub-Nos. 1, 5, 6F and 8F) permits to (a) broaden the commodity descriptions to "pulp, paper and related products, chemicals and related products, plywood, printing powder, machinery, and plastic film" from folding cartons, carton folding machinery, plastic film, adhesives (except in bulk), plywood, printing powder and paper board, in Sub-Nos. 1 and 6F and to "packaging equipment and packaging materials and supplies, electrical tools, office supplies, rubber and plastic products, sawdust, pulp, paper and related products, tapes, and food and related products" from packaging equipment and packaging materials and supplies, heat sealing-electrical tools, marking pens, paper clips, plastic aprons, sawdust, cash register tapes, labels, frozen vegetables, rubber bands, etc., in Sub-No. 1, (b) remove the "in bulk" restrictions in Sub-No. 5 and (c) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 147897 (Sub-4)X, filed September 8, 1981. Applicant: J. C. ROSS, d.b.a. ROSS TRUCKING COMPANY, Route 3, John Hall Road, Knoxville, TN 37920. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity descriptions from lime and limestone products to "chemicals and related products", in Sub-No. 2F and from lumber, wood chips and cross-ties to "lumber and wood products," in Sub-No. 3F, (2) replace one-way authority with radial authority in both subs and (3) remove facilities restrictions in both subs.

Originally published in the Federal Register June 30, 1981, republished this issue to correct applicant's errors. MC 149100 (Sub-11)X, filed June 8, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59081. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, and 6F certificates to (1) broaden the commodity description in the lead from plastic pipe and fittings to "rubber and plastic products"; in Sub-No. 1F from wrought iron pipe to "metal products"; in Sub-No. 2F from expanded plastic products (with cement facing on one or more sides, except in bulk), to "building materials"; in Sub-No. 3F from wood fiberboard and materials and supplies used in the installation thereof, except commodities in bulk, to "building materials"; in Sub-No. 4F from paper drying and processing equipment and parts thereof, and materials, equipment and supplies used in the manufacture, installation and maintenance thereof, (except commodities in bulk), to "machinery"; in Sub-No. 5F from agricultural implements, farm equipment, industrial equipment, and related parts and attachments to "machinery and metal products"; and in Sub-No. 6F from iron and steel articles to "metal products"; (2) remove facilities limitations (a) in the lead and replace Fairfield, IA, with Jefferson County, IA, (b) in Sub-No. 1 and replace Blue Island, Chicago and Evanston, IL with Chicago, IL (3) change city to county-wide authority from Hamilton, OH, to Butler County, OH in Sub-No. 2F and from Newark, OH, to Licking County, OH, in Sub-No. 3, (4) remove the "originating at and destined to" restriction in Sub-No. 1 and (5) change all one-way authorities to radial authority.

[FR Doc. 81-27756 Filed 9-23-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY-2-176]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 17, 1981.

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.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract"

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-176

Decided: September 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 19922 (Sub-6), filed September 4, 1981. Applicant: FORREST COLE, d.b.a. COLE TRUCKLINE, 9106 Talton, Houston, TX 77078. Representative: C. W. Ferebee, 14614 Falling Creek, Suite 124, Houston, TX 77068, (713) 537-8256. Transporting (1) *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., and (2) 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.

MC 157972, filed August 28, 1981. Applicant: RUDOLPH, DAVID & JAMES BRECH, d.b.a. BRECH TRUCKING, Rural Route 1, Box 48, Dimock, SD 57331. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101-1103, 605-335-1777 Transporting *food and other edible products and by-products, 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 158113, filed September 8, 1981. Applicant: JOHN G. HENGEVELD, d.b.a. HENGEVELD TRUCKING, Rural Route, Melvin, IA 51350. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101-1103, (605) 335-1777 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.

Volume No. OPY-3-172

Decided: September 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150444 (Sub-4), filed July 10, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant), (703) 734-2810. 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 152365 (Sub-2), filed July 10, 1981. Applicant: PETROLEUM PUMP & TRANSPORT SERVICE, INC., P.O. Box 3803, Odessa, TX 79763. Representative: Harry P. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112, (817) 457-0904. 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.

MC 157104, filed July 6, 1981. Applicant: TERRY L. & LA VADA CLARKE, d.b.a. TERRY CLARKE, P.O. Box 26, Sun River, MT 59483. Representative: Terry L. Clarke (same address as applicant), (406) 264-5114. 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.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27755 Filed 9-23-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 18, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 8958 (Sub-48)X, filed March 26, 1981, previously noticed in the Federal Register of April 13, 1981, and June 5, 1981, republished as follows: Applicant: THE YOUNGSTOWN CARTAGE, CO., 825 W. Federal Street, Youngstown, OH 44501. Representative: James W. Muldoon, 50 W. Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 18, 21, 24, 25, 26, 27, 32F, 38F, 39F, 40F, 41F, 42F, 43F, 44F, 45F, and 46F certificates and E-letter E-1 through E-20 and E-23 and E-25. The Board previously broadened these authorities by replacing named facilities and cities with counties, broadening commodity descriptions, eliminating in bulk restrictions, originating at and destined to restrictions, and service restrictions. Applicant also sought to expand off-route points and mileage radii territories to county-wide authority. These requests were omitted in the original publication. Inasmuch as the Commission has issued two decisions allowing for the expansion of off-route points and mileage radii to counties, notice is hereby given that applicant seeks to broaden certain territories as follows: (A) replace the off-route points of (1) Beaver, Beaver Falls, Monaca, Rochester, Fallston, Aliquipa, Freedom, and New Brighton, PA, East Palestine, Columbiana, Youngston, New Waterford, Niles, and Petersburg, OH, and points in Allegheny County, PA, and those in OH within 5 miles of

Youngstown with "points in Allegheny, Beaver and Lawrence Counties, PA; Columbiana, Mahoning and Trumbull Counties, OH, and those within 5 miles of Youngstown, OH"; New Kensington and Vandergrift, PA, with "points in Westmoreland County, PA," Fontana and Williams Bay, WI, Buffalo Grove, Longgrove, Prairie View, Mundelein, Round Lake, Long Lake, Alden and Hebron, IL, with "points in Wallworth County, WI, and Lake and McHenry Counties, IL" all in the lead certificate; (B) mileage radii reading points within 25 miles of Chicago, IL, with points in McHenry, DeKalb, DuPage, Kendall, Will, and Kankakee Counties, IL" in the lead and remove restrictions against service to territories less extensive than counties, *i.e.* "except Toledo" in Sub-No. 32 and broaden territorial descriptions less extensive than a county to county-wide, for example, in Sub-No. 32, that part of Lake and Porter Counties, IN, on and north of U.S. Highway 30 to "Lake and Porter Counties, IN."

MC 8973 (Sub-80)X, filed March 9, 1981, previously published in the Federal Register of March 31, 1981, republished as follows: Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Avenue, Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and 42 Sub-Nos. This Board previously broadened these authorities by (1) authorizing readial movements, (2) eliminating in bulk, equipment, originating at, destined to named points, prior air movement, and other miscellaneous service restrictions, (3) expanding the commodity descriptions and (4) broadening named points to counties. Applicant also sought to broaden a mileage radii territory to the respective counties. This request was denied by the Board. Inasmuch as the Commission has stated in No. MC-38400 (Sub-No. 8)X, *Hitchcock Bros. Inc.—Administrative Appeal,* (served May 19, 1981) that mileage radii territories may be broadened to counties, notice is hereby given that applicant seeks to replace in the lead certificate points in NY, NJ, and CT, within 150 miles of Columbus Circle, NY, with "points in NJ, and CT" inasmuch as this radii touches upon all counties in NJ and CT and "points in and south of Washington, Saratoga, Montgomery, Otsego, Chenango, Cortland, and Tioga Counties, NY."

MC 44801 (Sub-20)X, filed April 1, 1981, previously published in the Federal Register of April 15, 1981, republished as follows: Applicant: DICK HARRIS & SON TRUCKING CO., INC., 4000 Harris Lane, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9F, 12F, 12M1F, 13F, 16F, and 19F certificates. This Board previously broadened these authorities by (1) expanding the commodity descriptions, (2) authorizing radial movements, (3) replacing cities with counties and (4) removing facilities and railhead limitations and other service restrictions. Applicant also sought to broaden mileage radii points to county-wide authority but the Board denied this part of the application. Inasmuch as the Commission has allowed for the broadening of such territorial to counties in No. MC-38400 (Sub-No. 8)X, *Hitchcock Bros.—Administrative Appeal,* served May 19, 1981, notice is hereby given that applicant seeks to expand in the lead, points in that part of Virginia within 100 miles of Lynchburg, VA, with points in VA in and west of Greensville, Sussex, Prince George, Chesterfield, Henrico, Caroline, Spotsylvania, Orange, Culpepper, Rappahannock, Page, and Shenandoah Counties, VA, and points in that part of VA and WV within 140 miles of Lynchburg, VA, with points in and south of Fairfax, Loudon, Clark and Frederick Counties, VA, and Mercer, Summer, Beckley, Monroe, Fayette, Nicholas, Webster, Randolph, Pocahontas, McDowell, Wyoming, Logan, Boone, Kahawha, Clay, Roane, Calhoun, Gilmer, Braxton, Lewis, Upshur, Harrison, Barber, Taylor, Preston, and Tucker Counties, WV

MC 67646 (Sub-No. 99)X, filed April 24, 1981, previously noticed in the Federal Register of May 26, 1981, republished as follows: Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 82 certificate. This Broad previously reformed this authority by (1) removing the usual exceptions to the general commodities authority, (2) broadening commodity descriptions to the appropriate STCC levels, (3) authorizing service at intermediate points, (4) replacing facilities and cities with county-wide territories, (5) removing "in bulk" restrictions and restrictions limiting service against, or from and to named points and (6) changing one way authority to two-way movements on applicant's regular and irregular routes. Applicant also sought to broaden other cities and their commercial zones to the appropriate counties, substitute as off-route points for former intermediate points on a route that had been redesignated because of a highway relocation, and to remove a restriction prohibiting interlining on its regular routes. These requests were inadvertently omitted in the original publication. Therefore, notice is hereby given that applicant proposes to (1) broaden Chicago, IL to "points in Cook, DuPage, Lake and Will Counties, IL and Lake and Porter Counties, IN;" Anoka, MN to "points in Anoka and Hennepin Counties, MN;" Villa Park, IL to "points in Cook and DuPage Counties, IL;" Minneapolis and St. Paul, MN, to "Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, and Pierce and St. Crox Counties, WI;" Duluth, MN to "Carlton and St. Louis Counties, MN;" Albany, NY to "Albany and Rensselaer Counties, NY;" and Boston, MA to "Essex, Middlesex, Norfolk, Plymouth, Bristol, and Suffolk Counties, MA;" (2) replace former intermediate point communities on U.S. Hwys 22 and 30 as off-route points on the regular-route between Pittsburgh and New York: "Blairsville, Armagh, Huntingdon, Millerstown, Newport, Greensburg, and McConnellsburg, PA" and (3) remove a restriction limiting service to the transportation of traffic moving radially between the NY commercial zone and points in CT, RI, and MA.

MC 89693 (Sub-47)X, filed September 9, 1981. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 North Division St., Spokane, WA 98208. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Applicant seeks to remove restrictions in its lead and Sub-No. 45F certificates to (1) broaden the commodity descriptions from liquid petroleum products, petroleum and petroleum products, in bulk, and liquid (with or without exceptions) in its lead and tallow, in bulk, in Sub-No. 45F, to "commodities in bulk;" (2) remove vehicle restrictions in both certificates; (3) remove a restriction to traffic having a prior or subsequent movement by water in foreign commerce in Sub-No. 45F; (4) replace the Dalles and Umatilla, OR, with Wasco and Umatilla Counties, OR; Boise, Burley, and Twin Falls, ID, and points within 10 miles of each, with Ada, Twin Falls, Jerome, Cassia, and Minidoka Counties, ID; Baker and Blakely, OR and points within 10 miles of each with Baker and Lane Counties, OR; Pasco, WA and points within 5 miles of Pasco with Franklin, Walla Walla, and Benton Counties, WA; Walla Walla and Finley, WA, and points within 5 miles of Finley, with Walla Walla, Franklin and Benton Counties,

WA, and Rockford and Dayton, WA, with Spokane and Columbia Counties, WA in its lead; and Wallula, Seattle, and Tacoma, WA, with Walla Walla, King, Kitsap and Pierce Counties, WA, in Sub-No. 45F.

MC 108121 (Sub-19)X, filed August 28, 1981. Applicant: TRANSPORT STORAGE AND DISTRIBUTING CO., P.O. Box 58028, Tukwila, WA 98188. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104. Applicant seeks to remove restrictions from its lead and Sub-Nos. 15F, 16 and 18 certificates as follows: (1) broaden the commodity description in the lead from new and used automobiles and trucks; and in Sub-No. 15 from automobiles and trucks to "transportation equipment;" (2) in the lead and Sub-No. 15 eliminate all exceptions which require a specific type of movement, such as driveaway service and in secondary movements, in truckaway service; (3) in the lead remove the restriction that limits the transportation to traffic having an immediately prior or an immediately subsequent movement by rail; and (4) replace Seattle, WA, with King, Snohomish and Kitsap Counties, WA, in Sub-No. 16 and Tacoma, WA, with Pierce, King, Kitsap, Thurston, and Mason Counties, WA, in Sub-No. 18; and (5) replace existing one-way authority with radial authority wherever it exists in the lead certificate.

MC 112288 (Sub-18)X, filed, July 23, 1981, previously noticed in the Federal Register of August 25, 1981, republished as follows: Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, NC 27107 Representative: James F. Flint, 406 World Center Building, 918 16th Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions from its Sub-Nos. 10G, 11, 14 and 16F certificates and E letter notice E-4, and authority in MC-139522 and MC-32632 and Sub-Nos. 10, 16 and 19 certificates acquired in MC-F-14335F to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" in MC-112288 Sub-Nos. 10G and 16 and E4, MC-32632 and its Sub-No. 10; from general commodities with the usual exceptions to "general commodities (except Class A and B explosives)" in MC-112288 Sub-No. 16, MC-32632 and its Sub-No. 10; from carnival equipment and road building machinery and equipment to "machinery, lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, transportation equipment, metal products, clay, concrete, glass or stone products, and textile mill products" in MC-139522 and MC-112288 (Sub-No. 16); from air-conditioning, air filtration, refrigeration and humidifying equipment to "machinery" in MC-112288 (Sub-Nos. 11 and 14) and from automobile motors to "machinery" in MC-32632; from lumber to "lumber and wood products" in MC-32632 and its Sub-No. 10; from sand and gravel crushed stone, clay and shale products and brick in MC-32632, from clay and shale products in MC-32632 (Sub-No. 10) and from brick in MC-32632 (Sub-No. 19) to "clay, concrete, glass or stone products"; from feed, agricultural commodities, livestock, poultry and eggs in MC-32632 and from agricultural commodities and feed and groceries in MC-32632 (Sub-No. 10) to "food and related products;" from fertilizer and fertilizer materials, nitrate of soda and fertilizer in MC-32632 (Sub-No. 10) and from fertilizer and fertilizer materials in MC-32632 to "chemicals and related products" from tobacco to "tobacco products" in MC-32632 (Sub-No. 10); from petroleum to "petroleum, natural gas and their products" in MC-32632; from baskets and crates to "lumber and wood products, pulp, paper and related products, rubber and plastic products, leather and leather products, and metal products" to MC-32632; from bagging and ties to "textile mill products, and plastic and rubber products," in MC-32632; from agricultural commodities and lumber to "food and related products and lumber and wood products" in MC-32632; from galvanized metal roofing to "metal products" in MC-32632 (Sub-No. 10); from cotton to "textile mill products" in MC-32632 (Sub-No. 10); and from canned goods, agricultural commodities, tobacco dust, feed and cotton to "food and related products, tobacco products and textile mill products" in MC-32632 (Sub-No. 10), (2) remove the restriction to transportation of commodities which because of size or weight require special equipment in MC-112288 (Sub-Nos. 10G, 11, 14, and 16) and on 3 specific routes in MC-139522, (3) remove the restriction to specific commodities only for loading or unloading where such loading or unloading is performed by the consignor or consignee in part (4) of MC-112288 (Sub-No. 16F) (4) remove the "in container" restriction in MC-32632 (5) change city to county-wide authority (a) in MC-112288 Sub-No. 11 from Winston-Salem and Greensboro, NC to Forsyth, Guilford, Stokes, Yadkin, Davidson, Rockingham and Randolph Counties, NC, (b) in No. MC-112288 Sub-No. 14 from Salisbury, NC to Rowan, Davie, and Davidson Counties, NC, (c) in MC-32632 from Murfreesboro, Woodland, and Ahoskie, NC; Trego, VA; Rich Square, Pomona and Weldon, NC to Hertford, Northampton and Bertie Counties, NC: Greensville County, VA;
Northampton, Guilford and Halifax Counties, NC, (d) MC-32632 Sub-No. 10 from Mullens, SC to Marion, Dillon and Horry Counties, SC; from Jarratt, and Alberta, VA to Sussex, Brunswick, and Greensville Counties, VA; from Warrenton and Wise, NC to Warren County, NC from Newark, NJ to Bergen, Essex, Union and Hudson Counties, NJ and (e) in MC-32632 Sub-No. 19 from Ita, NC to Halifax County, NC; (6) change mileage radii to county-wide authority (a) in MC-32632 from points in NC within 75 miles of Trego, VA, to points in that part of North Carolina in and north of Person, Durham, Wake, Johnston, Wayne, Greene, Pitt, Beaufort, Washington, Perquimans, Pasquotank, Camden, and Currituck Counties, NC, from Rich Square, NC, and points and places within 50 miles of Rich Square to points in Warren, Franklin, Nash, Wilson, Greene, Pitt, Beaufort, Edgecombe, Halifax, Northampton, Hertford, Bertie, Martin, Washington, Chowan, Gates, Perquimans, Pasquotank, and Camden Counties, NC; from Severn and Mount Olive, NC and points in NC within 50 miles of Severn and Mount Olive to Warren, Franklin, Beaufort, Wake, Harnet, Cumberland, Bladen, Sampson, Pender, Duplin, Onslow, Jones, Craven, Lenoir, Wayne, Johnston, Wilson, Nash, Halifax, Northampton, Hertford, Bertie, Martin, Edgecombe, Pitt, Greene, Washington, Chowan, Perquimans, Pasquotank, Gates, and Camden Counties, NC; from points and places in NC within 75 miles of Severn, NC, to Granville, Vance, Franklin, Warren, Halifax, Nash, Wilson, Greene, Pitt, Edgecombe, Martin, Bertie, Northampton, Hertford, Gates, Chowan, Washington, Beaufort, Hyde, Tyrrell, Perquimans, Pasquotank, Camden, and Currituck Counties, NC; from between points in NC and VA within 100 miles of Jackson, NC, to points in that part of NC in, and east of Caswell, Orange, Chatham, Harnet, Sampson, Duplin, Onslow, Jones, and Craven Counties, NC and points in that part of VA in and south of Pittsylvania, Campbell, Appomatox, Buckingham, Flavanna, Louisa, Hanover, Caroline, King William, King and Queen, Middlesex, Mathews, Gloucester, and York Counties, VA and Hampton, Norfolk, and Virginia Beach, VA; (b) in MC-32632 (Sub-No. 10) from Ridgeway, Wallace and Faison, NC, and points in NC within 20 miles of these points to

Johnston, Wayne, Lenoir, Duplin, Sampson, Bladen, Northampton, Nash, Pender, Onslow, Vance, Warren, Halifax, and Franklin Counties, NC; from Henderson and Warrenton, NC, and points in NC within 35 miles thereof to Person, Orange, Durham, Wake, Franklin, Granville, Vance, Warren, Northampton, Halifax, Edgecombe, and Nash Counties, NC; from Warrenton, NC, and points in NC within 35 miles of Warrenton to Franklin, Granville, Person, Orange, Durham, Wake, Vance, Warren, Northampton, Halifax, and Nash Counties, NC; from Warrenton, NC and points in NC within 100 miles of Warrenton to Rockingham, Guilford, Randolph, Moore, Caswell, Alamance, Person, Orange, Chatham, Lee, Harnet, Cumberland, Sampson, Johnston, Wake, Durham, Granville, Wayne, Duplin, Jones, Lenoir, Craven, Beaufort, Pitt, Wilson, Nash, Franklin, Vance, Pasquotank, Perquimans, Chowan, Bertie, Washington, Martin, Hyde, and Edgecombe Counties, NC; and from Greensboro, NC, and points in NC within 85 miles of Greensboro to Ashe, Alleghany, Wilkes, Alexander, Catawba, Lincoln, Gaston, Mecklenburg, Lenoir, Surry, Yadkin, Iredell, Rowan, Davie, Cabarrus, Stanly, Anson, Stokes, Forsyth, Davidson, Montgomery, Richmond, Randolph, Guilford, Rockingham, Caswell, Alamance, Chatham, Lee, Moore, Hoke, Cumberland, Scotland, Harnett, Johnston, Wake, Franklin, Vance, Granville, Person, Durham, and Orange Counties, NC, (7) change one-way to radial authority in MC-112288 (Sub-Nos. 10G, 11, 14, 16F and E-4), MC-32632 and Sub-Nos. 10, 16, and 19, and (8) expand a point in the city limits to the city in MC-32632, from Curtis Bay to Baltimore, MD. The purpose of this republications is to correct omissions in the territorial broadening sections.

MC 118989 (Sub-239)X, filed August 28, 1981. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th Street, Milwaukee, WI 53221. Representative: Anthony C. Vance, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 5, 6, 8, 9, 11, 12, 13, 16, 19, 21, 22, 25, 27, 29, 32, 34, 35, 36, 37, 38, 39, 40, 45, 47, 50, 51, 53, 55, 57, 59, 63, 65, 67, 68, 69, 76, 83, 87, 88, 90, 93, 94, 95, 99, 102, 104, 105, 106, 109, 112, 114, 115, 116, 117, 120, 122, 123, 125, 128, 132, 133, 136, 140, 141, 144, 145, 146, 155, 162, 165, 166, 167, 168, 169, 170, 172, 173, 174, 176, 178F, 179F, 184F, 185F, 186F, 187F, 188F, 190F, 192F, 201F, 204F, 205F, 207F, 217F, 218F, 226F, 228F, 229F, 231F, 235F, 236F and 237F, certificates to (A) broaden the commodity descriptions to (1) "food and related products" from beverages, in Sub-No. 237; (2) "rubber and plastic products" from (a) plastic products in Sub 16, (b) hollow plastic items, in Sub 19, (c) polystyrene plastic parts, in Sub 55, (d) expanded and molded plastic products, and component parts and accessories for said products, in Sub 57, and (e) plastic articles or products in Subs 217 and 229, (3) "chemicals and related products" from (a) water softeners with minerals, and related fittings, and materials and supplies related thereto, in Sub 39 and (b) agricultural chemicals, in Sub 112; (4) "pulp, paper and related products" from (a) paper and paper products and plastic sheets and dispensers when shipped in mixed loads with above commodities, in Sub 155; (b) paper and paper products, in Subs 217 and 236; (5) "waste or scrap materials not identified by industry producing," from (a) waste paper, in Sub 87 and (b) scrap, in Sub 186F; (6) "lumber and wood products, metal products, rubber and plastic products, and pulp, paper and related products," from drums and/or pails and related parts, in Subs 3, 4, 93, 162 and 173; (7), "metal products, pulp, paper, and related products and rubber and plastic products," from cans and/or can ends, in Subs 3, 4, and 123; (8) "rubber and plastic products," from plastic articles, in Sub 162; (9) "clay, concrete, glass or stone products, and pulp, paper and related products," from (a) glass containers and caps, covers, tops, stoppers or closures and fiberboard boxes, moving with glass containers, in Subs 22 and 34 and, (b) glassware and caps, covers and closures for glass containers, and paper carton, in Sub 102; (10) "clay, concrete, glass or stone products," from glass containers, and equipment, materials and supplies used in the manufacture and sale of glass containers, in Sub 192; (11) "metal products, rubber and plastic products, pulp, paper and related products, clay, concrete, glass or stone products and lumber and wood products," from (a) empty containers and empty container parts, in Sub 11, (b) containers, in Subs 12, 35, 37, 95, 172 and 179F, (c) containers, metal, paper, plastic or composite, in Sub 32, (d) containers and container ends, in Subs 69, 144 and 205F (e) containers, container ends, closures and/or scrap metal and materials and supplies used in the manufacture and distribution of containers and container closures, in Subs 115, 122 and 128, (f) containers, container closures and ends, and/or components and materials and supplies used in the manufacture and distribution of containers, container closures and ends and/or components, in Subs 133, 165, 168, and 176, (g) containers, metal, paper or composite, and containers closures, container components, and materials, and supplies used in the manufacture or distribution of containers, in Sub 145, (h) containers, container closures or ends and container accessories and materials and supplies used in the manufacture, distribution and/or sale of the aforementioned commodities, in Subs 184F, 187F and 188F, (i) containers, container closures, glassware, packaging products, container components, and scrap and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities, in Sub 186F, and (j) containers, container ends and container closures, commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers in Sub 204F; (k) containers, container ends, parts and accessories for containers and fibre cores and tubes, in Sub 88; and (1) boxes, in Sub 13; (12) "rubber and plastic products" from (a) plastic containers and/or incidental parts or closures thereof, in Subs 13, 27, 47, 51, 67, 68, 94, 99, 109, and 178F (b) plastic solution containers, in Sub 59, (c) plastic drum inserts, in Sub 88, (d) plastic containers and materials and supplies used in the manufacture and/or distribution of plastic containers, in Subs 146 and 170, (e) plastic foam products and plastic containers and lids, and materials and supplies used in the manufacture and distribution of the above commodities, in Sub 218F; (13) "pulp, paper and related products and rubber and plastic products," from cartons, in Sub 13; (14) "metal products," from (a) metal containers and closures thereof, in Sub 21, (b) metal containers and container ends, when moving in mixed loads with metal containers, in Subs 25, 65 and 120, (c) metal containers and/or container ends, in Subs 29, 76, 83, 106, 114, 116, 125, 136, 140 and 169, (d) metal containers and container ends when moving in the same vehicle and at the same time with metal containers, in Sub 45, (e) metal pails, in Sub 90, (f) metal containers, metal container ends and accessories, and/or materials and supplies used in the manufacture and distribution of the aforementioned commodities, in Subs 104, 105 and 117, (g) aluminum cans, in Sub 174, and (h) metal containers and materials used in the manufacture and distribution of metal containers, in Sub 201F; (15) "metal products and rubber and plastic products," from metal and plastic containers, in Sub 36; (16) "metal products, and pulp, paper and related

products," from fibreboard cans and metal can ends,

in Sub 167; and (17) "pulp, paper and related products," from fibreboard containers and pulpboard containers and equipment, materials and supplies used or useful in the manufacture or sale of fibreboard and pulpboard containers, in Sub 190F; (B) remove the facilities restriction, in Subs 8, 12, 21, 22, 25, 29, 32, 34, 35, 37, 38, 40, 45, 47, 53, 57, 65, 67, 88, 90, 93, 94, 95, 99, 104, 112, 115, 116, 117, 120, 122, 123, 128, 132, 133, 136, 140, 141, 144, 145, 146, 155, 165, 166, 168, 170, 172, 173, 176, 178F, 179F, 184F, 186F, 187F, 190F, 192F, 205F, 207F, 217F, 218F, 226F, 228F, 229F, 231F, and 236F; (C) remove the "originating at and/or destined to" restriction, in Subs 4, 5, 8, 11, 16, 19, 22, 25, 29, 32, 34, 35, 36, 37, 57, 67, 112, 114, 115, 116, 141, 145, 155, 165, 167, 168, 169, 170, 172, 173, 176, 178F, 179F, 184F, 190F, 207F, 231F; (D) remove the restriction prohibiting the transportation of (1) commodities in bulk and/or in tank vehicle in Subs 16, 40, 53, 55, 63, 105, 112, 115, 117, 122, 128, 133, 141, 145, 165, 166, 168, 176, 184F, 185F, 187F, 190F, 192F, 207F, 217F, 218F, 226F, 228F, 229F and 237F; (2) frozen commodities, in Sub-40, (3) refuse containers, in Subs 99, 116 and 136, (4) size and weight commodities, in Subs 105, 106, 117 and 229F, and (5) traffic to AK and HI, in Subs 128, 204F, 207F and 236F; (E) replace city-wide authority with county-wide authority: Kalamazoo County, MI and Warren, Pendleton, Bell, Rowan, McCracken Counties, KY, Chippewa and Eau Claire Counties, WI, for Kalamazoo, MI, Bowling Green, Falmouth, Middleboro, Morehead, and Paducah, KY, and Eau Claire, WI, in Sub 9; Rice County, MN for Faribault, MN, in Sub 19; Jay County, IN for Portland, IN, in Subs 55 and 57; Holmes County, MS for Durant, MS in Sub 57; Providence County, RI and Sussex County, NJ for Central Falls, RI and Stanhope, NJ, in Sub 57; Worcester County, MA for Manchaug and Worcester, MA, in Sub 57; Pottawattamie County, IA and Dane County, WI for Council Bluffs, IA and Madison, WI, in Sub 218F; Dane County, WI for Deerfield, WI, in Sub 39; Muscatine County, IA for Muscatine, IA, in Subs 112 and 229F; Muskogee County, OK for Muskogee, OK, in Sub 155; Albany and Washington Counties, NY and Columbus, OH for Albany and Fort Edward, NY and Franklin County, OH, in Sub 217F; Wayne Couty, MI, and Jefferson and Fayette Counties, KY for Detroit, MI, Louisville and Lexington, KY, in Sub 87; Cook County, IL for E. Chicago, IL, in Sub 166; Winnebage, Outagamie, Columbia, Oneida, Brown, Columbia, Chippewa, Eau Claire, Rusk, Waukesha, Price, Lincoln, Marathon, Wood, and Portage Counties, WI for Menasha, Appleton, Combined Locks, Portage, Neenah, Rhinelander, Green Bay, Columbus, Eau Claire, Ladysmith, Menomonee Falls, Park Falls, Tomahawk, Oshkosh, Kimberly, Kaukana, Merrill, Brokaw, Rothschild, Biron, Stevens Point, Wisconsin Rapids and Green Bay, WI, in Sub 141; and Calhoun County, MI for Emmett Township, MI, in Sub 207F; and (F) change one-way authority to radial authority, in Subs 9, 16, 19, 39, 55, 57, 87, 112, 141, 155, 166, 217F, 218F, 228F and 236F.

MC 128371 (Sub-11)X, filed September 10, 1981. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, OH 43528. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its lead and Sub-Nos.1, 3, 5F, 7F, 9F, and 10F certificates to: in the lead, broaden the commodity description from sand, gravel, earth, building blocks, crushed stone, roadbuilding materials, mortar, cinders, brick, vitrified clay tile and agricultural like, to "building or construction materials and farm products;" delete the exception of cement; replace the origins of Perrysburg, Ross, Plain, and Center Townships, Wood County, OH, with county-wide authority in Wood County, OH; and replace existing one-way authority with radial authority; in Sub-No. 1, broaden the commodity description from bulk commodities in dump drucks, to "commodities in bulk;" delete the exception of salt; and delete the restriction against the transportation of specified commodities from points in Lenaweee County, MI, to points in Fulton County, OH; in Sub-No. 3, broaden the commodity description from fly ash, in dump vehicles, to "commodities in bulk;" replace the plantsite origin with county-wide authority in Wayne County, MI; and substitute radial authority for one-way authority; in Sub-No. 5F, broaden the commodity description from sand, gravel, earth, building blocks, stone, mortar, cinders, brick, clay tile, agricultural lime and roadbuilding materials, to "building materials, construction materials or farm products;" delete the exception for cement; and replace one-way authority with radial authority; in Sub-No. 7F, broaden the commodity description from scrap metal to "metal products;" and replace one-way authority with radial authority; in Sub-No. 9F, broaden the commodity description from scrap metal to "metal products;" remove the dump vehicle limitation; and replace existing one-way authority with radial authority; in Sub-No. 10F, broaden the commodity description from such commodities as are dealt in or used by manufacturers of metal containers, to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products;" remove the equipment limitation "in dump vehicles;" replace named facilities at or near Whitehouse, OH, with Lucas County, OH; and replace East Chicago, IN, with Lake County, IN, and Cook County, IL.

MC 151063 (Sub-2)X, filed September 10, 1981. Applicant: LODWICK TRANSPORT LTD., R.R. #1, Brechin, Ontario, Canada LOK 130. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description from (a) automobile jacks and handles and (b) materials, supplies and equipment used in the manufacture and distribution of the commodities in (a), to "machinery and metal products and materials, equipment and supplies used in the manufacture and distribution thereof;" (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers; and (3) remove a restriction to foreign commerce only.

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DEPARTMENT OF JUSTICE

Bonus Awards Schedule for Senior Executive Service (SES)

AGENCY: Department of Justice.

ACTION: Notice of SES Bonus Awards Schedule.

SUMMARY: Pursuant to the Civil Service Report Act, 5 U.S.C. Section 5384, permitting the award of bonuses to Senior Executive Service personnel, the Department of Justice hereby announces its intention to make such bonus awards on or about September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel and Training Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone: 633-3221.

Harry H. Flickinger,

Executive Secretary, Executive Resources Board.

[FR Doc. 81-27773 Filed 9-23-81; 8:45 am]
BILLING CODE 4410-01-M

Performance Review Boards; Membership

AGENCY: Department of Justice.
ACTION: Notice of the Department of Justice's 1981 Performance Review Boards.

SUMMARY: Pursuant to the requirement of 5 U.S.C. 4314(c)(4), the Department of Justice announced the membership of its Performance Review Boards on Monday, August 3, 1981. Subsequent to that notice the following individuals were added to the original membership list.

Michael Dolan, Deputy Assistant Attorney General, Office of Legislative Affairs.

Harry H. Flickinger, Deputy Assistant Attorney General, Justice Management Division.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel and Training Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone: 633-3221.

Harry H. Flickinger,
Executive Secretary, Senior Executive Resources Board.

[FR Doc. 81-27761 Filed 9-23-81; 8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

United States v. Central Contracting Co., Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h) that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Eastern District of Virginia, Richmond Division, in *United States of America v. Central Contracting Company, Inc.*, Civil Action No. 81-0834-R.

The Complaint in this case alleged that beginning in or about March, 1978, the defendant and certain unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on a project for the construction and reconstruction of runways and taxiways at Richard Evelyn Byrd International Airport (Byrd Airport), operated by the Capital Region Airport Commission, Richmond, Virginia (Project No. 6-51-0043-08), in violation of Section 1 of the Sherman Act (15 U.S.C. 1).

The proposed Final Judgment prohibits Central Contracting Company, Inc. from discussing with competitors bids (or the consideration of whether to make a bid) for the sale of asphalt or concrete or for contracts to perform asphalt or concrete paving services. Specifically excepted from this prohibition are legitimate or *bona fide* communications with competitors concerning actual purchases, sales, subcontracts or joint ventures. The proposed Final Judgment requires Central Contracting Company, Inc. to take affirmative steps to advise its employees engaged in bidding, estimating or establishing the price of asphalt or concrete paving work or contracts for the sale of asphalt of their obligations under the proposed Final Judgment and the Sherman Act, and to obtain from such employees a written acknowledgment that the employee understands that noncompliance with the proposed Final Judgment will result in disciplinary action. Central Contracting Company, Inc. is further required to distribute a copy of the proposed Final Judgment and a written directive to each such employee at least once every two years. The proposed Final Judgment provides that if the assets of Central Contracting Company, Inc. are sold or otherwise disposed of, the acquiring party must agree to abide by the provisions of the proposed Final Judgment. The proposed Final Judgment is to be in effect for ten years from its date of entry.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Anthony V Nanni, Chief, Trial Section, Room 3266, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530 (telephone 202/633-2541).

Joseph H. Widmar,
Director of Operations, Antitrust Division.

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.*, Defendant.

Civil Action No. 81-00834-R.

Filed: September 11, 1981.

Stipulation

It is stipulated and agreed by and between the parties hereto and by their respective attorneys, that:

1. The parties consent that the court may file and enter a Final Judgment, in the form attached to this Stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before entry of the judgment by serving notice of its withdrawal on defendant and filing that notice with the court.

2. If plaintiff withdraws its consent or if the proposed judgment is not entered pursuant to this Stipulation, the Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Hays Gorey, Jr., for Diane R. Kilbourne, Joseph H. Widmar, Anthony V. Nanni, Attorneys, United States Department of Justice.

For the defendant: Rayt V. Hartwell, III, Esquire, Hunton & Williams, *707 East Main Street, Richmond, VA 23212.*

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.*, Defendant.

Civil Action No. 81-00834-R.

Filed: September 11, 1981.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, Adjudged and Decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. "Person" shall mean any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Asphalt" means a paving material consisting of aggregates using asphalt cement as the cementing agent; and

C. "Concrete" means a paving material consisting of aggregates using portland cement as the cementing agent.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

(A) Raise, fix, establish, maintain, stabilize or adhere to the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency;

(B) Submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for asphalt or concrete paving with any person or government agency; and

(C) Allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

V

Defendant is enjoined and restrained from communicating with, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about: (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of ashpalt or concrete; or (c) asphalt or concrete production or sales volume or costs; provided, however, that this Section V shall not apply to: (1) any communication relating to prices for asphalt that is made to the public or the trade generally and is not made solely to any other contractor or seller of asphalt and (2) any necessary communication in connection with a *bona fide* contemplated or actual purchase, sale, subcontract or joint venture transaction between the parties to the communication.

VI

A. Defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt.

B. Defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection A of this section, within 60 days after he assumes the position that brings him within that description.

C. Defendant shall take additional affirmative steps to advise each of its employees described in subsections A and B of this section of its and of their obligations. These steps shall include distribution to each of them, at least once every two years, of copies of this Final Judgment and of a written directive about the defendant's policy requiring compliance with the Sherman Act and with the judgment. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer about any compliance questions. The defendant shall require that each of them submit to it a signed statement, which it shall retain in its files, acknowledging each receipt of copies of the judgment and the directive, acknowledging that he has read them, acknowledging that he has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal, and acknowledging that he has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and fine or imprisonment, or both.

D. Defendant shall file with the court and serve on the plaintiff, with 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection A of this section.

VII

Defendant shall require, as a condition of the sale or other disposition or all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by this Final Judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, upon witten request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent made to the defendant at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matters contained in the Final Judgment.

B. The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be reasonably requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

If, at the time information or documents are furnished by the defendant to the plaintiff, the defendant represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten days' notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

IX

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

X

This Final Judgment shall be in effect for the period of ten years following the date of its entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.*, Defendant.

Civil Action No. 81-00834-R.

Filed: September 11, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15, U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On August , 1981, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) to enjoin the above-named defendant from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. 1).

The complaint alleges that beginning in or about March, 1978, the defendant and certain unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on a project for the construction and reconstruction of runways and taxiways at Richard Evelyn Byrd International Airport (Byrd Airport), operated by the Capital Region Airport Commission, Richmond, Virginia (Project No. 6-51-0043-08).

The complaint seeks a judgment by the court that the defendant engaged in the conspiracy in restraint of trade in violation of Section 1 of the Sherman Act as alleged in

the complaint and an order that enjoins the defendant from continuing or resuming such conspiracy and that restrains the defendant from engaging in other combinations and conspiracies having similar purposes or effects.

This proceeding arose as a result of a grand jury investigation into the bid-rigging activities of the defendant and others in the Commonwealth of Virginia. Central Contracting Company, Inc. was charged in a one-count indictment with conspiring with others to submit collusive, noncompetitive and rigged bids on the project which is the subject of the complaint. Pursuant to a plea agreement, defendant pleaded guilty to the indictment and was sentenced to pay a fine of $125,000. Ashland-Warren, Inc. and Rea Construction Company were named as co-defendants in the indictment and, pursuant to separate plea agreements and guilty pleas, were sentenced to fines of $500,000 and $150,000 respectively. Previously, one of Rea Construction Company's employees had been charged in a criminal information with conspiring with others to submit collusive, noncompetitive and rigged bids on the Byrd Airport project. This individual pleaded guilty and was sentenced to 60 days imprisonment.

II

The Terms of the Alleged Conspiracy

During the period of time covered by the complaint, the defendant engaged in the business of airport runway and taxiway construction in the Commonwealth of Virginia.

The Complaint

On or about March 3, 1978, the Capital Region Airport Commission solicited sealed bid proposals from construction contractors for Project No. 6-51-0043-08. The project required contractors to submit sealed bids for the furnishing of labor, equipment and materials for the construction, reconstruction and lighting of specified taxiways and runways at Byrd Airport. The Capital Region Airport Commission was required under Virginia law to award the project to the lowest responsible bidder. Under the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 *et seq.*), the United States funded 90 percent of the costs of Project No. 6-51-0043-08.

The complaint alleges that, beginning in or about March, 1978, the defendant and co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids for Project No. 6-51-0043-08. To effectuate the conspiracy, the defendant and co-conspirators discussed the submission of prospective bids on the project, submitted intentionally high, complementary bids on the project and submitted false, fictitious and fraudulent information to an agent of the Capital Region Airport Commission. According to the complaint, the conspiracy had the effect of stabilizing the price of project No. 6-51-0043-08 at an artificial and noncompetitive level and denying the Capital Region Airport Commission and the United States the benefits of free and open competition on Project No. 6-51-0043-08.

III

Explanation of the Proposed Final Judgment

The parties have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The Final Judgment between the parties provides that there is no admission by any party with respect to any issue of fact or law. Pursuant to Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the determination by the court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment enjoins the defendant from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to: (a) raise, fix, establish, maintain, stabilize or adhere to the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency; (b) submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for asphalt or concrete paving with any person or government agency; and (c) allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

The proposed Final Judgment also enjoins the defendant from communicating with, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about: (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of asphalt or concrete; or (c) asphalt or concrete production or sales volume or costs. These restrictions on communication do not apply to (1) any communication relating to prices for asphalt that is made to the public or the trade generally and that is not made solely to any other contractor or seller of asphalt, and (2) to any necessary communication in connection with a *bona fide* contemplated or actual purchase, sale, subcontract or joint venture transaction between the parties to the communication.

The proposed Final Judgment requires the defendant to take affirmative steps to advise each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt (hereinafter "described employee") of the defendant's and the described employee's obligations under the Final Judgment and the Sherman Act. The defendant must furnish a copy of the Final Judgment to each described employee within 60 days after judgment is entered, and to each person who becomes a described employee within 60 days after he assumes the position that brings him within the description. In addition, the defendant is required to distribute, at least once every two years, a copy of the Final Judgment and a written directive about the defendant's compliance policy to each of the described employees. The directive must include a warning that noncompliance will result in disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer on compliance questions. Upon receipt of the judgment and directive, the described employee must sign a statement to his employer acknowledging that he has read the judgment and directive, that he has been advised and understands that noncompliance with the judgment may result in conviction for contempt of court, fine and/or imprisonment. The defendant must retain copies of the described employee's statement in its files. The defendant must file with this court and serve on the United States within 90 days from entry of the Final Judgment an affidavit as to the fact and manner of its compliance with the requirement that it serve, within 60 days after entry of this Final Judgment, a copy thereof to each described employee.

The proposed Final Judgment also provides that the defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendant subject to reasonable notice requirements, in order to examine such records to determine compliance or noncompliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendant to determine whether the defendant and its representatives are complying with the Final Judgment. Finally, the defendant, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist the Commonwealth of Virginia in bringing or prosecuting any treble damage antitrust claim arising out of the combination and conspiracy charges in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment may not be

used as *prima facie* evidence in legal proceedings against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Chief, Trial Section, Department of Justice, Antitrust Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Antitrust Procedures and Penalties Act. These comments, and the Department's responses, will be filed with the court and published in the Federal Register. The comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that, after entry, the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendant. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Hays Gorey, Jr.,

Attorney, United States Department of Justice, Antitrust Division, Room 3228, 10th and Constitution Avenue N.W., Washington, D.C. 20530, (202) 633-2434.

[FR Doc. 81-27765 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

U.S. v. H. J. Heinz, Inc., Star-Kist Foods, Inc. and Star-Kist Samoa, Inc.; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *H. J. Heinz, Inc., Star-Kist Foods, Inc. and Star-Kist Samoa, Inc.*, Civil Action No. CV 80-04703-TJH has been lodged with the United States District Court for the Central District of California. The proposed consent decree requires the payment of $20,000 in settlement of all civil penalty claims asserted in the case for violation of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive written comments until October 26, 1981. Comments should be addresses to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *H. J. Heinz, Inc., et al.*, (D.J. Ref. No. 90-5-1-6-233).

The proposed consent decree may be examined at the Office of the United States Attorney, Central District of California, 312 North Spring Street, Los Angeles, California 90012; at Region IX Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $3.60 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-27764 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

U.S. v. Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19020, notice is hereby given that a proposed consent decree in *United States* v. *Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky*, Civil Action No. 78-0130-L-(B), has been lodged with the United States District Court for the Western District of Kentucky. The proposed consent decree would establish a compliance program for the Louisville and Jefferson County Metropolitan Sewer District's Morris Forman Wastewater Treatment Plant, to bring that facility into compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive until October 26, 1981 written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky*, D.J. Ref. No. 90-5-1-1-1002.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Kentucky, Room 211, United States Post Office and Courthouse, 601 West Broadway, Louisville, Kentucky 40202; at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-27763 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

U.S. v. Molycorp, Inc.; Proposed Consent Degree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 14, 1981, a proposed consent decree in *United States of America* v. *Molycorp, Inc.*, was lodged with the United States District Court for the District of New Mexico. The proposed consent decree will require Molycorp, Inc., to pay $28,000.00 in penalties for failure to meet the terms and conditions of it NPDES permit and to relocate pipelines associated with its molybdenum mill by October 1, 1984.

The Department of Justice will receive until October 26, 1981, written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C.

20530, and refer to *United States* v. *Molycorp, Inc.*, D. J. Ref. 90-5-1-1-1453.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, Albuquerque, New Mexico 87103, at the Region VI Office of the Environmental Protection Agency, Enforcement Division 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $1.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-27762 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Special Projects Panel (Presenting Organizations) to the National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Presenting Organizations) to the National Council on the Arts will be held on October 13, 1981, from 9:30 a.m.-5:00 p.m., October 14, 1981 from 9:30 a.m.-5:00 p.m. and 7:30 p.m.-9:00 p.m., October 15, 1981 from 9:30 a.m.-5:00 p.m. and October 16, 1981, from 9:30 a.m.-5:00 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 14, 1981, from 7:30 p.m.-9:00 p.m. to discuss policy.

The remaining sessions of this meeting on October 13-16, 1981, from 9:30 a.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 18, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

September 18, 1981.

[FR Doc. 81-27777 9-23-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-39]

Reports, Recommendations, Response; Availability

• **Special Investigation Report**—*Search and Rescue Procedures and Arming of Emergency Locator Transmitter: Aircraft Accident Near Michigan City, Indiana, December 7, 1980 (NTSB-SIR-81-2).*—As a result of its investigation, the Board on August 26 issued these "Class II, Priority Action" recommendations to the Federal Aviation Administration:

Take steps to make search and rescue operations less vulnerable to human error either by changes in terminal air traffic control accident notification procedures, or by changes in training, supervision, or performance monitoring (A-81-88). Require air traffic control facilities to maintain current area maps that are standardized and coordinated with those used by local police and search and rescue authorities so that accurate search areas can be readily identified (A-81-89). Issue an Airworthiness Directive to require that Beech Kit No. 101-3062-1 be installed on all Beech aircraft which have the remote ELT switch installed (A-81-90). Issue a General Aviation Airworthiness Alert, advising all owners of ELT Model CR-11-2 that they should obtain and retain an updated owner's manual, Document 950012, for use in the installation and operation of this unit. The changes in the manual should also be summarized in the Airworthiness Alert (A-81-91).

• **Recommendation Letter to the** *Federal Aviation Administration,* September 10:

Issue an Airworthiness Directive making the provisions of Piper Aircraft Corporation Service Bulletin No. 720 mandatory for all PA-32R series aircraft. (Class II)(A-81-96)

• **Responses to NTSB Recommendations**

From the Federal Aviation Administration: A-71-59 (Sept. 2).—Present FAA study addresses SAFER (Special Aviation Fire and Explosion Reduction) Advisory Committee recommendations to require fuel tank vent protection, during ground fires, and design practices that maximize the probability of engine fuel supply shutoff in potential fire situations. SAFER recommendations concern antimisting kerosene, reduced flash point kerosene fuel, NTSBF/FAA expanded accident investigation, crash scenario definition, crash resistant fuselage fuel system, cabin materials, seat fire blocking layer concept, development of Ohio State University burn chamber, toxicity research, test for drip and melt cabin materials, full-scale fire test plan, fire modeling capability, heat resistant evacuation slides, fire resistant windows, open forums on toxicity, and cabin materials. (44 FR 12785, 3-8-79)

From the United States Coast Guard: M-77-15 through-30 (Sept. 1).—No further corrective action is needed in light of review of marine casualty statistics on machinery and engineering failures aboard charter fishing vessels in the Portland Marine Safety Office Zone. Visual sweep width information, first aspect of USCG's Probability of Detection project, will be available Dec. 1, 1981, electronic sweep width information in 1985. Federal Communications Commission Docket 78-230 was implemented Oct. 11, 1979, as a modification to 47 CFR Parts 2 and 83. Procedures to increase tour lengths of station personnel are in effect. A copy of SAR Mission Check-Off List and Change 1 to same is provided. "Safety Orientation of Passengers,"CGD 78-009, was published Feb. 19, 1980, in the FEDERAL REGISTER. USCG believes that a requirement for high water bilge alarms could have negative effect by creating complacency in the operator to regularly examine the water level in his bilges. Installation of automatic bilge pumps on small passenger vessels could have a detrimental effect by making operators dependent on equipment that may not be operational; present regulations are adequate. Fuel transfer was not a major factor in loss of stability in the PEARL-C casualty; fuel transfer through a cross-connecting fuel line has not played a role in the loss of any small passenger vessel. USCG awaits results of NTSB observation of casualty trends for small passenger operations on the Columbia River Bar (Board letter of Oct. 30, 1979.) Recommendations M-77-16, -17, -19, -21, -28, and -30 have been closed out. (44 FR 45498, 8-2-79)

M-81-1 through -4 (Sept. 1).—USCG is developing a Boat Crew Seamanship Manual for training, qualification, and certification of small boat crews. The wearing of personal flotation devices in all towing evolutions with small boats is supported and encouraged. Early in FY 1980 USCG replaced antimotion sickness medications aboard its vessels with a combination of promethazine (a common antihistamine) and ephedrine (a common decongestant), but USCG will not make it mandatory for SAR personnel to take this medication. USCG has terminated the uninspected vessel boarding program in order to provide personnel and resources for programs required by law. (46 FR 26710, 5-14-81)

M-81-27 through -29 (Sept. 1).—USCG agrees that commencement of construction of structures should be included in Local Notices to Mariners, and is directing District

Commanders to explain to owners of structures the need for prompt publication in these Notices. USCG does not concur in amending 46 CFR 97.05, Notice of Mariners and Aids to Navigation, to require masters of vessels to give Local Notices to Mariners the same priority as Weekly Notices in requiring licensed deck officers to acquaint themselves with the latest marine information available to correct charts and publications promptly. USCG concurs in amending 33 CFR Part 67, Aids to Navigation on Artificial Islands and Fixed Structures, to require radar reflectors for offshore structures which present a low profile and where attending vessels are not present during construction. (46 FR 27803, 5-21-81)

From the Defense Mapping Agency: M-81-30 (Sept. 1).—This cautionary note is included in every Weekly Notice to Mariners: "Because of the sometimes transitory nature of aids to navigation, depths and port information, local area sources should be consulted whenever possible." (46 FR 27803, 5-21-81)

NOTE: Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 18, 1981.

[FR Doc. 81-27727 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237, 50-249, 50-254 and 50-265

Commonwealth Edison Co.; Denial of Application

By letter dated September 15, 1981, to Commonwealth Edison Company (the licensee), the Nuclear Regulatory Commission (the Commission) has denied the licensee's application dated October 28, 1976. This application requested Commission approval to allow the licensee to operate with one relief valve out of service at each of its Dresden Nuclear Power Station, Units 2 and 3, and Quad Cities Station, Units 1 and 2. These facilities are located in Grundy and Rock Island Counties, Illinois, respectively.

For further details, see the (1) request for action dated October 28, 1976, (2) Commission staff's request for additional information dated January 5, 1977 and related letters dated January 8, 1981 (from D. Crutchfield to J. Abel) and February 2, 1981 (from T. Ippolito to J. Abel), (3) the licensee's letter dated April 8, 1981 relating to the letters identified in Item (2) above, and (4) the Commission's letter dated September 15, 1981, denying application for failure to supply information. All of these documents are available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., the Morris Public Library, 604 Liberty Street, Morris, Illinois (Dresden Station), and at the Moline Public Library, 504 17th Street, Moline, Illinois (Quad Cities).

Dated at Bethesda, Md., 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. 81-27794 Filed 9-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Extension of Completion Dates

By letter dated July 28, 1981, Florida Power & Light Company (the licensee) requested that the US Nuclear Regulatory Commission (the Commission) grant an extension until November 1, 1981, for completion of the final modification listed in the Safety Evaluation Report dated March 28, 1981, to the fire protection system at the Turkey Point Plant Unit Nos. 3 and 4 located in Dade County, Florida.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated July 28, 1981, and (2) the Director's letter to the licensee dated this 4th day of September 1981.

Dated at Bethesda, Md., this 4th day of September 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-27795 Filed 9-23-81; 8:45 am]

BILLING CODE 7590-01-M

State of Washington: Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Washington

Note.—This document was originally published in the issue of September 17, 1981. It is reprinted at the request of the NRC.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Washington.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing Section 274b. Agreement between NRC and the State of Washington which was effective December 31, 1966. The request dated August 17, 1981 from the Governor of the State of Washington, if approved, would permit the State of Washington to regulate byproduct material as defined in Section 11e.(2) of the Atomic Energy Act, as amended, (uranium mill tailings) after November 8, 1981 in conformance with the requirements of Section 274o. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Washington including a narrative prepared by the State of Washington and describing the State's proposed program for control over byproduct materials as defined in Section 11e(2) of the Act and appropriate State legislation, and Washington regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, D.C.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555 Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Washington Programs To Regulate Byproduct Material as Defined in Section 11e(2) of the Act. Reference: Criteria 29-36 of "Guidance of States and NRC in

Discontinuance of NRC Regulatory Authority Thereof by States Through Agreement," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements for Section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor John Spellman of the State of Washington has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings after this date. His request was supported by a description of the State's program for control or uranium mill tailings. NRC staff has completed an assessment of the State's proposal as follows:

II. Assessment of Proposed State of Washington Radiation Control Program for Uranium Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of Section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licenses activities.

A detailed evaluation of the pertinent Washington Statutes, Chapter 110, Laws 1979—Senate Bill No. 2197, Chapter 70.121 of the Revised Code of Washington (RCW): Public Health and Safety Statute, and Amendments to Washington Administrative Code (WAC) 402-52 has been performed by NRC staff. The State's statutes provide sufficient authority for Washington agencies to comply with the requirements of UMTRCA. The evaluation was performed against and relates to a checklist (which is included in the Washington proposal) which outlines each statutory requirement and section number contained in UMTRCA. Relevant provisions of the Washington Statute were cited and reflected as to how the UMTRCA requirements are satisfied. Resolution of deficiencies were made by frequent contacts with the State's Department of Social and Health Services (DSHS) and the State's Attorney General's Office. Where deficiencies could not be adequately addressed by regulations, the State has committed to incorporate necessary requirements into the licensing process by appropriate license conditions or order.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o. (see 10 CFR Part 40 and 10 CFR 150.31(b)).

On January 1, 1980, Title 402 of the Washington Administrative Code was amended by WAC 402-22-150 to incorporate Special Requirements for Issuance of Specific Licenses for Source Material Milling and by WAC 402-52-100, Criteria Related to Disposition for Uranium Mill Tailings or Wastes. These regulations followed the Suggested State Regulations of the Council of State Governments which were deemed by the staff to be equivalent, to the extent practicable to the requirements of 10 CFR 40, Appendix A. Satisfactorily addressed in Title 402 regulations are: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, surety arrangements, requirements for ownership, and criteria for ongoing active maintenance for uranium mill tailings impoundments.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

When personnel in agencies other than the lead agency are included in the professional staff's effort, their availability on a routine and continuing basis must be demonstrated. Arrangements for availability for such resources have been proposed by Washington through interagency memoranda of understanding with the Departments of Ecology and Natural Resources. Contained in each agreement are duties of the agency, the period required for their performance, and procedures to resolve disputes if they should arise. An organization chart outlining the organizational relationships between the Radiation Control Section and other State agencies is also included. The proposal acknowledges that all MOU's between Radiation Control Section and other State agencies are only for the work required by State statutes. Although not contained in the proposal, commitments for assistance by various State agencies assures that consideration for necessary budgeting has been confirmed.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to meet the requirements of UMTRCA, current indications are that 2-2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of ⅓ staff-year. In addition, consideration must be given to such post-licensing

[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

Currently, there are two conventional licensed uranium milling operations in the State of Washington. We estimate the total professional staff-years effort within the Radiation Control Section (RCS) directly responsible for regulation of uranium mills and mill tailings to be well within our guidelines. Specialty functions and responsibilities of each staff member have been outlined and broken down by percentage of time devoted to the mill program in the proposal. Eight of the ten professional positions having full-time and part-time responsibilities in uranium mill regulation have been filled. (This does not include the Supervisor of the Radioactive Materials Program and a Radiation Health Physicist II normally assigned to Special Projects.) State funds are committed for the remainder and there is an active effort to fill the existing vacancies. The make-up of the Uranium Mill Subunit of the RCS is as follows:

a. Nancy P. Kirner, RHP III, Supervisor of Radioactive Materials Program. Will be responsible for planning, directing, and supervising the operations and emergency response activities for the regulation of uranium mills and mill tailings.

b. Terry C. Frazee, RHP II, Compliance Supervisor, Responsible for supervision and planning activities of compliance program and inspection staff.

c. Donaly C. Peterson, RHP II, Environmental Radiation Protection Supervisor. Duties and responsibilities include supervision of professional staff for environmental radiation monitoring at the uranium mill facility.

d. Robert R. Verellen, RHP II, Licensing Supervisor. Will direct and supervise the licensing activities of source materials and prepare licenses in final form.

e. Robert H. Bidstrup, RHP I, Manager of Uranium Milling Control Program. Responsible for planning and coordinating licensing and compliance functions of the uranium mill subunit. Will also supervise health physicists responsible for control of uranium milling operations.

f. Arden C. Scroggs, Kent M. Prendergast, and Leonard Knowles, RHP I—Responsible for evaluation of radiological impacts associated with regulation of uranium mills and mill tailings; conducting field inspections at mills to assure licensee compliance with license conditions; evaluation of license applications, license amendments, preparation of safety evaluation reports; and environmental impact statements prior to issuing licenses.

The Radiation Control Section staff have attended the following short-term training courses related to uranium mill regulation: NRC "Orientation Course in Regulatory Practices and Procedures"—Kirner, Frazee, Peterson, Verellen, Haars; NRC "Inspection Procedures"—Kirner, Frazee, Haars; NRC "Uranium Mill Training for State Regulatory Personnel"—Verellen; NRC "Radiological Emergency Response Training"—Kirner, Frazee, Bidstrup Verellen; "EPA Groundwater Migration Course"—Frazee, Peterson, Verellen, Bidstrup; Eberline Instrument Corp. "Use of Instrumentation and Environmental Surveillance at Uranium Processing Facilities"—Peterson. Scroggs, Frazee.

During evaluations of license applications the State must have access to speciality resources such as hydrologists, geologists, and geotechnical engineers. It is also recommended that radioactive materials regulatory personnel have some training in these areas in addition to specialized training in uranium mill health physics and preparation of environmental assessments. Mr. Knowles has obtained many years of education and training in the field of geology; he will serve as staff geologist. Consultants to provide hydrological, geological and geotechnical assistance have been identified by Washington and are adequately qualified. Such consultants will be utilized to perform an independent review of a proposed license application. Memoranda of Understanding (MOU) or contracts between the Radiation Control Section (RCS) and consultants provide for a RCS evaluation of consultants' work. Consultants will be compensated on a fee-for-service basis to be reimbursed through provisions of State regulation specific to preparation of environmental reports.

5. Functions To Be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Each uranium mill license application will be evaluated against State statutes, regulations, and NRC Regulatory Guides. A list of NRC Regulatory Guides utilized by the State in evaluating licensing actions has been furnished. State personnel will perform in-plant safety reviews. The individual in charge for licensing is also responsible for assuring that the in-plant safety review meets State requirements. The safety evaluation report is written under guidance from the State's Uranium Mill Project Manager.

Inspections of all byproduct material licensees are conducted by Washington in accordance with general procedures outlined in the State Radiation Control Section's manual. These procedures which are common to all routine inspections have been supplemented by instructions specific to inspections at mills. The general procedures have been judged acceptable during the periodic NRC review meetings with Washington. The functions of State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. With respect to uranium mill inspections, inspectors are required to review all aspects of mill operations and tailings control with appropriate consultation and review by the division's environmental RCS's Radiation Subunit. The compliance staff and the environmental radiation safety staff conduct both joint and independent inspections. This is to assure that the facility's effluents meet the requirements of the State Environmental Policy Act (SEPA). Inspections of each of the two mills will be conducted at least on an annual basis.

Preparation of an environmental impact statement by persons outside State government is not specifically prohibited by State law. However, Federal statute, i.e., Section 274o.(3)(c) requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections WAC–402–22–040(5), WAC 402–22–070(6), and WAC 402–52 of the Washington Regulations, and SEPA guidelines (§ 197–10–230(13)) indicate that DSHS will act as lead agency to independently prepare the environmental impact statement (EIS).[2] On January 5, 1981 the State issued its most recent EIS for the Dawn Mining Company application to expand the existing tailings disposal area. With technical assistance from NRC on the radiological assessment, a determination was made that all requirements and criteria had been satisfied by Dawn to minimize the

[2] WAC–402–070(6)(a)(ii)(B) also requires consideration of long-term impacts for decommissioning, decontamination, and reclamation relevant for the proposed activities.

potential for adverse environmental effects.[3]

Procedures for coordinating, organizing, and completing an environmental impact statement have been submitted in a separate section of the proposal. This process, described in detail, basically is as follows: (1) The environmental report is received from the applicant; (2) A review of the report is performed by consultant teams; (3) The consultants' assessments are reviewed by the Radiation Control Section and other State agencies; and (4) These entities submit reports to the State Uranium Mill Project Manager who then prepares the environmental impact statement for issuance.

As a supplement to the reporting requirements required by regulation or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

The environmental impact statement on Dawn's facility has identified the dose contribution from the expansion operation (with a below-grade pit) as having little bearing on overall site compliance with 40 CFR Part 190. Dose estimates from the existing operation, especially the front end of the mill circuit, indicate a need for better effluent control. The State has required Dawn by license condition to keep all effluent control equipment in good working order and in use at all times during mill operations. Furthermore, the licenses of both mills (the other being Western Nuclear's Sherwood Facility) were amended to require a determination of compliance with 40 CFR Part 190 using on-site data collected from the licensee's radiological monitoring programs. The monitoring programs must conform to specifications of NRC Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills" (issued as revision 1, April 25, 1980). These amendments require the licensee to perform land-use surveys, to develop and maintain a quality assurance program, emergency response procedures, data review programs, and semi-annual reporting specifications.

The Department's Environmental Radiation Subunit is responsible for review and verification of the licensee's environmental monitoring data. Dose assessments have been made at both mills. The assessment for Dawn was completed by NRC using computer models. At Western Nuclear's Sherwood Facility, the Department's report of the assessment shows the mill to be in compliance with 40 CFR Part 190. This finding was based upon field data taken during the period of July 1979–June 1980. Both mills are required to submit their own dose assessments by May 1, 1982 which will be based on data collected during CY 1981. The Environmental Subunit will then assess and confirm that radiation doses to nearest receptors are within the limits of 40 CFR Part 190.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Radiation Control Section has utilized a portion of funds authorized under its UMTRCA grant to purchase field equipment for monitoring and surveillance purposes. The submitted list shows the following detection capabilities:

a. Sampling of air particulates—The State has four (4) area air samplers to detect natural uranium, Ra-226, Th-230, and Pb-210 in addition to adequate personal air sampling equipment (lapel samplers).

b. Sampling of radioactive gases—scintillation detectors with compatible scintillation cells (ZnS) are utilized for detection of Radon-222.

c. Site surveillance—The State owns two portable survey meters designed to be used with interchangeable detector probes, i.e., proportional, Geiger-Mueller, and scintillation probes for detection of alpha, beta, and gamma radiations, respectively. A micro-R meter for counting of low-level gamma does rates also has been obtained. There are two general purpose survey meters providing versatility for use in field and laboratory. Alpha scintillation probes are currently being used with these survey meters.

d. Equipment calibration—Procedures have been developed and staff has been trained in calibration of radiation detection equipment. National Bureau of Standards traceable sources for calibration of counting equipment have been identified and are utilized. The State is currently working with the University of Washington to establish a regional calibration facility.

The Environmental Radiation Laboratory is a division within the State's Office of Public Health Laboratories and Epidemiology and provides direct support to the Radiation Control Section in the areas of environmental monitoring and processing of samples. It has all necessary equipment to analyze and evaluate environmental samples taken around milling activities including alpha counters for uranium and thorium, alpha spectrometer, alpha scintillation counter, intrinsic Germanium-Lithium detector, and automatic TLD analyzer.

Procedures have been developed for determining uranium and radium-226 concentration by precipation methods. Development of procedures for Thorium-230 analysis began in July 1981. All laboratory methods are derived from NRC Regulatory Guide 4.14 and EPA procedures and guides used for laboratory support of a uranium will control program. The laboratory also participates regularly in the inter-laboratory quality assurance (QA) program offered by EPA. A full-time chemist contributes to the main staffing effort and is responsible for carrying out effective QA. This is done by supplementing environmental samples with standards, spiked samples and blank samples for evaluation. The State has committed to further developing procedures for evaluating Ra-226 by emanation, Pb-210 analysis, Po-210 analysis, and familiarizing staff with alpha spectroscopy evaluation.

7. Conclusion

Based on the foregoing, the NRC staff concludes that the State of Washington has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[4] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966 with the State of Washington under

[3] This radiological assessment continues to be refined by NRC and a final radiological assessment will be included in the EIS. Renewal of the Dawn license is expected to be issued by December, 1981.

[4] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on ———— that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of December 6, 1966 is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;"

Section 2. Article II of the Agreement of December 6, 1966 is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966 is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966 is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of December 6, 1966 is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall becomed effective on ————.

Done at Olympia, State of Washington, in triplicate, this day of ————.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, D.C., in triplicate, this day of ————.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

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

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-27130 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

September 21, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

• Agricultural Marketing Service
Marketing Order No. 906—Texas Oranges and Grapefruit
On occasion, annually
Farms/businesses or other institutions
Texas orange and grapefruit producers, handlers and processors
SIC: 017 515 203
Small businesses or organizations
Agricultural research and services: 828 responses; 71 hours; $500 Federal cost; 4 forms; $285 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Forms are needed by the Texas Valley Citrus Committee to obtain data relating to the Texas Orange and Grapefruit Industry for purposes of administration.

• Agricultural Marketing Service
Marketing Order No. 945—Idaho-Eastern Oregon Potato Committee
On occasion
Farms/businesses or other institutions
Potato handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 210 responses; 17 hours; $435 Federal cost; 3 forms; $69 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Idaho-Eastern Oregon Potato Committee forms are used as a safeguard by the committee for handlers who wish to be exempted from grade, size, quality or maturity requirements of the order.

• Agricultural Marketing Service
Irish Potatoes Grown in Washington—Marketing Order No. 946
On occasion
Farms/businesses or other institutions
Potato handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 1,058 responses; 122 hours; $435 Federal cost; 4 forms; $602 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Washington Irish Potato Committee forms are used as a safeguard for handlers who wish to be exempted from grade, size, quality or maturity of the order and also where inspection is a hardship, handlers request waiver of inspection privileges.

• Agricultural Marketing Service
Almond Board of California Handler Report Forms—Marketing Order No. 981
Monthly; annually; biennially; other—see SF83
Businesses or other institutions
Affects 23 almond handlers in California
SIC: 514 209 072
Agricultural research and services: 4,215 responses; 731 hours; $813 Federal cost; 19 forms; $2,925 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The 19 board forms used by almond handlers enable the almond board of California to determine acquisitions and assessments, shipments, reserve dispositions, disposition of inedibles,

production data, handler claims for creditable advertising.

• Agricultural Marketing Service
California Nectarines, Marketing Order No. 916
Monthly
Businesses or other institutions
California nectarine handlers under marketing order 916
SIC: 515
Small businesses or organizations
Agricultural research and services: 720 responses; 148 hours; $500 Federal cost; 1 form; $686 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Nectarine Administrative Committee form is used to obtain information from handlers relating to the number and type of containers used for the various varieties of nectarines shipped in each fruit size classification.

Revisions

• Federal Grain Inspection Service
Reporting Under the U.S. Grain Standards Act
FGIS-132 and FGIS-132-1
Weekly
State or local governments/businesses or other institutions State and private grain inspections and weighing service agncs.
SIC: 515 964
Agricultural research and services: 13,956 responses; 6,711 hours; $76,678 Federal cost; 2 forms; $36,911 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340.

The Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, amends the USGSA to require that delegated States and designated official agencies pay fees to recover costs associated with FGIS supervision and administration. Two forms, FGIS-132 (inspection report) and FGIS-132-1 (weighing report), have been developed to gather the data needed to assess the fees to the agencies.

Reinstatements

• Food and Nutrition Service
Application and Agreement, National School Lunch Program, School Breakfast Program and Special Milk Program
FNS-67, 66, and 66-1
Annually
Businesses or other institutions
Nonpublic, nonprofit schools and resid. child care instit.
SIC: 821 836
Small businesses or organizations
Public assistance and other income supplements: 4,690 responses; 3,655 hours; $384,484 Federal cost; 3 forms; $36,550 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The FNS-66 and 66-1 are used by applicant organizations to apply for participation in the National School Lunch, school breakfast and special milk programs. FNS executes grant agreements with schools approved for participation via the FNS-67.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• Bureau of the Census
Leisure Activities Survey (LAS)
LAS-1 Versions 1-6
Monthly
Individuals or households
Nat'l sample of hsehlds members 18 years old or older
Other advancement and regulation of commerce: 16,000 responses; 1,333 hours; 6 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

The LAS will provide annual measures of participation in selected leisure activities. These data will enable arts organizations to make certain policy decisions based on such things as current demand, potential audience, and how to best serve the needs of their constitutent population.

Revisions

• International Trade Administration
Application for License to Enter Watches and Watch Movements into Customs Territory of the U.S. (Pub. L. 89-805)
ITA-334P
Annually
Businesses or other institutions
Firms interested in duty-free watch quota
SIC: 387
Small businesses or organizations
Other advancement and regulation of commerce: 12 responses; 14 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Required for allocation of duty-free watch quota pursuant to Pub. L. 89-805. Form is used to report data and information on applicant's prior-year operations, on the basis of which annual allocations are made. Also used periodically when provisions are made for receipt of applications from new firms.

Extensions (Burden Change)

• International Trade Administration
Monitoring report
ITA 661P
Weekly, Monthly
Businesses or other institutions
Com. exp. and indus. inven.-hldrs of Affected commodities
SIC: multiple
Other advancement and regulation of commerce: 1 response; 1 hour; 1form; not applicable under 3504(h)
William T. Adams, 202-395-4814.

The information collected on the form provides the data base necessary to determine whether export controls are warranted for commodities in actual or potential short supply.

Extensions (no change)

• Economic and Statistical Analysis
Form: BE-21P Ident. questionnaire rulemaking: survey of Foreign dir. invest. in U.S. business enterprises engaged in the proc. pkg. or whlsale. dist. of fish or seafoods
BE-21P
Nonrecurring
Businesses or other institutions
Bus. enterp. engaged in the proce., pack. or whisle., etc.
SIC: 209, 514
Small businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 2,000 hours; $100,000 Federal cost; 1 form; $202,000 public cost; not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202-673-7974.

The purpose of this questionnaire is to determine which U.S. business enterprises engaged in the processing or wholesale distribution of fish or seafoods was foreign owned at the end of 1980. Those that were foreign owned will be required to complete a statistical questionnaire, to be mailed at a later date, relating to their operations in 1978, 1979, and 1980.

Reinstatements

• Bureau of the Census
Business Forms, Binders, Carbon Paper, and Inked Ribbons Manufacturers'-Shipments
MA-27A
Annually
Businesses or other institutions
Manufacturers of selected office products
SIC: 267, 278, 395
Small Businesses or organizations
Other advancement and regulation of commerce: 750 responses; 750 hours; 1 form; not applicable under 3504(h)
Office of Federal statistical policy and standard, 202-673-7974

This new survey will provide the only date available on the shipments of office

supplies, government analysts will use these data to review trends in the types of supplies shipped to better predict the procurement needs of the government. Industry analysts will use these data to monitor market share and shifts in product types.

• Bureau of the Census
Survey of Assessed values
GP-33
Annually
State of local governments
State Gov't agen. that tabulate assessed value data
SIC: Multiple
Other advancement and regulation of commerce: 53 responses; 133 hours; $30,000 Federal cost; 1 form; $1,325 public cost; not applicable under 3504 (h)
Office of Federal Statistical Policy and Standard, 202-673-7974

Sample selection for taxable property values survey to be conducted as part of the 1982 census of governments, (2) Advisory commission on inter-governmental relations employs data in calculating its measures of fiscal capacity fo state and local gover (3) Census publication, property values subject to local general property taxation in the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V Wenderoth—703-697-1195.

Extensions (burden change)

• Departmental and Others
DMS Allotment Usage and Requirement Forecast
On occasion, quarterly
Businesses or other institutions
DOD contractors, subcontractors, and suppliers
SIC: 970
Department of Defense-Military: 308 responses; 2,772 hours; $42,000 Federal cost; 1 form; not applicable under 3504 (h)
Kenneth B. Allen, 202-395-3785

DOD contractors use this form as an accounting record to cover receipt and use of controlled materials allotments when DMS allocations are in effect. Data is utilized for determining requirements for the four controlled materials currently provided for under the defense materials system.

Extensions (no change)

• Departmental and Others
Application for do rating for production equipment
DD691
Annually
Businesses or other institutions.
DOD Contractors, Subcontractors and suppliers
Small Businesses or organizations
Department of Defense-Military: 100 responses; $4,500 Federal cost; 300 hours; 1 form; not applicable under 3504 (b)
Kenneth B. Allen, 202-395-3785

Data is provided from industry to make application for a DC rating to receive priority for production equipment necessary in support of a defense contract or order.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

Revisions

• Energy Information Administration
Monthly Survey of Distiliate and Residual Fuel Oil Sales Volume to Ultimate Consumers
FEA-P314-M-O
Monthly, Quarterly
Businesses or other institutions
Refiners importers of Petroleum products
SIC: 291 MUL
Small businesses or organizations
Energy information, policy, and regulation: 7,196 responses; 30,384 hours; $378,960 Federal cost; 1 form, not applicable under 3504(H)
Jefferson B. Hill, 202-395-7340

Data are used to maintain a file of refiner petroleum product sales data to determine changes in market shares of each marketer category.
Aggregated data are used in several EIA publications and form the basis of an ongoing analysis of the availability of refined petroleum products.

• Energy Information Administration
Refiner/Importers monthly Report of Petroleum Products Distribution
FEA-P306-M-O
Monthly, Quarterly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation: 1,068 responses; 18,156 hours; $378,960 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are used to provide continuing information on the relative market shares for each of the various marketer categories within the petroleum industry. Summaries of these data are published in several EIA publications.

• Energy Information Administration
Petroleum Industry Monthly Report for Product Prices
FIA-460
Monthly
Business or other institutions
Petroleum refiners abd gas plant operators
SIC: 291, 492
Small businesses or organizations
Energy information, policy, and regulation: 3,972 responses; 23,832 hours; $412,700 Federal cost; 1 form not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are used to monitor economic impact due to supply and demand fluctuations, monitor costs of imported petroleum and to prepare monthly published reports concerning these trends.

• Energy Information Administration
Refiners' Monthly Cost Allocation Report
EIA-14
Monthly, Quarterly
Businesses or other institutions
Refiners
SIC: 291
Energy ifnormation, policy, and Regulation: 3,280 responses; 13,452 hours; $292,200 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data provide a national current period weighted average acquisition cost of crude oil, and purchase volumes and equity production of selected refined petroleum products. Data will be used to continue publication of the refiners acquisition cost of crude oil in the monthly energy review and to provide information to Congress.

• Energy Information Administration
Prime Supplier's Monthly Report
EIA-25
Monthly,
Businesses or other institutions
Refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation: 3,600 responses; 13,500 hours; $386,200 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are collected to provide State-level supplies of petroleum products and to facilitate analysis of supply trends and shifts in marketing practices.

Extensions (burden change)

• Departmental and Others
Quarterly Report on Status of Reactor Construction
EIA-254 500 responses; 5,000 hours; $10,560 Federal cost; 1 form not applicable under 3504 (h)
Richard Sheppard, 202-395-6880

Authority for this report is section 8 of the Housing and Community Development Act of 1939 as amended, submitted by public housing agencies applying for an allocation of section 8 moderate rehabilitation units. Needed by the HUD field office to make a funding decision based on a Determination of consistency with housing need and evidence of PHA capability.

• Housing Programs
Section 8—Housing Assistance Payments Program Application for the Existing Housing Program
HUD-52515
On Occasion
State or local governments
Public housing agencies (PHAS)
SIC: 953
Public assistance and other income supplements: 1,200 responses; 7,200 hours; $10,560 Federal cost; 1 form; not applicable under 3504 (h)
Richard Sheppard, 202-395-7340

Submitted by PHAS applying for an allocation of section 8 existing units. Needed by the HUD Field Office to make a funding decision based on a determination of consistency with housing need and evidence of PHA capability.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331.

Revisions

• Bureau of Labor Statistics
ES-202 State Operations Review Package
BLS-3030
Annually
State or local governments
State employment security agencies
SIC: 944
Other labor services: 53 responses; 424 hours; $10,000 Federal cost; 1 form; not applicable under 3504 (h)
Office of Federal statistical policy and standards, 202-673-7974

The ES-202 State operations revipackage is the principal source of management information regarding quality and State conformance to BLS specified procedures in the collection and tablulation of ES-202 data.

Extensions (burden change)

Quarterly
Businesses or other institutions
U.S. Elec. Util. having nuc. steam supply sys. but no facil.
Sic: 491
Energy information, policy, and regulation: 400 responses; 400 hours; $4,700 Federal costs; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Used to gather data on costs of construction schedules of nuclear reactor power plants needed to monitor the effects of Office of Nuclear Reactor programs activities, and to determine the current and future status of nuclear generating capacity.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

• Health Care Financing Administration
Preprinted State Plans in Place as of September 1981, and "transmittal and notice of approval of State plan materials" (HCFA-179)
HCFA-179
On occasion
State or local governments
State medicaid agencies
Sic: 919
Health: 540 responses; 270 hours; $6,000 Federal cost; 1 form; $2,700 public cost; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

HCFA is requesting OMB approval of two related items—(1) preprinted State plans currently in use by each State to implement the medicaid program, and (2) the "transmittal and notice of approval of State plan and (2) the "transmittal and notice of approval of State plan material" (HCFA-179) which accompanies each amendment to a State plan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184.

Extensions (no charge)

• Housing Programs
Section 8 housing assistance payments program—app. for moderate rehabilitation
HUD-52515A
On occasion
State and local governments
Public housing agencies (PHAS)
Sic: 953
Public assistance and other income supplements:
• Occupational Safety and Health Administration
Initial Application for Training and Education Grant
OSHA-177
On occasion
Businesses or other institutions
Labor organ., educ. instit., employ., assoc. and other, etc.
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 100 responses; 4,000 hours; $31,600 Federal cost; 1 form; $32,000 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202-426-5030

The application package is submitted by parties interested in participating in the program. The application is used by OSHA staff to select organizations that can effectively carry out the objectives of the program. Information requested includes: detailed description of proposed program, project summary, standard form 424, OMB budget information sheets, detailed breakout of budget, and biographical sketches of key persons.

Extensions (no change)

• Bureau of Labor Statistics
Log and Summary of Occupational Injuries and Illnesses
Supplementary record of occupational injuries and illnesses
OSHA 200, OSHA 101
Other—see SF83
State or local governments/farms/businesses or other institutions
All emp. is covered emp. whose emp. exp. recor., etc.
SIC: all
Small businesses or organizations
Other labor services: 1 response; 540,900 hours; $55,000 Federal cost; 2 forms; not applicable under 3504 (h)
Office of Federal Statistical Policy and Standard, 202-673-7974

The OSH Act requires employers to prepare and maintain records of occupational injuries and illnesses. These records are necessary for carrying out the purposes of the act. They assist OSHA in making inspections and investments, provide the basis for a statistical program, and raise awareness of employees and employers to workplace hazards.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887.

New

• Research and Special Programs Administration
Blasting Agent Approvals
Nonrecurring
Businesses or other institutions
Manufacturers of explosives and blasting agents
SIC: 289
Other transportation: 240 responses; 110 hours; $3,000 Federal cost; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

Needed to ascertain that materials classed as blasting agents are properly so classed and are not in reality explosives which present a greater hazard in transportation than blasting agents.

• Research and Special Programs Administration
Portable Tank Inspection and Test Record Requirements
Biennially, other—see SF 83
Businesses or other institutions
Water carriers and shippers of hazardous materials
SIC: 441, 442, 443, 291, 281, 282, 286, 287, 208
Other transportation: 1,000 responses; 1,000 hours; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

Needed by MTB. shippers and owners to verify compliance with the regulations and to ascertain the integrity of the portable tank.

• Federal Highway Administration
Highway Traffic Accident Data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 18,000,000 hours; $30,000 Federal cost; 1 form; $180,000,000 public cost; not applicable under 3504 (h)
Donald Arbuckle, 202-395-7340

State accident data systems are required for planning and evaluation of federally-aided highway safety programs administered by the FHWA and the NHTSA.

• Federal Highway Administration
Road Hazard Identification
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 56,000 hours; $30,000 Federal cost; 1 form; $56,000 public cost; not applicable under 3504 (h)
Donald Arbuckle, 202-395-7340

In the hazard elimination program (highway safety improvement program), each state is required by 23 U.S.C. 152 to identify hazardous locations, sections, and elements. Highway safety program standard 9 (23 CFR 1204.4) has a similar requirement. The road hazard identification system is dependent upon data systems linked by the highway location reference system.

• Federal Highway Administration
Highway Location Reference System
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 400,000 hours; $16,000 Federal cost; 1 form; $4,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Each State is required by 23 U.S.C. 402 and 23 U.S.C. 152 to have a highway location reference system which links highway traffic accident data, volume data, and inventory data used in planning and evaluating programs administered by the Federal Highway Administration and the National Highway Traffic Safety Administration.

• Federal Highway Administration
Highway inventory data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 4,000,000 hours; $16,000 Federal cost; 1 form; $40,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

State highway inventory data sustems are required for compliance with 23 U.S.C. 402 and 23 U.S.C. 152. These data are used by the States for planning and evaluation of federaly-aided highway safety programs, and other programs administered by the Federal Highway Administration and the National Highway Traffice Safety Administration.

• Federal Highway Administration
Highway Traffic Volume Data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 4,000,000 hours; $16,000 Federal cost; 1 form; $40,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

State traffic volume data systems are required for compliance with 23 U.S.C. 402 and 23 U.S.C. 152. These data are used by States for planning and evaluation of federally-aided highway safety programs, and other programs, administered by the Federal Highway Administration and the National Highway Traffic Safety Administration.

• Coast Guard
Letter of Intent
On occasion
Businesses or other institutions
Bulk oil facilities
SIC: 446
Small businesses or organizations
Water transportation: 20 responses; 6 hours; $89 Federal cost; 0 form; $150 public cost; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

33 U.S.C. 1321(J)(1)(c)—each bulk oil facility that intends to transfer oil must notify the Coast Guard of the intention. The Coast Guard may then conduct an examination to insure compliance with the pollution prevention regulations.

• Coast Guard
Operations Manual
On occasion
Businesses or other institutions
Bulk oil facilities
SIC: 446
Small businesses or organizations
Water transportation: 20 responses; 201 hours; $6,800 Federal cost; 0 form; $4,500 public cost; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

33 U.S.C. 1321(J)(1)(c)—The operations manual specifies operating procedures developed by bulk oil facility operator to prevent accidental discharge of oil into the marine environment. Upon a determination of satisfactory compliance the Coast Guard captain of the port issues a letter of adequacy which must be retained by the facility.

• Coast Guard
Rules of the Road Exercise for Renewal of Deck Officer and Pilot Licenses
CG 4814
On occasion
Individuals or households
Applicants for renewed deck officer or pilot licenses water transportation: 3,269 responses; 3,269 hours; $1,334 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

46 U.S.C. 224, 226, 228, and 233—this exercise is used by the Coast Guard to assure that deck officers and pilots have retained familiarity with rules of the road during the period of their license.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Internal Revenue Service
Requesting Information From Individual Taxpayers Relating to Deductions, Expenses, Exclusions, etc. on Their Return
199, 200 487
On occasion
Individual or households
Individual taxpayers being examined
Central fiscal operations: 85,300 responses; 4,265 hours; $142,170 Federal cost; 3 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

When a tax return is examined and clarification of certain deductions, expenses, exclusions, etc. are required, the taxpayer will be notified by letter. Accompanying the letter will be the appropriate notice which will provide the taxpayer with a guide to the documentation needed to substantiate the items on the individual tax return, which are of concern to the IRS.

• Internal Revenue Service
Tax Shelter Questionnaire Leasing
Dir-Det 4-299
On occasion
Individual or households/businesses of other institutions
All taxpayers who invest in a leasing tax shelter.
SIC: All
Small businesses or organizations
Central fiscal operations: 50 responses; 38 hours; $2,076 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Notices—Requesting Information From Individual Taxpayers Relating to Deductions, Expenses, Exclusions, Etc. on Their Tax Return
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102
On occasion
Individuals or households
Individual taxpayers under examination
Central fiscal operations: 590,000 responses; 295,000 hours; $983,340 Federal cost; 16 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

When a tax return is examined and clarification of certain deductions, expenses, exclusions, etc. are required, the taxpayer will be notified by letter. Accompanying the letter will be the appropriate notice which will provide the taxpayer with a guide to the documentation needed to substantiate the items on the individual tax return, which are of concern to the IRS.

• Internal Revenue Service
Tax Shelter Questionnaire Contribution of Lithographs
Dir-Det 4-300
On occasion
Individual or households/businesses of other institutions
Taxpayers investing in contribution lithographs tax shelters
SIC: All
Small Businesses or organizations
Central fiscal operations: 100 responses; 75 hours; $4,150 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, internal revenue service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Small Business Seminar
505-6-10
Nonrecurring
Businesses or other institutions
Small business wishing to attend informational workshops
SIC: All
Small businesses or organizations
Central fiscal operations: 750 responses; 75 hours; $659 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Required to publicize and register for small business seminars in Alabama. The data is used to determine the number of persons who want to attend the seminars and to register them for each session.

• Internal Revenue Service
Temporary Vehicle Pass Register
Rowr 2353 (6-72)
On occasion
Individual or households/businesses of other institutions
Employees and food vendors, repair persons, visitors
SIC: All
Small businesses or organizations
Central fiscal operations: 12,000 responses; 204 hours; $204 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is used to issue temporary vehicle passes, and is needed to document entrance of unauthorized vehicles on service center property. A record will be maintained for a two-year period. If form is not used, vehicles would not be able to gain entrance to service center property.

• Internal Revenue Service
Appeal rights and preparation of protests for unagreed cases
Pub. 5
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers want to appeal a proposed tax adjustment
SIC: All
Small businesses or organizations
Central fiscal operations: 12,500 responses; 125,000 hours; $1,562,500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

The information is needed to show the taxpayers' basis for appealing proposed tax adjustments over $2,500 during examination of their returns. The data on the protest is used to enable taxpayers to get prompt and full consideration of their appeal.

• Internal Revenue Service
United States Estate Tax Return—Estate of Nonresident Not a Citizen of the United States
706NA
Nonrecurring
Individuals or households
Estates of nonresident noncitizens with property in U.S.
Central Fiscal Operations: 5,000 responses; 19,360 hours; $16,331 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

Under section 6018, executors must file estate tax returns for nonresident noncitizens who had property in the U.S. Executors use form 706NA for this purpose. IRS uses the information to determine correct tax and credits.

• Internal Revenue Service
Statement of Tax Due IRS
TY53 Form 17
On occasion
Individuals or households/farms/businesses or other institutions
Any taxpaying entity
SIC: all
Small businesses or organizations
Central fiscal operations: 83,675 responses; 41,837 hours; $424,604 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

This form is a notice and demand for payment of assessed tax. The taxpayer must remit payment or provide information if the payment was previously made. This information is basic taxpayer identification and remittance information. IRS uses the information to apply payments to a taxpayer's account or to locate a prior payment.

• Internal Revenue Service
Order Acknowledgement Card
SC-C, 1-540
Other—See SF83
Businesses or other institutions
Businesses that submit purchase orders to IRS
SIC: all
Small businesses or organizations

Central fiscal operations: 450 responses; 36 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

Form needed to provide for changes in purchase orders sent to vendors. The information is used to make adjustments to the orders. Without this information the adjustments would need to be made later at a greater cost of time and effort.

• Internal Revenue Service
Application for determination for collectively bargained plan (under sections 401(A) and 501(A) of the Internal Revenue Code.)
5303
Nonrecurring
State or local governments/businesses or other institutions
Employers, private, public, church w/ pension plans
SIC: all
Small businesses or organizations
Central fiscal operations: 2,500 responses; 17,500 hours; $27,512 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

IRS uses the form to determine from the information given whether the applicant is a qualified plan under section 401(a) of the Internal Revenue Code and meets the ERISA requirements for an employee pension plan. IRS also determines whether the related trust qualifies for tax exemption under section 501(A), if so, the employer may deduct contributions to the plan.

• Internal Revenue Service
Telephone contacts
RC-C-GEN 1-1023 (1-80)
Nonrecurring
Individuals or households
Indiv. applicants for various categories of IRS employment
Central fiscal operations: 5,000 responses; 415 hours; $3,500 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

5 U.S.C. 3218 requires that employment of Federal agency personnel be based on examinations for competitive service. This form is used for telephone contact with qualified applicants from the roster to determine the applicant's current or future availability for a vacancy.

• Internal Revenue Service
Notice of Amended Return Received, No Original
4486
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Taxpayers that file amended returns
SIC: all
Small businesses or organizations
Central fiscal operations: 51,748 responses; 25,874 hours; $76,398 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

Computer generated form 4486 is used to thank a taxpayer for an amended return filed and to ask for information to locate the original return. (Part 2 is the taxpayer's copy and parts 3 and 4 are internal use forms.

• Internal Revenue Service
Educational Credentials Evaluation
500-5-809
Nonrecurring
Individuals or households/businesses or other institutions
Individuals applying for internal revenue agent position
SIC: 739, 822
Small businesses or organizations
Central fiscal operations: 10 responses; 240 hours; $182 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The form is needed to evaluate coursework received from foreign institutions and other institutions that are not accredited four-year educational institutions. This evaluation is used in the determination of basic eligibility for the internal revenue agent position.

• Internal Revenue Service
Request for mission returns
PR-1 Spanish version PR-2 English
On occasion
Individuals or households/farms/businesses or other institutions
Individuals, businesses, farmers not filed required returns
SIC: All
Small businesses or organizations
Central fiscal operations: 400 responses; 200 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

26 U.S.C. 6011 requires that every person liable for any PR-1 and PR-2 letter forms are the last letters mailed by the service to a taxpayer when there is not a record of a particular return being filed. The information received is used to close investigations or to determine the next appropriate action by the service.

Revisions

• Bureau of Alcohol, Tobacco and Firearms
Applicant for Production of High Proof Concentrate
ATF F 27-6 Supplemental (5520.4)
On occasion
Businesses or other institutions
Manufacturers of fruit flavor concentrates
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 0 responses; 0 hours; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Regulations under 27 CFR 18.124 require filing of this application if a proprietor wishes to produce volatile fruit flavor concentrate having an alcohol content of more than 24 percent by volume.

• Bureau of Alcohol, Tobacco and Firearms
Application for Fruit-Flavor Concentrate
ATF F 3873 (5520.1)
On occasion
Businesses or other institutions
Bonded wine cellars (wine producers and blenders)
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 0 responses; 0 hours; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is necessary to determine whether a bonded wine cellar is eligible to receive fruit flavor concentrate from a volatile fruit flavor concentrate plant. Describes the bonded wine cellar, fruit flavor concentrate plant, and the amount of fruit flavor concentrate to be shipped on hand, in transit, and unaccounted for at any one time.

• Internal Revenue Service
Application for Exemption From Self-Employment Tax for Use By Ministers, Members of Religious Orders and Christian Science Practitioners
4361
Nonrecurring
Individuals or households
Ministers and members of religious orders incl. Christ. Sci.
Central fiscal operations: 10,270 responses; 5,007 hours; $10,973 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This form is used by members of qualified religious groups to claim exemption from tax on self-employment income. The data is used to whether the exemption can be given.

• Internal Revenue Service
Supplemental Schedule of Gains and Losses
4797
Annually

Businesses or other institutions/ individuals or households
Businesses that sell property other than inventory
SIC: All
Small businesses or organizations
Central fiscal operations: 1,237,000 responses; 831,264 hours; $273,754 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 4797 is used by Taxpayers to report sales, exchanges or involuntary conversions of assets, other than capital assets, and involuntary conversions or capital assets held more than one year. It is also used to compute ordinary income from recapture. The data is used by IRS to verify that the proper amount of income is reported or the proper amount of losses are deducted.

• Internal Revenue Service
Computation of Credit for Federal Tax on Gasoline, Special Fuels, and Lubricating Oil
4136
Annually
Individuals or households/farms/ businesses or other institutions
Bus. ent., farms, estates, trusts, and indiv. that use gaso.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,697,000 responses; 1,127,797 hours; $300,280 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC section 39 requires certain information in order to claim a credit for federal excise tax on certain gasoline, special fuels, and lubricating oil used. This form is used to figure the amount of credit. Data is used to verify of claim.

• Internal Revenue Service
U.S. Individual Income Tax Return and Related Schedules Reporting Business, Farm, and Other Income and Expenses, Social Security Tax, etc.
1040 A, B, C, D, E, F, G, R/RP, SE
Annually
Businesses or other institutions
Indiv. taxpayers including self-empl. persons
SIC: All
Central fiscal operations: 145,101,000 responses; 261,369,180 hours; $213,730,261 Federal cost; 10 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC sections 6011 and 6012 require individuals to file income tax returns annually. Forms 1040 and related schedules are used to report income subject to tax and compute the tax liability. The data is used to verify that items on the forms are correct and for general statistical use.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Application for Registration of Firearms Acquired by Certain Government Entities
ATF F 10 (7560.10)
On occasion
State for local Governments
Federal law enforcement activities: 330 responses; 165 hours; $3,432 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Provides for registration of firearms "for official use" by certain Government entities. These firearms could not otherwise be registered.

• Bureau of Alcohol, Tobacco and Firearms
Certification of Tax Payment
ATF 7590,3
Annually
Businesses or other institutions
Firearms importers, manufacturers, dealers
SIC: 922
Small Businesses or organizations
Federal law enforcement activities: 1,200 responses; 600 hours; $17,468 Federal cost; 1 form; not applicable under 3504(b)
Irene Montie, 202-395-6880

Payment of special tax is made to the Internal Revenue Service. Stamps are issued to the taxpayers, but often these stamps are not received until 3 or 4 months later. Form provides a means whereby ATF is able to identify the license and tax status of taxpayer so that the individual can engage in business without waiting for the tax stamp.

• Internal Revenue Service
Depreciation
4562
Annually
Businesses or other institutions/ individuals or households/farms
All taxpayers claiming a deduction for depreciation
SIC: all
Small businesses or organizations
Central fiscal operations: 5,000,000 responses; 2,500,000 hours; $248,592 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 4562 is used to report the depreciation deduction and to elect additional first-year depreciation. The data is used to verify that the proper deduction has been taken.

• Bureau of Alcohol, Tobacco and Firearms
Consent of Surety
ATF F 1533 (5000.18)
On occasion
Businesses or other institutions
Distilled spirits, wine, beer and tobacco manufacturers
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,980 responses; 1,980 hours; $1,595 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Permittees who handle materials such as alcohol are liable for the tax attached to that alcohol. For this reason they carry bonds which cover specific liabilities. When the terms of a bond are to be changed or extended the "consent of surety" is filed, which legally binds the bonding company to the new terms.

• Internal Revenue Service
Exempt Cooperative Association Income Tax Return
990-C
Annually
Businesses or other institutions
Farmers cooperatives exempt under section 521
SIC: 514, 515
Small businesses or organizations
Central fiscal operations: 4,000 responses; 55,580 hours; $35,861 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 990-C is used by farmers cooperatives exempt under Internal Revenue Code section 521 to report the tax imposed by section 1381. IRS uses the information to determine if the tax was properly reported.

• Internal Revenue Service
Consent to Fix Period of Limitation on Assessment of Income Taxes
952
On occasion
Businesses or other institutions
Rec'vng Corp. in a liquidation taking longer than tax year
SIC: multiple
Central fiscal operationg: 372,000 responses; 62,012 hours; $5,565 Federal cost 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 952 is a waiver of the statute of limitations for tax assessment. Section 332(b) of the IRC requires a receiving corporation in a liquidation covering more than one tax year to file such a waiver. The corporation must file form 952 for each tax year in the liquidation period. Data is used to extend the time for assessing tax.

• Internal Revenue Service

Application for Approval of Master or Prototype Defined
Contribution plan for self-employed individuals
3672
Nonrecurring
Businesses or other institutions
Trade/progessiona assoc. banks, insurance co. invest. co.
SIC: 602, 631
Small businesses or organizations
Central fiscal operations: 1,500 responses; 12,853 hours; $23,806 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRS uses these forms to determine from the information given whether the applicant plan qualifies under section 401(a) of the Internal Revenue Code and under the applicable parts of ERISA as an approved employee benefit plan. A determination is also made on whether the related trust qualifies for tax exempt status under section 501(a) of the code.

• Internal Revenue Service
U.S. Income Tax Return of a Foreign Corporation
1120F
Annually
Businesses or other institutions
Foreign corps. engaged in a U.S. trade or business
SIC: All
Small businesses or organizations
Central fiscal operations: 9,000 responses; 129,362 hours; $75,490 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 1120F is filed by foreign corporations that are engaged in a trade or business in the U.S. or have U.S. investment income. The IRS uses form 1120F to determine whether the foreign corporation has correctly reported its income and computed its tax.

• Internal Revenue Service
Forest Industries Schedules
T (Timber)
Annually
Businesses or other institutions/individuals or household/farms
Taxpayers claiming deductions for depletion of timber resources
SIC: All
Small businesses or organizations
Central fiscal operations: 37,000 responses; 211,000 hours; $6,163 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC sections 611 and 631 and related regulations require taxpayers to give information to IRS if they operate, buy, sell or lease standing timber or forest land. IRS uses the information to determine whether depletion, gain, or loss or these transactions is reported correctly.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Bonded Wine Cellars—Taxpaid Room of Receipt From Bonded Premises
ATF REC 5120/26
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 10,400 responses; 2,600 hours; $65 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

On removals from bond, the destination must be recorded, receipt on taxpaid premises verifies removal record, protection of the revenue.

• Internal Revenue Service
Affiliations Schedule
851
Annually
Businesses or other institutions
Parent corp. of an affiliated group of corporations
SIC: All
Central fiscal operations: 4,000 responses; 4,000 hours; $446,770 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 851 is filed by a parent corporation and attached to the consolidated return (form 1120). The information is used to identify the members of the affiliated group covered in the consolidated return.

• Internal Revenue Service
Annual Return of Foreign Trust With U.S. Beneficiaries
3520-A
Annually
Businesses or other institutions/individuals or households
Foreign trust having U.S. beneficiaries
SIC: All
Small businesses or organizations
Central fiscal operations: 500 responses; 500 hours; $9,400 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC section 6048(c) requires an annual return for foreign trusts having one or more U.S. beneficiaries. 26 CFR 404.6048-1 requires that form 3520-A be filed.

• Bureau of Alcohol, Tobacco and Firearms
Application To Establish Wine Warehouse Premises
ATF REC 5120/25
On occasion
Businesses or other institutions
Bonded winery
SIC; 208
Small businesses or organizations
Federal law enforcement activities: 50 responses; 25 hours; $62 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880.

Stores products for credit, verifies location of storage facilities, protection of the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Application To Conduct Other Operations on Bonded Wine Cellars
ATF REC 5120/24
On occasion
Businesses or other institutions
Bonded winery
SIC: 208.
Small businesses or organizations
Federal law enforcement activities: 20 responses; 10 hours; $115 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Allows other operations, opportunity to verify that revenue is not placed in jeopardy by the conduct of other operations.

• Bureau of Alcohol, Tobacco and Firearms
Importers Records of Receipt and Disposition of Alcoholic Beverages, Strip Stamp Accounting and All Supporting Data
ATF REC 5170/1
Other—see SF83
Businesses or other institutions
Importers of alcoholic beverages
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 741,780 responses; 123,630 hours; $165 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Accounting tool, audit trail. Provides total amount received and to whom sold, strips stamps, accounts for bottle count, supporting records verify these records. Protection of the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Brewer Receipt, Use, Disposition of Brewing Material
ATF REC 5130/1
On occasion
Businesses or other intitutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 16,692 responses; 4,173 hours; $100

Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Protection of the revenue, accounting tool, audit trail beginning of establishment of tax liability, used to compare records of total production.

• Bureau of Alcohol, Tobacco and Firearms
Brewer Records of Production of Beer, Cereal Beverages, Wort, Wort Concentrate, Malt Sirup and Extract for Sale
Removal
ATF REC 5130/2
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 27,820 responses; 13,910 hours; $90 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Accounting tool, audit trail protection of the revenue. Records show gallonage produced which establishes maximum tax liability.

• Bureau of Alcohol, Tobacco and Firearms
Brewers Applications Letterheads and Notices to Qualification and Operations
ATF REC 5130/6
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 50 responses; 50 hours; $300 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Notifies ATF of intention to produce, destroy beer, transfer, provides a record of activity and ensures the revenue is not placed in jeopardy.

• Bureau of Alcohol, Tobacco and Firearms
Record of Bottled Wine
ATF REC 5120/7
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 75,000 responses; 7,500 hours; $54 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Recorded by tax class, quantity bottled, received, returned and removed, use as tax assessment, protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Record of Material Received and Used
ATF REC 5120/21
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 30,000 responses; 7,500 hours; $169 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Record of basis winemaking material, used to calculate maximum production and correlate to actual production to determine diversion and nonpayment of taxes, protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Inventory of Wine
ATF REC 5120/23
Semiannually
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,664 responses; 13,312 hours; $132 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Wine—totals product on-hand twice yearly by physical count by kind, generic, bulk and bottle. Protection of revenue.

• Bureau of Alcohol, Tobacco and Firearms
Records of Samples for Wine
ATF REC 5120/17
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 1,000 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Records analysis, testing and laboratory disposition, samples are tax-free or withdrawn without payment of tax record substantiates removals and protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Record of Reconditioned Foreign Wine
ATF REC 5120/15
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,200 responses; 200 hours; $72 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Distinguishes foreign and domestic wines for purposes of reconditioning, protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Record of Destruction of Wine
ATF REC 5120/16
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,500 responses; 417 hours; $90 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Records quantity destroyed on bonded wine premises, established total of taxes of each class related to tax liability of entire quantity on hand, protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Record of Special Natural and Other Wine Production
ATF REC 5120/14
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 5,000 responses; 500 hours; $149 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Shows details of production, quantity, lot and formula number; ensure compliance to formula and establishes tax liability of each class of wine produced.

• Bureau of Alcohol, Tobacco and Firearms
Record of Distilling Material or Vinegar Stock
ATF REC 5120/11
Other—see SF83
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,200 responses; 200 hours; $63 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Record detailing receipt of wine making or vinegar stock, showing amount and kind produced, receipt and removal, by type of material, protection of revenue.

• Internal Revenue Service
Application for Extension of Time To File U.S. Estate Tax Return and/or Estate Tax

4768
Nonrecurring
Businesses or other institutions/individuals or households
Personal representative of an estate
SIC: 999
Small businesses or organizations
Central fiscal operations: 17,000 responses; 14,000 hours; $37,602 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 4768 is used by personal representatives of estates to request an extension of time to file an estate tax return and/or to pay the estate tax, and to explain why the extension should be granted. IRS uses the information to decide whether the extension should be granted. Help verify that the estate qualifies for an extension of time to file and/or to pay the estate tax.

ACTION

Agency Clearance Officer—Mr. Don Romine—202-254-8523

New

• Financial Status Report
A-451
Quarterly
Businesses or other institutions
All action projects
Sic: Multiple
Small businesses or organizations
Social services: 6,000 responses; 18,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202-395-6880

Financial status report submitted quarterly to assure compliance with GAO/OMB/Action fiscal regulations and requirements.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-287-0793

New

• World Health Organization/U.N. Environmental Program-sponsored Biological Monitoring Program
EPA HQ 8510-10
Nonrecurring
Individuals or households/State or local governments
Public schools and teachers
Sic: 821
Pollution control and abatement: 200 responses; 100 hours; $88,000 Federal cost; 3 forms; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

As part of who/UNEP international biological monitoring program, 200 volunteer school teachers will complete consent form and questionnaire and provide 10 ml blood for lead and cadmium analysis. Fifty kidney courtices will be collected at autopsy for cadmium analysis. Data will be used for international comparisons with 9 other countries.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-2983

Extensions (no change)

• Country Exposure Report
FFIEC 009
Semiannually
Businesses or other institutions
Member banks and bank holding companies
Sic: 602, 671
General government: 306 responses; 6,784 hours; $150,000 Federal cost; 1 form; $135,680 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

This report collects information on international claims of U.S. banks holding companies used for supervisory and analytical purposes. This information is also used to analyze the country exposure of banks in order to determine the degree of risk in their portfolios and the possible impact on U.S. banks of any adverse developments in particular countries.

• Application for Federal Reserve Bank Stock—National Bank FR30
Nonrecurring
Businesses or other institutions
New national banks
Sic: 602
Small businesses or organizations
General government: 40 responses; 40 hours; $5,000 Federal cost; 1 form; $800 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

This application is used when an organizing national bank subscribes to Federal Reserve Bank stock.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202-632-0084

New

• Survey of Attitudes Toward Overseas Agricultural Development Assignments: (a) Faculty, (b) Institutional Aid 16206A&B (7-81, one time)
Nonrecurring
Businesses or other institutions
Title XII Univ. & Faculty, primarily of the schools of
Sic: 822
Foreign economic and financial assistance: 2,623 responses; 1,374 hours; $15,000 Federal cost; 1 form; $13,745 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Aid and BIFAD require more data on factors which make specific agricultural development assignments overseas more or less attractive. The proposed survey is designed to obtain that data and to assess existing and necessary incentives—financial and non-financial—needed to induce the requisite numbers and quality of faculty from eligible universities to respond to AID's agricultural development assistance programs overseas.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

• Monitoring of Fatigue Transient Limits for Reactor Coolant System
Nonrecurring, on occasion
Businesses or other institutions
Forty-six operating nuclear power plants
SIC: 493 mul
Energy information, policy, and regulation: 46 responses; 920 hours; $124,000 Federal cost; 0 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Requirement that 46 operating reactor plants that have been identified as lacking technical specifications to monitor the actual transient occurrences that could significantly affect the fatigue life of the reactor coolant system develop tech specs and submit them to NRC. NRC further requires that records of said occurrences be maintained for the duration of the license, normally 40 years.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Application for Qualification of Indenture Under Trust
7A1-9
1919
On occasion
Businesses or other institutions
Iss. of debt sec. offered to the public but not req., etc.
SIC: multiple
Other advancement and regulation of commerce: 29 responses; 1,276 hours; $761 Federal cost; 1 form; $46,400 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Application under Trust Indenture Act of 1939 to qualify indenture relating to debt securities offered to the public and not required to be registered under the Securities Act of 1933. The information is used to determine whether the offering is required to be registered and whether the indenture contains the required provisions.

- Application for Exemption of Indenture from Provisions of Act of 1939 (Form T-4), 17 CFR 260.4C-1 Through 4C-5

1920
On occasion
Businesses or other institutions
Issuers of debt securities offered to the public
SIC: multiple
Other advancement and regulation of commerce: 4 responses; 20 hours; $105 Federal cost; 1 form; $1,080 public cost not applicable under 3504(h)
Robert Veeder, 202-395-4814

Application for Securities and Exchange Commission order exempting an indenture qualified under the Trust Indenture Act of 1939 from certain provisions of the act. The information is used to decide whether compliance with the act would be an undue burden on the company, is not necessary for the protection of investors or would require the consent of the security holders.

- Rule 14F-1 Under the 1934 Act, Change in Majority of Directors

On occasion
Businesses or other institutions
ISS. that have over a mil. dol. in assets and class, etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3 responses; 54 hours; $63 Federal cost; 1 form; $1,950 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The rule is needed by the Commission to fulfill its statutory responsibility to prescribe those rules and regulations that are necessary for the protection of investors by requiring an issuer to apprise its shareholders and the Commission of a change in the majority of the Board of Directors of the company where such change is effected other than at a meeting of security holders.

- Rule 12DL-3—Requirements as to Certification Under Section 12(d) of the 1934 Act

On occasion
Businesses or other institutions
Registered national securities exchanges
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 688 responses; 344 hours; $1,806 Federal cost; 1 form; $3,440 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Certifications pursuant to rule 12D1-3 are used by the Commission in conjunction with registration statements under section 12 of the 1934 act in order that the issuer's securities may be admitted to trading on an exchange at the same time as the registration statement relating to those securities becomes effective.

- Statement of Eligibility and Qualification for Corporate Trustee Under Trust Indenture Act of 1939 (Form T-1) 17 CFR 160.0-3, 0-4, 5A 1-3, 7A-15-37

1836
On occasion
Businesses or other institutions
Corp. trust. under inden. relating to debt sec. off. to pub.
SIC: multiple
Other advancement and regulation of commerce: 531 responses; 23,364 hours; $6,983 Federal costs; 1 form; $849,600 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Statement of eligibility and qualification of corporate trustee to serve under indenture relating to debt securties offered to the public. The information is used to determine whether the trustee is qualified to serve under the indenture.

- Statement of eligibility and qualification for individual trustee under trust indenture act of 1939 (Form T-2)

1849
On occasion
Businesses or other institutions
Indiv. trust. under inden. relating to debt sec., etc.
SIC: multiple
Other advancement and regulation of commerce: 27 responses; 756 hours; $368 Federal costs; 1 form; $29,240 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Statement of eligibility and qualification of individual trustee to serve under indenture relating to debt securties offered to the public. The information is used to determine whether the trustee is qualified to serve under the indenture.

- Form C-3 and S-12 Registration statement for American Depository receipts under the Securities Act of 1933

Sec 1302 (S-12) and Sec 1923 (C-3)
On occasion
Businesses or other institutions
Banks issuing Amer. depository receipts for foreign secur.
SIC: multiple
Small businesses or organizations
Other advancement and regulations of commerce: 65 responses; 65 hours; $1,706 Federal costs; 2 form; $22,750 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form C-3 and S-12 elicit material information concerning American depository receipts relating to foreign securities being offered and sold in the United States. This information assists investor in making informed investment decisions.

- Form 19, Registration Form for American Depository Receipts and the Underlying Foreign Securities Listed on a U.S. Securities Exchange

SEC 1854
On occasion
Businesses or other institutions
Foreign corps. that have listed their sec. on a secur. exch.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3 responses; 240 hours; $1,201 Federal costs; 1 form; $10,200 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 19 elicits materials information concerning American depository receipts and, in some cases, the financial condition and operations of foreign issues with securities listed on a U.S. securities exchange. This information permits investors to make informed investment decisions.

- Form 6-K, Periodic Report of Foreign Issuers Under Rules 13A-16 and 15D-16

On occasion
Businesses or other institutions
Foreign Comps. w/sec. reg. under S. 12 (b) or (g) of 1934 SEA
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 240 responses; 1,920 hours; $3,409 Federal costs; 1 form; $124,800 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 6-K elicits material information from foreign issues of securities publicly traded in the United States in order that U.S. investors will receive the same information as foreign investors.

- Form 19-K, Annual Report Form for American Depository Receipts and Underlying Foreign Securities Listed on a U.S. Exchange

Sec 1799

Annually
Businesses or other institutions
Foreign corps. that have listed sec. on a U.S. sec. exch.
SIC: multiple
Small businesses or organizations
Other advancement and regulations of commerce: 8 responses; 16,880 hours; $675 Federal costs; 1 form; $748,000 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 19-K elicits material information concerning American depository receipts, and, in some cases, the financial condition and operations of foreign issuers with securities listed on a U.S. securities exchange. This information permits investors to make informed investment decisions.

• Rule 12G3-2, Exemption for Certain Foreign Securities
On occasion
Businesses or other institutions
Foreign companies with securities traded over-the-counter
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 675 responses; 675 hours; $8,505 Federal costs; 1 form; $67,500 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 12G3-2 exempts certain foreign companies with securities trading in the over-the-counter market from the requirements to prepare special disclosure documents provided the company submits the material information disclosed to its investors in its home country.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

Extensions (Burden Change)

• Mobile Home Loan Claim Under Loan Guaranty
26-8629
Annually
Businesses or other institutions
Holders of mobile home loans
SIC: 601, 602, 612, 614, 616
Small businesses or organizations
Veterans housing: 800 responses; 133 hours; $40,440 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Form completed and submitted by holders of foreclosed VA guaranteed mobile home unit loans. The form serves as the "accounting with the Administrator" required by 38 U.S.C. 1819(c)(3) as a prerequisite to payment of any claim. Information collected is used to determine claim payment due the holder.

• Notice of Intention To Foreclose
26-6851
On occasion
Businesses or other institutions
Lenders or holders
SIC: 601, 604, 612, 614, 616
Small businesses or organizations
Veterans housing: 85,000 responses; 21,250 hours; $534,160 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Holder's notice of intent to foreclose on loan guaranteed under 38 U.S.C. 1810 as required by 38 U.S.C. 1816(a). Data submitted is used for determinations on forebearance, foreclosure, protection of property and initiation of claim payment.

Extensions (No Change)

• Compliance Inspection Report
26-1839
On occasion
Individuals or households
Compliance inspectors
Veterans housing: 431,000 responses; 107,750 hours; $319,544 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Abstract: completed by fee compliance inspectors to report acceptability of residential construction and conformity with standards prescribed pursuant to 38 U.S.C. 1804(a) for new housing proposed as security for loans guaranteed under 38 U.S.C. 1810.

• School Attendance Report
21-674B
On occasion
Individuals or households
Claimant or school
Income security for veterans: 39,500 responses; 3,300 hours; $161,450 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This form is used to verify attendance in an authorized school or training program where benefits were authorized prior to entering the program. It is also used to report termination of any program with the specific information required to adjust benefit payments as appropriate for the particular VA benefit program. Authority is 38 CFR 3.667

Arnold Strasser,
Acting, Assistant Administrator for Reports Management.

[FR Doc. 81-27798 Filed 9-23-81; 8:45 am]
BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. A81-4]

Seapines Station, Virginia Beach, Va.; Schedule

September 18, 1981.

In the matter of Seapines Station, Virginia Beach, Va. 23451 Docket No. A81-4. (Mrs. Forrest P. Anderson, Petitioner).

On August 17, 1981, Mrs. Anderson filed a petition letter challenging the Postal Service's plans to close the Seapines station in Virginia Beach. By Order No. 397, the Commission established Docket No. A81-4 to consider this matter and requested the Postal Service to file a memorandum of law on whether the Postal Service's actions with regard to the Seapines station must comply with the requirements of 39 U.S.C. 404(b).

On September 14, 1981, the Postal Service filed a document, which appears to contain its memorandum of law in response to Order No. 397, stating that section 404(b) did not apply because the Seapines facility is a station rather than a post office.[1] The Postal Service suggests that this case be "terminated forthwith."[2] The petition, however, asserts "the law requires the Postal Service to make a written determination of its findings regarding closing or consolidation available to the people served by the post office affected."[3]

We believe that this case should not be terminated at this time. There is a controversy over the applicability of section 404(b) to the planned closing of the Seapines station. We think the Petitioner should be given an opportunity to respond. Previously, the Commission has never had to rule squarely on the applicability of section 404(b) to the closings of stations.[4] It is appropriate to consider this matter in the course of this proceeding, after both the Postal Service and the Petitioner have had an opportunity to present their views. Therefore, this case will continue according to the schedule attached to this Notice. We have made some minor changes in the schedule set in Order No. 397

By Order of the Commission.

David F. Harris,
Secretary.

[1] USPS Notice Regarding Administrative Record & Memorandum of Law, p. 2.
[2] *Id.* at 3.
[3] Petition, p. 1.
[4] *Cf.* PRC Op. A78-1 (Gresham, S.C., Route #1); PRC Op. A80-4 (Mt. Eden, California), p. 21.

[Docket No. A81-4]

Appendix

August 17, 1981—Filing of Petition.
August 31, 1981—Notice and Order of Filing of Appeal.
September 14, 1981—Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
September 21, 1981—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
September 21, 1981—Filing of Postal Service's legal memorandum.
October 13, 1981—Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
October 27, 1981—Postal Service answering brief. (In this filing, the Postal Service may respond to any arguments the Petitioner makes concerning the applicability of Section 404(b)). (*See* 39 CFR 3001.115(a).)

November 12, 1981

(1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)).
(2) Deadline for motions by any party. requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
December 5, 1981—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 81-27817 Filed 9-24-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18099; File Nos. SR-Amex-81-10 and SR-Phlx-81-8]

American Stock Exchange, Inc. and Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Changes

September 16, 1981.

On July 23, 1981, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to revise its procedures with respect to trading rotations that extend beyond the normal close of trading (4:10 p.m. New York time). Among other things the proposal would permit a trading rotation to be conducted after 4:10 p.m. where notice of the rotation is publicly disseminated after 4:00 p.m., so long as the rotation was not commenced until at least ten minutes after news of the rotation was publicly disseminated. On August 3, 1981, the Philadelphia Stock Exchange, Inc., ("Phlx"), 1900 Market Street, Philadelphia, Pa. 19103, submitted an identical proposed rule change.

Notice of the proposed rule changes together with their terms of substance was given by issuance of a Commission Release (Securities Exchange Act Release No. 18018, August 7, 1981) and by publication in the Federal Register (46 FR 41235, September 4, 1981). No written statements with respect to the proposed rule changes were filed with the Commission.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-27743 Filed 9-23-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11938; (812-4954)]

ASTA U.S. Government Securities Money Market Fund, Inc.; Filing of Application for an Order of the Commission Granting Exemptions

September 17, 1981.

Notice is hereby given that ASTA U.S. Government Securities Money Market Fund, Inc. ("Applicant"), Box 1515, 580 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 19, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a no-load, "money market" fund designed as an investment vehicle for corporations and individuals who wish to invest in U.S. Government obligations. Applicant also states that it has filed with the Commission a registration statement on Form N-1 under the Securities Act of 1933 in order to make a public offering of shares of its common stock, but that such registration statement has not yet become effective. Applicant will offer its shares to members and employees of the American Society of Travel Agents, Inc., and to the public. Lexington Management Corporation will serve as its investment adviser. The investment objective of Applicant is to seek the highest possible level of current income consistent with the preservation of capital and liquidity. It will seek to achieve this objective by investing exclusively in money market instruments maturing in twelve months or less, including the following: (1) Direct obligations issued by the United States Treasury, such as Treasury bills, certificates of indebtedness, notes and bonds; (2) instruments issued or guaranteed by agencies or instrumentalities of the United States Government; and (3) Repurchase agreements involving obligations which are eligible for investment under the foregoing categories. Applicant intends to maintain a dollar-weighted average portfolio maturity of 120 days or less. The minimum initial investment to open an account will be $2,500 for corporations and $1,000 for individuals, and subsequent investments must be in amounts of not less than $100, except for certain continuing purchase programs such as payroll deductions and pension programs.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 provides, as here relevant that the current net asset value of a redeemable security issued by a

registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *Inter alia:* (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant states that experience indicates that two features are helpful in attracting investment in a money market fund: (1) Stability of principal and (2) steady flow of investment income. Applicant asserts that by maintaining a portfolio of U.S. Government obligations it can provide these features to investors. According to Applicant's investment adviser, experience in the management of other investment companies has shown that, given the nature of Applicant's policies and operations, there will normally be a negligible discrepancy between prices obtained by the amortized cost valuation method and those obtained by a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant, and reflects fair value of such money market instruments. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stablize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may, include: Redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed; Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27742 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22198; (31-784)]

Ashland Exploration, Inc.; Application for Order Declaring Company Not To Be a Gas Utility Company Pursuant to Section 2(a)(4)

September 18, 1981.

Notice is hereby given that Ashland Exploration, Inc. ("AEI"), 1212 Bath Avenue, Ashland, Kentucky 41101, a Delaware corporation, has filed with this Commission an application pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be a "gas utility company" as therein defined. All interested persons are referred to the application, which is summarized below, for a description of the applicant and a statement of the basis upon which the exemption from status as a gas utility company is sought.

AEI is an oil and gas producing company and is an indirect wholly-owned subsidiary of Ashland Oil, Inc. ("Ashland"). Ashland is directly engaged in petroleum refining and marketing and in the manufacture and sale of specialty chemicals. Ashland is also engaged, through subsidiaries in the coal, highway construction, insurance and other non-utility businesses. At September 30, 1980, Ashland's consolidated assets were approximately $3.4 billion and for the fiscal year then ended Ashland reported consolidated revenues of approximately $8.4 billion and consolidated net income of approximately $205 million.

Since 1976 most of Ashland's activities with respect to oil and gas exploration and production have been carried on by AEI. For the fiscal year ended September 30, 1980, AEI reported sales revenues of approximately $176 million and net income of approximately $29 million. AEI's domestic oil and gas operations are conducted primarily in the eastern United States, and most of its gas production is dedicated for sale to interstate pipeline companies for resale. In 1963 Ashland acquired the assets and assumed the liabilities of United Carbon Company ("UCC") and its subsidiaries. At that time, among other things, UCC was engaged in the production and gathering of natural gas in certain counties in eastern Kentucky for sale to an interstate pipeline company. Under the laws of the State of Kentucky (KRS § 278.485) UCC was required to provide gas service upon request to owners of property situated within one-half air mile of its gas wells or gas pipelines at rates prescribed by the Kentucky Public Service Commission. Until July 1981 Ashland made the required direct retail sales to the eligible customers. In that month the retail gas sales system was transferred from Ashland to AEI.

AEI's gas gathering system is comprised of approximately 200 miles of pipeline. It is stated that the only direct retail sales made by AEI are those made to certain customers pursuant to oil and gas leases or rights of way granted by landowners, and sales to the customers required by the Kentucky statute. Direct retail sales are made to approximately 1,038 such customers, and amounted to $119,242 in the year ended September 30, 1980, or approximately 0.068% of AEI's total oil and gas revenues. AEI does not engage in any distribution to identifiable communities within geographic areas designated under franchises. Applicant further states that its retail sales are of a special and limited character within the meaning of *Panhandle Eastern Pipe Line Company*, HCAR No. 22060 (May 21, 1981).

AEI has applied for an order declaring it not to be a "gas utility company" pursuant to Section 2(a)(4) of the Act. Section 2(a)(4) provides that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Rule 10(a)(1) under the Act provides that a company shall be exempt from the duties, liabilities and obligations imposed under the Act upon it as a "holding company" with respect to a subsidiary which, insofar as it is a public utility company, is declared not to be a "gas utility company" under Section 2(a)(4).

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and service a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27799 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22199; (70-6634)]

Atlee M. Kohl; Proposed Acquisition of Securities of Public Utility Company

September 18, 1981.

Notice is hereby given that Atlee M. Kohl ("Kohl"), 1401 North Western Avenue, Lake Forest, Illinois 60045, has filed with this commission an application pursuant to the Public Utility Holding company Act of 1935 ("Act"), designating Sections 9(a)(2) and 10 of the Act as applicable to the proposed

transaction. All interested persons are referred to the application, which is summarized below, for a complete statement concerning the proposed transaction.

Applicant, an individual, presently holds with power to vote, directly or through family trusts, 8.34 percent of the voting securities of Cheasapeake Utilities Corporation ("Chesapeake Utilities"), a Delaware corporation and a gas utility company as defined in Section 2(a)(4) of the Act. Applicant also holds with power to vote, directly or through family trusts, 4.92 percent of the voting securities of Florida Public Utilities Corporation ("FPU"), an electric utility company and a gas utility company as defined in Sections 2(a)(3) and 2(a)(4). Kohl has applied for authorization under Sections 9(a)(2) and 10 to acquire, directly or indirectly, additional common shares of FPU such that he will thereby become an affiliate of FPU under Section 2(a)(11)(A).

Chesapeake Utilities distributes natural gas at retail in an area in southern Delaware and in an area around Salisbury, Maryland. Eastern Shore Natural Gas Company ("Eastern Shore") a wholly-owned subsidiary, is an interstate pipeline which buys gas at two points in Pennsylvania and sells gas to utility and industrial customers in southern Delaware and the eastern shore of Maryland, and is the sole source of supply to Chesapeake Utilities. At December 31, 1980, Cheasapeake Utilities had total gross utility plant of $8,845,361 and carried its investment in its unconsolidated Eastern Shore subsidiary at $5,960,719. For the twelve months then ended, Chesapeake Utilities reported $247,515 of net operating income, $1,619,761 of equity in net income of its unconsolidated subsidiary Eastern Shore, and $1,867,276 of net income. For the same period, Eastern shore reported operating revenues of $30,171,555 (including $6,512,399 of sales to Cheasapeake Utilities). At December 31, 1981, Chesapeake Utilities had 479,691 shares of common stock outstanding, held by 1,146 shareholders.

FPU provides electric, natural gas, water and/or propane bottled gas service through division in five essentially non-contiguous areas in Florida. At December 31, 1980, FPU had gross utility plant of $30,981,683 and for the twelve months then ended reported $838,301 of net income and $42,496,308 of operating revenues. At December 31, 1980, FPU had 345,438 common shares outstanding, held by 1,259 shareholders.

Applicant states that the proposed acquisition of additional FPU shares to result in an aggregate 5 percent holding (approximately 300 shares) would be effectuated through open market purchases at prevailing market prices and/or private purchases at negotiated prices. Subsequent acquisitions would be made similarly to the extent that such acquisitions were deemed appropriate. Applicant further states that no negotiations have been conducted with respect to the proposed acquisition and none are anticipated, and that the reason for the proposed acquisition is that it is deemed to be an attractive investment.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $6,560. It is stated that no state commission and no federal commission other than this commission, has jurisdiction over the proposed transaction.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27803 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 18, 1981.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Burlington Northern Inc. (New Holding Company) Common Stock, No Par Value (File No. 7-6042)

Burlington Northern Inc. (New Holding Company) $2.125 Preferred, No Par Value (File No. 7-6043)

Engelhard Corporation Common Stock, $1 Par Value (File No. 7-6044)

Panhandle Eastern Corporation Common Stock, $1 Par Value (File No. 7-6045)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27802 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11939 (812-4835)]

Capital Southwest Corp. and CSC Capital Corp., Alamo Group, Inc.; Filing of Application

September 17, 1981.

Notice is hereby given that Capital Southwest Corporation ("Capital SW"), a Texas corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end management investment company; CSC Capital Corporation ("CSC Capital"), 12900 Preston Road at LBJ, Dallas, TX 75230, a Texas corporation registered under the Act as a closed-end management investment company; and Alamo Group, Incorporated ("Alamo"), P.O. Drawer 549, Seguin, TX 78155, (Capital SW, CSC Capital and Alamo are collectively referred to hereinafter as "Applicants"), filed an application on March 10, 1981, and amendments thereto on June 3, 1981 and August 10, 1981, for an order of the Commission pursuant to Section 2(a)(9) of the Act determining that Alamo is not controlled by CSC Capital or Capitol SW or, alternatively, for an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1(a) thereunder

permitting Applicants to engage in certain proposed joint transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that CSC Capital is a wholly-owned subsidiary of Capital SW, and that CSC Capital is engaged in venture capital investments as a Federal licensee under the Small Business Investment Act of 1958. It is asserted that as of December 31, 1980, CSC Capital and Capital SW had aggregate investments in approximately 30 portfolio companies having a value of approximately $40,160,000 and a cost of approximately $15,757,000.

The application states that CSC Capital owns approximately 38.4% of the outstanding common stock of Alamo. It is asserted that, through two of its three subsidiaries, Alamo is engaged in the manufacture of heavy-duty mowing equipment and steel foundry components. Applicants represent that Alamo's third subsidiary, Entrepreneur Ventures, Inc. ("Ventures"), which is wholly-owned by Alamo, proposes to engage in venture capital investments. It is further asserted that Ventures will be exempt from registration under the Act pursuant to Section 3(c)(1) of the Act.

Applicants state that, consistent with industry practice, CSC Capital and Capital SW frequently participate with other venture capital firms in providing debt and/or equity financing to portfolio companies. CSC Capital and Capital SW are permitted to make joint investments pursuant to an order of the Commission, dated September 30, 1969 (Investment Company Act Release No. 5827). Applicants state that it is anticipated that, from time to time, Capital SW, CSC Capital and ventures may be offered opportunities to provide debt and/or equity financing for the same company and that CSC Capital (and/or Capital SW) may elect to make such investments (hereinafter referred to as "Proposed Transactions"). It is asserted that no specific Proposed Transaction is currently being considered by any of the Applicants.

Section 2(a)(3) of the Act provides that an affiliated person includes a person directly or indirectly controlled by another person. Section 2(a)(9) of the Act, in pertinent part, states that any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the voting securities of a company shall be presumed to control such company but that any such presumption may be rebutted by evidence.

Section 17(d) of the Act and rule 17d-1 thereunder taken together provide, among other things, that it shall be unlawful for any affiliated person of or principal underwriter for any registered investment company or any affiliated person of such person or principal underwriter, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise, joint arrangement or profit sharing plan has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

It is contended in the application that CSC Capital (and/or Capital SW) and Ventures would be unable to engage in a Proposed Transaction unless the Commission finds, pursuant to Section 2(a)(9) of the Act, that Alamo is not controlled by capital SW or CSC Capital. Alternatively, the Applicants have requested that the Commission, pursuant to Section 17(d) of the Act and Rule 17d-1(a) thereunder, issue an order granting permission for the Applicants to engage in the Proposed Transactions.

Applicants submit that the Proposed Tranactions would not be inconsistent with the public interest, the protection of investors or the purposes fairly intended by the policies and provisions of the Act. It is asserted that venture capital firms participating together in the manner proposed by Applicants typically execute with the portfolio company substantially identical purchase agreements (other than the amount of the investment), collectively negotiated at arm's length. It is further asserted that Applicants and their respective shareholders are in no better or worse position if Ventures, rather than a different venture capital firm, participates in a Proposed Transaction with Capital SW or CSC Capital.

The application states that although Capital SW beneficially owns 38.4% of the outstanding commn stock of Alamo, neither Capital SW nor CSC Capital has the ability or the intent to control Alamo. Originally CSC Capital acquired convertible debt securities of Alamo, which were subsequently converted into common stock of Alamo in April 1973 and July 1978. It is claimed that all such securities were purchased for investment purposes only and not with any intent to control management of Alamo and that Capital SW has not sought to control management of Alamo in the 7½ years it has beneficially owned shares of Alamo common stock. The Applicants note that only one of seven directors of Alamo is an officer or director of Capital SW or CSC Capital. None of the officers of Alamo or of the officers and directors of Ventures is an officer or director of Capital SW or CSC Capital. An aggregate of 32.5% of the outstanding common stock of Alamo is beneficially owned by Donald J. Douglass (Chief Executive Officer of Alamo) and his family. Other officers and employees of Alamo and their affiliates beneficially own an aggregate of 5% of Alamo's outstanding common stock. The balance of Alamo's outstanding common stock (24.1%) is beneficially owned by 21 shareholders, which are unaffiliated with either Capital SW or Alamo management.

The Applicants contend that Rule 17a-6 would provide an exemption from Section 17(a) for transaction between Capital SW (or CSC Capital) and Alamo (or Ventures), provided that no "insider" of Capital SW or CSC Capital had a financial interest in Alamo or Ventures. It is asserted that if such parties may contract with one another as provided in Rule 17a-6, such parties should also be permitted to contract jointly, on similar terms, with an unaffiliated third party, as contemplated by the Proposed Transactions.

Further, Rule 17d-1(d)(3) provides an exemption from Section 17(d) for the joint investment in a small business concern by a bank affiliated small business investment company and such bank. Applicants argue that such an arrangement, although exempt from Section 17(d), has opportunities for conflict of interest which are not present in the case of the Proposed Transactions. For example, the bank may be a senior creditor and the small business investment company a subordinated creditor or equity investor; whereas the Proposed Transactions would involve the purchase of similar securities.

In connection with the Proposed Transactions, Applicants make the following undertakings:

1. CSC Capital will not engage in any Proposed Transaction which would cause the aggregate value of its investments in outstanding Proposed

Transactions to exceed 20% of the value of its shareholders' equity.

2. Capital SW will not engage in any Proposed Transactions which would cause the aggregate value of its investments in outstanding Proposed Transactions to exceed 5% of the value of its consolidated total assets.

3. Any joint investments by Ventures and CSC Capital (and/or Capital SW) would be on the same basis (*i.e.*, substantially identical terms other than the amount of any such investment) and therefore not on a basis dirfferent from or less advantageous than that of other participants. All other persons participating in any such investment would do so on the same basis.

4. With respect to each of the Applicants, no person who falls within any category of persons mentioned in subparagraphs (1) through (5) of Rule 17a-6 under the Act will be a party to any joint investment or will have had within six months prior to the commencement of such joint transaction or, pursuant to such joint transaction will acquire, a direct or indirect financial interest in the small business concern which is the subject of any such investment.

Notice is further given that any interested person may, not later than October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27781 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22196; (70-6637)]

Consolidated Natural Gas Co. and CNG Coal Co.; Proposals To Issue and Sell Common Stock, To Purchase Common Stock, To Purchase Options and To Buy Land

September 18, 1981.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10112, a registered holding company and CNG Coal Company ("Coalco") 445 West Main Street, Clarksburg, West Virginia 26301, a wholly-owned coal procurement subsidiary of Consolidated, have filed an application-declaration pursuant to Sections 6(a), 7, 9(a), 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 thereunder.

Consolidated and its subsidiaries have been and are continuing to develop and plan for eventual production of synthetic natural gas through coal gasification. Nevertheless, Consolidated is not yet ready to commit itself to a coal gasification project producing major volumes of synthetic natural gas. However, Consolidated believes that a site upon which two full-sized coal gasification plants could be accommodated must be acquired at this time. After evaluating over eighty plant sites in the past six years, a site was selected in Mason County, West Virginia on the Ohio River four miles north of Point Pleasant. Applicants-declarants state that this site is one of few in the Ohio River Valley area that will support a larger, commercial coal gasification operation. It is in an air quality attainment area, has abundant water supply, and can receive coal by either barge or rail. The site is within the four-state territory in which Consolidated markets natural gas and is proximate to its coal reserves in Greene County, Pennsylvania and Marshall County, West Virginia.

Consolidated, through its subsidiary, Consolidated Gas Supply Corporation ("Supply Corporation"), has acquired options to purchase 1005 acres of land at the Point Pleasant site for about $1,795,000. The first of these options will expire on October 21, 1981. The optioned acreage comprises strategic and key parcels within the 1200-plus acre plant site area and includes 4,200 feet of river front property. In addition Supply Corporation is negotiating to acquire about 1200 additional acres south of the plant site to serve as a slag reclamation area. Supply Corporation proposes to transfer to Coalco its options to purchase this acreage. such transfer would be effected in time for Coalco to exercise the initial option and thus avoid potential regulatory problems and taxes that otherwise might accompany a subsequent transfer of the site acreage from Supply Corporation to Coalco.

At July 31, 1981, Supply Corporation's expenditures relative to the options to purchase the Point Pleasant site and related acquisition costs totalled $1,136,000.

From August 1, 1981 and extending through May 1982, the investment needed to acquire land by exercising current options and to extend other options by renewal will be $1,612,000.

Expenditures through May 1982 will total $3,600,000. The proposed financial transactions are as follows:

1. Coalco will issue and deliver shares of its common stock, $100 par value, to Consolidated (27,480) shares aggregating $2,748,000 par value, for which Consolidated will pay Coalco $2,748,000.

2. Upon transfer by Supply Corporation to Coalco of all its right, title and interest in and to the option agreements, Coalco will reimburse Supply Corporation for the expenses incurred by Supply Corporation in site evaluation and the acquisition of the Point Pleasant options. The remainder of the Consolidated investment will be used by Coalco to acquire title to the remaining parcels of land currently under option, to renew the remaining options to be exercised at a later date and to acquire additional parcels currently being negotiated.

3. Consolidated will purchase for cash from Coalco, an additional 8,520 shares of common stock, $100 par value, aggregating $852,000, before May 31, 1982. Coalco would use the proceeds principally for the purchase of additional acreage near Point Pleasant, West Virginia.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 13, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with

the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27800 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11941; (812-4880)]

IDS Life Moneyshare Fund, Inc.; Filing of Application

September 21, 1981.

Notice is hereby given that IDS Life Moneyshare Fund, Inc. ("Applicant"), IDS Tower, Minneapolis, Minnesota 55402, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on May 29, 1981, and an amendment thereto on August 31, 1981, for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities under the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that IDS Life Insurance Company ("IDS Life"), a wholly-owned subsidiary of Investors Diversified Services, Inc. ("IDS"), intends to offer deferred, non-participating variable annuity contracts. Further, Applicant states that the Contracts will be offered for purchase by individuals who are investing for retirement or other long-term purposes. Purchase payments under the Contracts will be allocated to one or more segregated asset accounts of IDS Life as permitted by applicable state insurance laws and regulations, and as selected by the contract owner. Applicant also states that the assets of each Account will be invested at net asset value in shares of a distinct and separate mutual fund. Applicant states that the only way an investment can be made in Applicant at the present time is by buying a Variable Annuity Contract from IDS Life Insurance Company and requesting that part or all of the purchase payment be allocated to IDS Life Account E which will thereafter be invested in Applicant.

Applicant states that it is a no-load, open-end, diversified management investment company. Applicant states that it is a corporation organized under the laws of Nevada and maintains its principal offices at IDS Tower, Minneapolis, Minnesota. Applicant's investment manager is IDS Life. Applicant states that IDS Life and IDS have entered into an Investment Advisory Agreement pursuant to which IDS will serve as investment adviser for Applicant.

Applicant states that it intends to operate as a "money market" fund whose investment objective will be to provide maximum current income consistent with liquidity and conservation of capital. Applicant states that its portfolio will be invested in short-term marketable debt securities which may include U.S. Treasury bills, notes and bonds; obligations of agencies and instrumentalities of the U.S. Government; money market instruments, such as negotiable bank certificates of deposit, finance company commercial paper, corporate commercial paper, documented discount notes of banks, bankers' acceptances and repurchase agreements; and other U.S. dollar-denominated debt instruments of issuers of high quality credit worthiness as discussed below. Some of these securities may be purchased on a "when issued" basis. Those short-term, high quality obligations which are purchased on a "when-issued" basis will be treated and valued pursuant to all the applicable conditions contained in Investment Company Act Release No. 10666 (April 18, 1979). The Application also states that the Applicant may purchase bank certificates of deposit including Eurodollar certificates only if such bank has assets (as most recently reported) in excess of one billion dollars, or the principal amount of the certificate must be insured in full by the FDIC. Certificates of deposit issued by savings and loan associations may be purchased if the principal amount is fully insured by the FSLIC. The Applicant may purchase bankers' acceptances only when they are eligible for discounting at the Federal Reserve System.

Applicant states that it will not buy commercial paper unless it is rated A-1 or A-2 by Standard and Poor's Corporation, or rated P-1 or P-2 by Moody's Investors Service, Inc., or if non-rated, is issued by issuers whose financial condition is determined by the Board of Directors to limit the risks to Applicant to a degree comparable to securities rated A-2 (or higher) by Standard and Poor's or P-2 (or higher) by Moody's. All other securities which Applicant purchases will be of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

Applicant states that it intends to declare its net income as a dividend to its shareholders on a daily basis and distribute it monthly, that "net income" for this purpose will consist of all interest income accrued on the portfolio assets of Applicant less all expenses of Applicant, and that if Applicant values its securities on an amortized cost basis, there will be no calculation for unrealized capital gains or losses. Applicant represents that the nature of the investments which it proposes to make have characteristics which are similar to those securities which are generally designated as money market instruments.

Applicant states that it will not purchase any securities with maturities in excess of one year from the date of acquisition, and the dollar-weighted average maturity of all securities in its portfolio will always be 120 days or less. The underlying security in a repurchase agreement, however, may have a maturity of more than one year, but must be a security in which Applicant is otherwise permitted to invest.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where

necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if an to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant hereby requests and exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its security portfolio by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

In support of the relief requested, Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because it will enable Applicant to maintain, under ordinary circumstances, a constant net asset value per share as well as steady earnings which applicant states investors want in a money market fund investment. The investment adviser of Applicant believes, based on its experience in managing portfolios of securities of the type to be held by Applicant, that with respect to such securities maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost of such securities. Thus, Applicant believes that the valuation of its portfolio securities on an amortized cost basis will enable it to more effectively maintain its $1.00 price per share, while providing investors with the opportunity to receive a flow of earnings less subject to fluctuation than under procedures where its daily dividend would be adjusted by all realized and unrealized gains and losses. In addition, Applicant states that investors would have the advantage of a stable net asset value.

Applicant states that its directors have determined in good faith that in light of the characteristics of Applicant as described above and, subject to compliance with the conditions set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities. Applicant has agreed, in order to attempt to assure the stability of its price per share, that the following conditions may be imposed in any Commission order granting its requested exemptive relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within its overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from its $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than twelve months, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition (1) above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which the Board of Directors determines

[1] Applicant states that to fulfill this condition it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value. In addtion, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of securities published by reputable sources.

present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27605 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18103; File No. SR-PSE-81-14]

Pacific Stock Exchange Inc.; Filing and Effectiveness of Proposed Rule Change

September 18, 1981.

The Pacific Stock Exchange, Inc. ("PSE") submitted, on September 10, 1981, a proposed rule change under Rule 19b-4 to reduce the hours during which the exchange is open for the transaction of equities business by one hour. The new hours are from 7:00 a.m. to 1:30 p.m., Pacific Time.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 ("Act"). At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934

Publication of the submission is expected to be made in the Federal Register during the week of September 21, 1981. Interested persons are invited to submit written data, views and arguments concering their submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-81-14.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27604 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0350]

Quidnet Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Quidnet Capital Corporation (Quidnet Corp.), 909 State Street, Princton, New Jersey 08540, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.1004 (1981)), for approval of a conflict of interest transaction.

Quidnet Capital Corp. desires to provide additional financing in an amount up to $50,000 to Mercer County Racquetball Associates (MCRA), a portfolio concern, for the purpose of providing additional working capital.

The managing general partner of MCRA is Courtworks Associates, a limited partnership in which Quidnet Company owns a fifty (50) percent interest. Quidnet Company is considered to be an "Associate" of Quidnet Corp., as that term is defined under Section 107.3 of the SBA Regulations since its general partners Messrs. Stephen Fillo and Reid White, are also the officers and shareholders in Quident Corp. Therefore, MCRA is also deemed to be an "Associate" of the Licensee. Consequently, the proposed transaction comes within the purview of Section 107.1004(b)(1) of the Regulations which prohibits a licensee from providing financing to any of its Associates, except where a written exemption is granted by the SBA.

Notice is hereby given that any person may, not later than October 9, 1981, submit written comment on the proposed transaction. Any such comments should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Princeton, New Jersey.

(Catalog of Federal Domestic Assistance Program No 59.011, Small Business Investment Companies)

Peter F. McNeish,

Acting Associate Administrator for Investment.

September 18, 1981.

[FR Doc. 81-27782 Filed 9-23-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/444]

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the

Conservation of Atlantic Tunas will be held on October 15, 1981, from 9:30 a.m. to 5:00 p.m., and on October 16, 1981, from 9:30 a.m. to 12:00 p.m., at the Woodward Room of the National Wildlife Federation, 1412 16th Street, N.W., Washington, D.C.

The October 15 meeting will be open to the public, and the public may participate in the discussions subject to instructions of the Committee Chairman. Subjects to be discussed include: Report of the Standing Committee on Research and Statistics (SCRS) Officers' Meeting and Subcommittee on Skipjack Tuna Meeting; Review of Status of Stocks and Research Concerning Yellowfin, Skipjack, Albacore, and Bigeye Tunas; Review of Status of Stocks and Research Concerning Atlantic Bluefin Tuna; Review of Status of Stocks and Research Concerning Billfish and Report of Billfish Workshop; Report of Canadian Purse Seine Operations in the U.S. Fishery Conservation Zone (FCZ); Report of U.S.-Japan Discussions on Longline Fisheries in the U.S. FCZ; and Status of the Development of the U.S. Longline Fishery in the Gulf of Mexico.

The Advisory Committee will meet in closed session on October 16, 1981. At this session documents classified in accordance with Executive Order 12065 of June 28, 1978 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the October 15 meeting should be directed to Barbara Rothschild, Office of International Fisheries Affairs, National Marine Fisheries Service, Department of Commerce. She may be reached by telephone on (202) 634-7303.

Dated: September 2, 1981.

Theodore G. Kronmiller,

Deputy Assistant, Secretary for Oceans and Fisheries Affairs.

[FR Doc. 81-27776 Filed 9-23-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-26]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 14, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 15, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21958	Mr. Scott Edwin Abram	14 CFR 61.151(a)	To allow petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
21293	Clay Lacy Aviation	14 CFR 135.243(a)	Reconsideration of a Denial of Petition to permit Mr. Steven R. Purwin to serve as pilot in command of Lacy Aviation aircraft without holding an airline transport pilot certificate.
22114	Columbia Air, Inc	14 CFR 121.291(a)(b)	To permit petitioner to introduce initial scheduled service in DC-9-32 aircraft in a 119-passenger-seat configuration without conducting a full emergency evacuation demonstration.
22096	United Air Lines, Inc	14 CFR 121.291(a)(2)	To allow petitioner to increase the seating capacity of its Boeing B-747-100 series aircraft from 424 to 429 passenger seats and in the future to 527 passenger seats without first conducting an emergency evacuation demonstration of the full-passenger-seating capacity.
22106	American Airlines	14 CFR 121.318(b)(2)	To permit petitioner to operate 18 DC-10 airplanes after December 1, 1981, without having a public address system microphone, at each floor level exit in a passenger compartment and be readily accessible to a flight attendant seated in a seat adjacent to that exit.
21448	U.S. Jet Aviation	14 CFR 135.89(b)(3)	To amend Exemption 3299 to add a Falcon-10 aircraft to the exemption. The present exemption permits petitioner to operate its Learjet aircraft to FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times when operating above FL 350.
22115	Piedmont Aviation, Inc	14 CFR 121.391	To allow petitioner to block off 12 seats and to operate its Boeing B-737 aircraft with two flight attendants when a third flight attendant cannot be made available without undue delay or flight cancellation.
22079	Arnolds Helicopter, Inc	14 CFR 135.261(b)	To permit petitioner to assign a flight crewmember for duty during flight time when that assignment provides for less than 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.
18243	Scenic Airlines, Inc	14 CFR 135.113	To extend Exemption 2631A which presently permits passenger seating in the co-pilot seat of petitioner's Cessna 404 airplanes.

Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22116	Ansta Int'l Airlines, Inc.	14 CFR 121.291(a)(b)	To permit petitioner to introduce two DC-8-62F aircraft leased from Scandinavian Airlines System into initial passenger service with a 191 and 201 passenger-seat configuration without first conducting the required full-scale passenger emergency evacuation demonstration.
21972	Kodiak Western Alaska Airlines, Inc.	14 CFR 91.39 and 121.157	Reconsideration of a Denial of Exemption to permit petitioner to operate two restricted category C-119L aircraft for compensation or hire in a unique outsized cargo-carrying operation within the State of Alaska.
22121	Southwest Forest Industries	14 CFR 91.32(b)(1)(ii)	To permit petitioner to operate the Gates Learjet Model 35A aircraft above flight level 410 without the use of oxygen masks.
22097	Tenneco, Inc.	14 CFR 91.23(a)(3)	To permit petitioner to reduce the fuel reserve requirement for helicopter operations to no less than 30 minutes.
22100	Britt Airways, Inc.	14 CFR 91.73(a)	To permit petitioner to operate its aircraft, in the event of failure of the position light system, with the strobe light system until arrival at a maintenance base.
19634	Douglas Aircraft	14 CFR 121.310(d)(4)	To permit the continuation of Part 121 operation of DC-8 aircraft with an emergency light system without a cockpit control device that has an "on," "off," and "armed" position.

Disposition of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21378	AeroVironment, Inc.	14 CFR 91.32(a) (1) and (2)	To allow operation of a Solar Challenger aircraft without supplemental oxygen for: (1) that part of the flight above 12,500 feet and up to and including 14,000 feet cabin pressure altitude for that part of the flight at those altitudes that is of more than 30 minutes duration; and (2) the entire part of the flight above 14,000 feet cabin pressure altitute. *Granted 9/1/81.*
22108	United Airlines	14 CFR 121.317(b)	To permit petitioner to operate all of its airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seat back a sign or placard that reads "Fasten Seat Belt While Seated." *Partial grant 9/1/81.*
21957	United Air Lines, Inc.	14 CFR 121.291(a)(2)(i)	To permit petitioner to increase the passenger seating capacity on its B-727-222 and B-727-222A series aircraft from 149 to 189 without conducting the required emergency evacuation demonstration with the full-passenger load. *Granted 9/7/81.*
21999	Trans World Airlines, Inc.	14 CFR 121.317(b)	To permit the addition of the wording "Fasten Seat Belt While Seated" to the existing single placard on the back side of the center armrest table between seat backs of each first-class double seat installed on TWA's aircraft. *Granted 9/1/81.*
22000	Midway Airlines	14 CFR 121.291	To allow petitioner to introduce the Douglas DC-8-30 aircraft into passenger service using 115 passengers and 3 qualified flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 9/1/81.*
21778	Eastern Air Lines, Inc.	14 CFR 121.317(b)	To permit petitioner to operate its B-727 and DC-9 airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seatback a sign or placard that reads "FASTEN SEAT BELT WHILE SEATED." *Granted 9/1/81.*
21975	InterState Airlines, Inc.	portions of 14 CFR Parts 61 and 121	To permit "foreign" airmen and ground instructors, employed by Air Canada, to serve as ground instructors, flight instructors, simulator instructors, and check airmen under InterState's FAA-approved training program. *Denied 9/1/81.*
18855	Helicopter Association International	14 CFR 135.99, .159, .173, .181, & .223	To extend Exemption No. 2695 which permits petitioner's member operators to operate without performing certain aircraft modifications, hiring additional required pilots, and without complying with certain performance, operational and maintenance requirements. *Granted 8/31/81.*
17922	Air Midwest, Inc.	14 CFR 135.261(b)	Temporary extension of Exemption No. 2582 while the FAA reconsiders the denial previously issued. The exemption permits petitioner to assign a flight crewmember for duty without his having had at least 10 hours of rest during the preceding 24 hours. *Granted 8/31/81.*
18569	Empresa de Transporte Aereo del Peru	Portions of 14 CFR Parts 21, 61, 63, & 91	Extension of Exemption 2656 which permits petitioner to continue to operate two U.S.-registered Lockhead L-1011 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program. *Granted 8/31/81.*
20770	Accelerated Ground Training, Inc.	14 CFR 63.39(b)(2)	Reconsideration of the conditions and restriction in Exemption 3232 on petitioner's petition to permit flight engineer applicants being trained by petitioner to show, in an approved simulator, that the applicants can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propeller (if appropriate), systems, and appliances. *Partial Grant 8/31/81.*
21998	Air Florida, Inc.	14 CFR 121.291(a)(1)	To allow petitioner to introduce Boeing 727-200 aircraft into passenger service using 177 passengers and 4 qualified flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 8/31/81.*
20313	Bell Helicopter Textron	14 CFR 29.1323 (c)(1) and (c)(2)	To permit petitioner to use an airspeed indicating system for which the airspeed error does not meet the maximum accuracy limit. *Granted 8/31/81.*
16955	American Airlines Training Corporation	14 CFR 61.58(c)	To amend Exemption 2473C to permit petitioner to conduct the entire 24-month proficiency training/checks utilizing simulators in addition to its Cessna Citation 500 simulator allowed under the present exemption. *Granted 8/31/81.*
21804	ERA Helicopters, Inc.	14 CFR 43.3(h)	To permit petitioner's appropriately certificated and trained pilots to remove, check, and reinstall the magnetic chip detector plugs on the Bell Model 412, 212, 206, 205 and Aerospatiale Model 350 helicopters. *Granted 9/4/81.*
21815	Air Logistics	14 CFR 43.3 and 43.7	To permit persons certificated by a foreign country to perform maintenance and approve for return to service, following maintenance, U.S.-registered aircraft, when operated in that foreign country. *Denied 9/4/81.*

Disposition of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20419	Cascade Airways, Inc	14 CFR 21.197	Extension of Exemption No. 3050 which permits petitioner to apply for and permit the use of a special flight permit with a continuing authorization to fly an aircraft, that may not meet applicable airworthiness requirements but is capable of safe flight, to a base where repairs or maintenance are to be performed. *Withdrawn no longer required 7/24/81.*
21820	New Haven Airways, Inc	14 CFR 61.31(a)(1)	To permit petitioner's pilots to operate Embraer Bandeirante EMB 110PI/41 aircraft for a 5-month period pending the next 6-month proficiency check without the pilots possessing the appropriate type ratings. *Granted 9/9/81.*
21829	Cochise Airlines	14 CFR 135.261(a)(1)	To permit petitioner to assign and for flight crewmembers to accept an assignment for duty during flight time when the total flight time of that fight exceeds 8 hours during any 24 consecutive hours for a flight crew consisting of one pilot. *Denied 9/4/81.*
21383	Arnautical, Inc	14 CFR 63.39(b)(2)	To allow flight engineer applicants, being trained by the petitioner, to show in an approved simulator that the applicants can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances. *Partial Grant 9/4/81.*
21788	Airmark Corporation	14 CFR 135.261(a)(2)	To permit petitioner to assign flight crewmembers and permit a flightcrew consisting of two pilots to accept an assignment for duty during flight time when the total flight time of that flight exceeds 10 hours during any 24 consecutive hours. *Denied 9/4/81.*
21066	Skywest Airlines	14 CFR 135.261(b)	To permit petitioner to assign a flight crewmember and for a flight crewmember to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment. *Denied 9/4/81.*
21768	Mr. Charles E. Ketchu	14 CFR 65.71(a)(3)	To permit petitioner to become eligible for an airframe and powerplant certificate without complying with the requirement to complete the written and practical tests within a 2-year period. *Denied 9/3/81.*
21887	Mr. Terry L. Spath	14 CFR 65.91(c)(1)	To permit petitioner to become eligible for an Inspection Authorization without meeting the specific experience requirements of the FAR. *Denied 9/3/81.*
12638	Air Transport Association of Amenca	14 CFR 121.351(a)	Amendment to Exemption No. 2081D. The present exemption allows the operation of aircraft on specified over water routes with only one operational High Frequency (HF) radio. The amendment would allow operation on an additional route. *Granted 9/3/81.*
12227	National Business Aircraft Association	14 CFR 91.169, and 91.181(a)	To reconsider Exemption No. 1637H, a partial denial, in view of the additional information presented by NBAA. *Granted 9/11/81.*
21792	Aeronaves de Mexico	Portions of 14 CFR Parts 21 and 91	Amendment to Exemption 3266 to allow petitioner to operate one additional DC-10 and two DC-9 aircraft using a master minimum equipment list and a continuous airworthiness maintenance program. *Granted 9/11/81.*
21981	Pan American World Airways	14 CFR 121.319(b)(1)(ii)	To permit petitioner to operate its B-747Sp airplanes without a means of two-way communications between the pilot compartment and the upper-deck galley. *Withdrawn 9/8/81.* (Exemption not required as galley is not isolated).
12464	Air France	Portions of 14 CFR Parts 61 and 63	To amend the existing exemption to permit petitioner to operate one additional U.S.-registered B-747-228F freighter aircraft. *Granted 9/4/81.*
12464	Air Franco	Portions of 14 CFR Parts 61 and 63	To amend the existing exemption to extend the termination date on special airman certificates for certain of petitioner's crewmembers. *Granted 8/31/81.*
21787	Capitol International Airways, Inc	14 CFR 121.291(b)	To permit the petitioner to demonstrate its DC-10 aircraft ditching procedures without using passengers. Petitioner desires to commence over-water operations on July 15, 1981. *Withdrawn no longer required.*

[FR Doc. 81-27468 Filed 9-23-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Tulsa County, Oklahoma

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Tulsa County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Fred A. Morice, Environmental Coordinator, Federal Highway Administration, 200 NW, 5th Street, Room #454, Oklahoma City, Oklahoma, 73102, Telephone: (405) 231-4624.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oklahoma Department of Transportation (ODOT) and the City of Tulsa, Oklahoma, will prepare an environmental impact statement (EIS) on a proposal to extend the Mingo Valley Expressway in the City of Tulsa, Oklahoma, from its present terminus at South 51st Street, then south and west, a distance of 6.0 miles to Memorial Road. If constructed, the improvement would consist of a multi-lane, controlled access freeway with appropriate grade separation structures.

The proposed improvement is intended to releave existing traffic congestion on a number of north-south arterials as well as provide a vital link in the overall Tulsa transportation plan (Engineering Contract 174) that received FHWA location approval on January 30, 1963.

Since all expressways in Tulsa have been developed in accordance with E.C. 174, the consideration of alternatives must be prudently limited to two: Construction of the proposal along the route outlined in E.C. 174, and the nobuild alternative.

Scoping letters describing the proposed action have been sent to appropriate Federal, State, and local agencies for their review and comment. No formal scoping meeting is planned. When completed, the draft EIS will be available for public and agency review and comment.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided.

Gordon E. Penney,

Division Administrator, Oklahoma City, Oklahoma.

[FR Doc. 81-27589 Filed 9-23-81; 8:45 am]
BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket Nos. RFA-305-81-1 and RFA-305-81-2; Notice No. 3]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Public notice of FRA actions and submission requirements for parties seeking to acquire, pursuant to expedited supplemental transaction proposals (STPs), Consolidated Rail Corporation (Conrail) lines in the States of Connecticut and Rhode Island, and certain Conrail lines in the Commonwealth of Massachusetts.

SUMMARY: This notice announces certain deadlines, guidelines, and considerations related to the transfer of Conrail rail properties in the States of Connecticut and Rhode Island, and certain Conrail lines in the Commonwealth of Massachusetts, to another railroad or railroads. Deadlines are established for the submission of requests for Conrail data and for the submission of purchase proposals. Guidelines are provided for the content of purchase proposals. Public comment is solicited on FRA's discussion of the considerations relevant to evaluation of purchase proposals. Finally, FRA amends its description of properties subject to transfer in the Commonwealth of Massachusetts.

DATES: Unless determined otherwise by the Administrator on the basis of a specific request setting forth the reason or reasons for variance from these deadlines:

1. Requests for Conrail data must be received from prospective purchasers by FRA as soon as possible.
2. Comments on issues addresed by this notice should be submitted as soon as practicable, but not later than October 8, 1981.
3. Purchase proposals, which include the information outlined below, must be received by FRA on or before October 23, 1981.
4. Comments on purchase proposals should be submitted by November 6, 1981.

ADDRESSES: Five copies of written materials must be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 7321A, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number to which they respond (Docket number RFA-305-81-1 for Connecticut/Rhode Island properties and connecting non-mainline properties in adjacent states; and RFA-305-81-2 for Massachusetts properties). Written submissions other than privileged material will be available for public examination at the above address between 8:30 a.m. and 5 p.m., EST, Monday through Friday, with the exception of Federal holidays. Those desiring notification of receipt should include a self-addressed stamped postcard.

To enable timely review and comment by the public and prospective purchasers, Conrail and prospective purchasers must also provide one duplicate of each submission of nonprivileged material to each of the following State agencies, where those materials will be available for public inspection as indicated:

Connecticut Department of Transportation, Rail Planning Division, Room 214, Department of Transportation Administration Building, 24 Wolcott Road, Wethersfield, Connecticut 06109, Monday through Friday, 8:30 a.m. to 4:00 p.m., EST

Executive Office of Transportation, Commonwealth of Massachusetts, Room 1610, One Ashburton Place, Boston, Massachusetts 02108, Attn.: Paul A. McBride, Assistant Secretary, Monday through Friday, 9:00 a.m. to 5:00 p.m., EST

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island 02903, Monday through Friday, 8:30 a.m. to 4:30 p.m., EST

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA (202) 472-7180.

SUPPLEMENTARY INFORMATION: This Notice is issued in response to amendments to Section 305 of the Regional Rail Reorganization Act of 1973 (3R Act) (45 U.S.C. 745), which were effected by Section 1155 of the Northeast Rail Service Act of 1981. The President signed that legislation into law on August 13, 1981, as a part of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35. Section 305 requires that the Secretary of Transportation (Secretary) initiate STP negotiations for the transfer of all Conrail rail properties and freight service obligations in the States of Connecticut and Rhode Island, and certain rail lines in the Commonwealth of Massachusetts, to another railroad or railroads. On August 31, 1981, the Federal Railroad Administrator (Administrator), as delegate of the Secretary, held public hearings in New Haven, Connecticut, and on September 1 in Springfield, Massachusetts, to discuss the STP process and to request prospective purchasers and other parties of serious interest to become participants in this process. Initial expressions of interest in purchase of the properties were required to be submitted by September 11, 1981. (See 46 FR 42565 (August 21, 1981) (hereafter referred to as Notice No. 1)). An additional hearing is scheduled for 10 a.m., September 28, 1981 in Room 313, the State House, Smith Street, Providence, Rhode Island. The present notice describes the schedule FRA intends to follow in the STP process, contents of purchase proposals to be submitted by prospective purchasers, and the criteria FRA proposes to apply in selecting final transferees.

Appendix A to Notice No. 1 described Conrail rail properties in the States of Connecticut and Rhode Island, which were referred to as "Appendix A" properties. Appendix B to that notice identified the five line segments located primarily in the Commonwealth of Massachusetts (Appendix B properties). "Appendix C" was reserved as the designation for connecting non-mainline properties identified by prospective purchasers as appropriate for transfer with Appendix A properties. "Appendix D" was reserved as the designation for trackage rights identified by prospective purchasers as necessary to operate Appendix B lines.

Deadlines

At the initial public meetings, the Administrator announced a preliminary schedule for the progress of these proceedings. This notice confirms that schedule. Requests by prospective purchasers for particular Conrail data should be submitted to the FRA as soon as possible. Complete purchase proposals should be submitted no later than October 23, 1981. Comments by interested persons on purchase proposals should be submitted as soon as possible, but not later than November 6, 1981.

Prospective purchasers are responsible for assuring that copies of their proposals are provided to each of the State agencies listed above. Proposals will be available for inspection at those locations and at the public inspection room maintained by the FRA docket clerk.

The FRA realizes that the above-established deadlines are extremely tight. However, since section 305 requires final administrative action in both the Connecticut/Rhode Island and Massachusetts proceedings by December 11, 1981, and since detailed negotiations will likely be necessary

following the submission of the October 23 proposals, it is imperative that these deadlines be met. A deadline may be waived only if the Administrator finds, on the basis of a specific request submitted with supporting rationale, that the purposes of the statute would be best served by the waiver.

The following additional activities will be undertaken as needed and requested by prospective purchasers and Conrail:

1. FRA will meet with prospective purchasers and Conrail to discuss submission requirements of prospective purchasers and data needs from Conrail.

2. At the request of one or more railroads, FRA will convene meetings pursuant to Section 305 and Section 5 of the Department of Transportation Act (Section 401 of the 4R Act), for carriers wishing to explore the feasibility of joint or coordinated acquisition of Conrail lines.

3. Meetings between FRA, Conrail and prospective purchasers to discuss purchase proposals will be held following the submission of such proposals, as necessary.

Information Requirements

Prospective purchasers wishing to acquire some or all of the Appendix A, B, C and/or D Rail Properties pursuant to an STP should comply with the submission guidelines set forth in this Notice, except as specifically waived, on request, by the Administrator. Failure to comply may make consideration of the proposal by the Administrator impossible. Additional information may be requested by FRA to make the statutory STP determinations. If a potential transferee desires that any information so submitted not be released by the Administrator upon request from a member of the public, it must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential to the extent permitted by law. Previous submissions to the FRA or any other Government agency may be incorporated by reference.

As used in the following guidelines for purchase proposals, the term "prospective purchaser" means both the party acting to arrange or finance the purchase and the proposed transferee of the property since it is not necessary that the purchaser and the transferee be the same party. Prospective purchasers should also be aware that while these guidelines require submission of information relative to existing railroad systems the guidelines are not intended to exclude a prospective purchaser who intends to operate a railroad in the region as of the effective date of the transfer. It is further contemplated that Conrail submit on October 23 notification of the lines it seeks to retain and information corresponding to that sought from potential purchasers.

A. General Information

1. Full and correct name and principal business address of the prospective purchaser;

2. Date of the prospective purchaser's incorporation, or organization if not a corporation, and name of the Government, state or territory under the laws of which it was incorporated or organized. If the prospective purchaser is a trustee then, in addition, the name and address of the reorganization court under the direction of which the prospective purchaser is acting, and the docket number of the proceeding. If the prospective purchaser is a partnership, association or other form of organization other than a corporation, a full description of the organization must be furnished;

3. Name, title, address and telephone number of the person who can answer questions regarding the proposal;

4. A statement identifying the Appendix A, B, C and/or D Rail Properties and any associated personal property which the prospective purchaser proposes to acquire; and

5. A map of the prospective purchaser's rail system indicating the relationship of the properties listed in 4 to its current system.

B. Historical Information

(While many of the submission requirements apply to operating railroads, it should be understood that prospective purchasers who are not presently an operating railroad should submit sufficient financial information to permit the Administrator to make appropriate financial determinations that the applicant is financially capable of meeting the requirements of the Act.)

1. Financial Statements. a. For each of the last three years, either an Annual Report, Form R-1, and Annual Report Supplement, Corporate Disclosure, Form R-1(A), or

b. The following items presented in a format and level of detail consistent with that prescribed in the ICC Uniform System of Accounts (49 CFR, Part 1201), in the Annual Report, Form R-1, and the Annual Report Supplement, Corporate Disclosure, Form R-1(A), in one consistent accounting format to enable year-to-year, line by line comparison:

(1) Comparative statements of financial position (balance sheets) for each of the last three years;

(2) Results of operations (income statements) for each of the last three years with the operating expenses and other components broken out by line as in the ICC Quarterly Report of Revenues, Expenses and Income-Railroads (Form R, E & I);

(3) Statements of changes in financial position (sources and uses or application of funds statements) for each of the last three years;

(4) For the most recent year end, to the extent not included in items (1), (2), or (3) above, the following:

(a) Listing and description of loans and notes receivable, if any;

(b) Listing and description of investments in affiliated companies and other investments;

(c) Listing and description of balances in Account 743, Other Deferred Debits, or equivalent accounts, if any;

(d) Debt-holdings in form and detail similar to that indicated in Schedule 120 of the Annual Report Supplement, Corporate disclosure, to include information on equipment debt, bank and other loans or notes, including the name of the bank or holder, date and amount of the original loan, current balance, maturities, rate of interest, and security pledged, if any;

(e) Litigation or unresolved disputes not yet in litigation which may have a material effect on the financial condition of the purchaser;

(f) Listing and description of all liabilities not included in item (d) and a listing and description of all contingent liabilities that individually, or as a class, are of a material amount;

(g) Listing and description of the capital stock in form and detail as required in Schedule 310 of Annual Report R-1; and

(h) Listing and description of any other outside sources of funding such as state or local government subsidies, loans or grants received by potential transferee.

c. A copy of the three most recent annual reports to shareholders, and any statistical supplements prepared for shareholders or the financial community;

d. A copy of the quarterly reports to shareholders since the last annual report; and

e. A copy of the most recent annual and quarterly or special reports filed with other regulatory agencies such as the Annual Report 10K filed with the Securities and Exchange Commission.

2. Operating Statements. a. A copy of the quarterly Freight Commodity

Statistics reports (Form QCS) filed with the ICC for the fourth quarter for each of the last three years and for each quarter since the most recent fourth quarter report, or information in similar form and detail; and

b. A copy of the most recent annual report of employee service, Forms A and B, filed with the ICC or information in similar form and detail.

C. Actual and Estimated (Pro Forma) Financial and Operating Results for 1981

For the 1981, the following combination of actual and estimated (pro forma) financial and operating results:

1. Actual financial and operating results for the year to date, as currently available;

2. Estimated (pro forma) financial and operating results for the remainder of the year; and

3. Combination of actual and estimated (pro forma) financial results for the entire year.

These items should contain sufficient detail so as to be comparable, line to line, to the historical results provided under B.1 and B.2 (Actuals and pro formas should be stated in 1980 dollars if possible.)

D. Plans

Prospective purchasers shall submit financial, operating and marketing plans, and other information which must include sufficient information and detail to permit the Administrator to determine that the prospective purchaser can acquire and operate the acquired property for four years without requiring Federal funding. For purposes of the projections and plans, prospective purchasers should assume that the proposed transfer will occur on January 1, 1982 for Massachusetts lines and on July 1, 1982 for Connecticut/Rhode Island lines. Projections (pro forma) should be made on a constant 1980 dollar (uninflated) basis. The Plans should cover the years 1982 through 1985 and show the prospective purchaser's projected results for the acquired properties and for the entire company after the acquisition.

1. Financial Plan—An overall financial plan to contain an explanation of:

a. Projected Annual Financial Statements—Stated in such a way as to be comparable, line by line, to the historical financial statements provided in Item B.1.

A statement of the assumptions upon which the projections are based. The projections should indicate the incremental impact of the proposed acquisition of Appendix A, B, C and/or D Properties upon the projected results of the prospective purchaser, by each category of revenue and expense;

b. A description of the method of financing anticipated for: (1) The proposed acquisition; (2) the maintenance and proposed improvements to the property, and (3) the equipment needed to provide the anticipated levels of service;

c. If outside financing is assumed, a description of the prospective purchaser's ability to obtain such financing and a projection of the annual or semi-annual payment streams indicating principal and interest separately;

d. A description of the collateral to be offered as security, if any;

e. A description of any commitments prospective purchaser has received for financing; and

f. An indication of how the purchaser intends to guarantee a commitment to provide service for four years, including deed restrictions, covenants or other devices to secure such commitment.

2. Marketing Plan. a. Projections of annual revenues and traffic in terms of tonnage, carloadings, and account 101 revenues, including plans for changes in rates and surcharges from current levels.

b. revenue equipment and locomotive fleet requirement projection (Should indicate how the purchaser intends to assure that the necessary revenue equipment and locomotives will be available for the projected level of service on the acquired properties.):

(1) Revenue equipment—For each of the years, a projection of revenue equipment requirements to traffic projections.

(a) Current fleet—identifying the number of serviceable and bad ordered cars;

(b) Retirements;

(c) Acqusitions—source and method of financing;

(d) Repairs and rehabilitation;

(e) Use of foreign cars; and

(f) Projected fleet—identifying the numbers of serviceable and bad ordered cars; and

(2) For each of the years, a projection of each of road and yard locomotive needs reflecting:

(a) Current fleet—identifying the numbr of serviceable and bad ordered locomotives;

(b) Retirements;

(c) Acqusitions—source and method of financing;

(d) Repairs and rehabilitation; and

(e) Projected Fleet—identifying the number of serviceable and bad ordered locomotives.

3. Operating Plan. a. A general description of potential purchaser's current operating plans compared with the yearly operating plans projected after the acquisition including specifics on frequency of service, equipment availability, track and facility condition and manning levels anticipated over each line to be acquired.

b. Plan indicating the number and general ICC job category of Conrail employees currently employed on the Appendix A properties that would be offered employment by the potential transferees including a description of any anticipated changes in total compensation and the reasons for such changes, and reflecting the costs of transferring employees due to coordination of seniority rosters, and labor protection costs, if any; and

c. Projected track maintenance and property additions and improvement programs for each of the years including a separate annual maintenance and improvement plan with a written description of the plan for the current system and for track properties to be acquired including a comparison of current and projected track class as defined by FRA Track Safety Standards and comparisons of current to projected maximum allowable speed of operation for each line.

E. Other Information

1. Valuation—The prospective purchaser's price offer, including a line-by-line detailed estimate of the value of the Appendix A, B, and/or C Properties (including trackage rights) the prospective purchaser wants to acquire;

2. Trackage Rights Charges—The prospective purchaser's proposed and assumed line-by-line trackage rights charges and basis for calculation of charges;

3. Division of Joint Rates—The prospective purchaser's proposal regarding division of joint rates, the basis for the proposal, and a justification as to why the proposal is fair and equitable to both the prospective purchaser and Conrail.

The FRA will accept and review such other data and proposed undertakings as a prospective purchaser may deem relevant to its proposal.

Basis for Evaluation of Proposals

The FRA has reviewed and is continuing to review the requirements of section 305 to ascertain the basis upon which purchase proposals should be evaluated. In the case of the Connecticut/Rhode Island properties, the statute imposes upon the Administrator the obligation of selecting

a final proposal or proposals to serve as his plan for transfer of the properties. In the case of the lines situated principally in Massachusetts, the Administrator is required to order and effect transfer to a qualified purchaser or purchasers. The following discussion will summarize the considerations thus far identified as material to this decision-making process.

Considerations Common to Massachusetts and Connecticut/Rhode Island Transactions

In evaluating purchase proposals for minimum compliance with the law, the FRA will determine whether the particular proposal offers a credible guarantee of service continuation for at least 4 years. In making that determination, FRA will first review the financial ability of the prospective purchaser to provide service and maintain the properties at adequate levels, as reflected by projected (and past) income statements and balance sheets submitted under the guidelines set forth above. The FRA will expect financial projections to be consistent with the payment of a purchase price that is fair and equitable to holders of Conrail securities and with divisions of joint rates that are fair and equitable to the purchaser and Conrail.

Financial projections intended to establish an ability to guarantee four years of service should not rely upon the expectation of Federal financial assistance, since one of the clear objectives of the statute is the establishment of self-sustaining rail service through transfer of the designated properties to new operators. Financial projections which rely on the receipt of financial assistance from a state or local government should clearly state the nature of the assistance and of the commitment.

The FRA will also review the operational ability of a prospective purchaser to assume all of Conrail's freight service obligations with respect to properties, which that purchaser intends to acquire. As indicated above, prospective purchasers will be expected to present operating, maintenance, marketing and employment plans that are realistic and consistent with projected expense levels. The FRA may employ current Conrail plans and practices as points of comparison or contrast with the plans submitted by prospective purchasers. Therefore, prospective purchasers may wish to consider the submission of narrative statements on those areas where significant departures from past practice are contemplated.

The FRA will also review proposals to determine whether they are reasonable with respect to purchase price (fair and equitable to holders of Conrail securities) and divisions of joint rates (fair and equitable to the purchaser and Conrail). Decisional authority with respect to these issues is vested in the Special Court in the case of the Connecticut and Rhode Island lines and in the Administrator in the case of the Massachusetts lines. In the case of the Connecticut/Rhode Island transfer, the FRA will make recommendations to the Special Court on these issues.

It should be noted that the statute does not require cash payment of the purchase price. Depending on the total consideration offered, acceptance of installment payments, or payment in the form of securities of the purchaser, may also be considered.

Specific Considerations Pertaining to the Connecticut/Rhode Island Transfer(s)

Subsection 305(f) requires that the final transfer plan submitted to the Special Court provide for the continuation of freight service on all lines presently operated by Conrail. "Some or all" lines in the two States must be transferred; and Conrail may retain some properties if it agrees to maintain service for 4 years. The Appendix A Properties include certain lines leased by the Connecticut Department of Transportation and others owned by the National Railroad Passenger Corporation over which Conrail provides freight service through trackage rights. Potential purchasers should be aware that Conrail obligations to provide freight service in commuter/passenger territories must also be transferred.

The FRA will expect initial proposals submitted on October 23, 1981, to specify how this "100% service" requirement (service over all lines in the two States) is to be met. Among the types of proposals that would satisfy this test are the following:

1. A proposal to purchase all Appendix A properties and guarantee service for four years.

2. A proposal to purchase selected Appendix A properties, if complemented by other proposals such as a submission from a consortium which—considered with the proposal in question—request the transfer of all properties and guarantee service for 4 years.

3. A proposal to purchase selected Appendix A properties, if complemented by the undertaking of Conrail to maintain all service on the remaining properties for 4 years.

Proposals related to the Connecticut/Rhode Island properties must also specify any connecting non-mainline properties in adjoining states that are proposed for transfer. The FRA will evaluate each such proposal to determine whether transfer will "permit efficient and effective rail operations consistent with the public interest." In some cases, it may be noted, the public interest might be better served if Conrail were to retain trackage rights to interchange points within the two States. A similar determination must be made with respect to the grant to purchasers of up to 5 miles of trackage rights on Conrail lines connected to the five Massachusetts lines designated for transfer.

Competitive Considerations

In each of the respective transfer proceedings, more than one purchase proposal may withstand the basic statutory analysis summarized above. If the FRA is required to choose between statutorily sufficient proposals, considerations such as the following will be taken into account: the level and quality of service reasonably projected by the competing applicants; the undertaking of a prospective purchaser to guarantee service for more than 4 years; new capital available and designated for use in rehabilitating, maintaining, and operating the properties; impact of the proposed employment plan on rail employment, in general, and Conrail employees, in particular; and reasonableness of projected rates. Favorable consideration also will be given any qualified purchaser that agrees to forego the imposition of surcharges with respect to traffic on the properties identified for transfer. One procedure which a potential purchaser may wish to consider to guarantee certain commitments about rates, surcharges, and service is the use of contracts between the carrier and the shippers.

Discussion and Comment

The discussion above takes into account comments received at the initial public conferences convened in these proceedings. The FRA would welcome any additional comment that parties may deem appropriate in light of this published discussion. All comments received by FRA prior to October 8, 1981, will be considered as FRA reviews purchase proposals. Comments submitted after that date will be considered to the extent practicable.

Inclusion of Additional Trackage in Appendix B Properties

As recited above, Appendix B to Notice 1 attempted to define the five Massachusetts lines described in section 305(g) and designated for transfer under that provision. Several interested parties have suggested that 1.6 miles of track immediately south of the Conrail main line through Westfield, Massachusetts, is an integral part of either the Westfield-Easthampton line (Florence Secondary) or the Westfield-Holyoke line (Holyoke Secondary). The Member of Congress who acted as principal sponsor of this provision has stated that it was his intention to include this line as a part of the designated lines.

Historically, this segment was part of the New Haven properties extending north from New Haven, Connecticut, as were the Florence Secondary and the Holyoke Secondary. Examination of Conrail's timetable and other documents confirms that the 1.6 mile segment has been treated as a part of the Holyoke Secondary. Further, the southern terminus of this line ("South Westfield") is within the corporate limits of Westfield. Accordingly, Appendix B is amended by revising the final entry therein to read as follows:
Massachusetts Holyoke Secondary—Westfield to Holyoke—31.7 to 43.5 41-4248 Conrail.

Further Federal Register Publication

The FRA presently intends to make most further communications in these proceedings by mail. The next planned Federal Register publications will announce FRA's findings with respect to purchase proposals and the final administrative decisions with respect to the two transfer processes. Accordingly, any interested party that has not indicated a desire to receive communications of significance should file an appropriate letter with the Docket Clerk at the address set forth above.

(Sec. 1155, Pub. L. No. 97-35, amending sec. 305 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745) and § 1.49(w) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(w)))

Issued in Washington, D.C. on September 22, 1981.

Robert W. Blanchette,

Federal Railroad Administrator.

[FR Doc. 81-27854 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-06-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement on Analysis of Alternative Transportation Improvements in the Southwest Corridor of the Chicago Region

In accordance with the provisions of the National Environmental Policy Act (NEPA) (83 Stat. 852), the Council of Environmental Quality's (CEQ) Implementing regulations (40 CFR Parts 1500-1508), and the Urban Mass Transportation Administration's Policy on Major Urban Mass Transportation Investments (published in the Federal Register on October 30, 1980) the Urban Mass Transportation Administration (UMTA) hereby gives notice that an analysis of alternative transportation improvements in the Southwest Corridor of the Chicago Region and preparation of the related Draft Environmental Impact Statement are to begin following a public meeting on October 6, 1981 at 7:30 p.m. The purpose of this meeting is to help establish the basis, purpose, and framework for the alternatives analysis study. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be studied, impacts to be assessed, and evaluation criteria to be used to arrive at a decision. The Scoping Meeting will be held in the Auditorium of Marie Curie High School located at 4959 South Archer Avenue, Chicago, Illinois.

The subject analysis will be conducted by UMTA, the Chicago Department of Public Works, the Chicago Area Transportation Study, the Chicago Transit Authority, the Regional Transportation Authority, and the Illinois Department of Transportation. Consultant support will also be used in this effort.

The Southwest Corridor is a major travel corridor which radiates from the Chicago Central Business District to the suburbs. The Corridor centers on the Stevenson Expressway and Archer Avenue; its boundaries are approximated by the Burlington Northern commuter rail line on the north, the Cook County line on the west, the Norfolk and Western rail line on the south, and State Street on the east. To meet the transportation needs of the Southwest Corridor, numerous alternatives were proposed and examined in Phase I of the Southwest Transit Study, the Preliminary Alternatives Analysis. As a result of that effort, the following alternatives are proposed for further evaluation:

1. Null (no build) alternative, in which existing bus services would continue to operate.
2. Low cost Transportation Systems Management improvements to current operations, including signal progression on Archer Avenue for buses.
3. Rail transit from the Loop elevated, primarily along existing railroad right-of-way parallel to Archer Avenue and the Stevenson Expressway to Highway 171.
4. Rail transit from the Loop elevated, on existing railroad right-of-way parallel to the Stevenson Expressway to Cicero Avenue, then southward along the east side of Cicero Avenue to a terminus at Midway Airport.
5. Similar to number 4 above to Midway Airport, but the rail transit line would extend south from the airport on railroad right-of-way to a terminus at Archer Avenue.
6. Similar to number 4 above to Midway Airport but the rail transit line would extend west from the airport on railroad right-of-way to a terminus at Archer Avenue.
7. Rail transit from the Loop elevated on existing railroad right-of-way near Archer Avenue to Western Avenue, then southward along railroad right-of-way to 49th Street, then west on railroad right-of-way to 4600 west, where the line would curve southwestward to a Midway Airport terminus.
8. Similar to number 7 above to Midway Airport, but the rail transit line would extend south from the airport on railroad right-of-way to a terminus at the Ford City Shopping Center.
9. Similar to number 7 above to Midway Airport, but the rail transit line would extend west from the airport on railroad right-of-way to a terminus at Archer Road.
10. An exclusive busway in the median of the Stevenson Expressway from Harlem Avenue to the Dan Ryan Expressway interchange.
11. An exclusive busway in the median of the expressway from Harlem Road to 3600 west, then onto an exclusive busway on existing railroad right-of-way to 18th Street.
12. Combinations of the busway and heavy rail modes utilizing the alignments presented above.

Comments will focus on the desirability of the alternatives for further study, not on individual preferences for one alternative as most desirable for implementation.

The proposed evaluation criteria include transporation, environmental, social, economic and financial measures as required by current Federal (NEPA) and State (CEQA) environmental laws and current Federal CEQ and UMTA guidelines. Potentially significant impact of the alternatives on air quality and noise will be examined, including impacts during construction. Mitigating measures will be explored for any adverse impacts that might be identified. Other possible impacts on land use, urban development, energy requirements, etc., will be examined in accordance with NEPA, CEQ, and

UMTA procedures. Reactions to this tentative list of evaluation criteria will also be sought at the Scoping Meeting, and criteria judged to be relevant to local decision-making that are not identified in this tentative list can also be included.

At the October 6, 1981 Scoping Meeting, staff will present the above information in more detail using maps and visual aids, as well as a plan for an active citizen involvement program, work schedule, and budget. The public and affected public agencies are invited to comment either orally at the meeting or in writing.

If there are any questions, please contact the UMTA project manager, Mr. James M. Ryan, Analysis Division, Office of Planning Assistance, Urban Mass Transportation Administration (UPM-12), 400 Seventh Street, SW, Washington, D.C. 20590, telephone (202) 426-2360; or the UMTA Regional Office Planning Representative; Mr. Fredric Ridel, UMTA Region V Office, 300 South Wacker Drive, Chicago, Illinois 60606, telphone (312) 353-2820; or the designated contact of the local agency, Mr. Robert Kunze, Chicago Department of Public Works, Bureau of Transportation Planning and Programming, 320 North Clark Street, Room 411, Chicago, Illinois 60610, telephone (312) 744-7740.

Dated: September 16, 1981.

Robert H. McManus,

Associate Administrator for Planning, Management and Demonstrations.

[FR Doc. 81-27512 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-57-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Upper Mississippi River System Draft Master Plan and Draft Environmental Impact Statement; Public Hearings and Comment Period

Notice is hereby given that the Upper Mississippi River Basin Commission ("Commission") will hold public hearings on the draft Comprehensive Master Plan for Management of the Upper Mississippi River System ("draft Master Plan") and the draft Environmental Impact Statement for the Master Plan ("draft EIS"). The draft Master Plan and draft EIS will be available for public review on October 2, 1981 and thereafter until the comment period closes on November 16, 1981. A copy of the draft Master Plan and draft EIS is available by writing or calling: Upper Mississippi River Basin Commission, 7920 Cedar Avenue South, Room 210, Minneapolis, Minnesota 55420, Telephone: (612) 725-4690. The period for public review will extend from October 2, 1981 through November 16, 1981. Written comments submitted to the Commission will be considered if received at the Commission office prior to the close of business on November 16, 1981.

Public Hearings on the draft Master Plan and draft EIS will be conducted in early November in the states of Iowa, Illinois, Minnesota, Missouri and Wisconsin. The purpose of the hearings is to provide the public with an opportunity to ask questions, present formal testimony or submit comments regarding the draft Master Plan and draft EIS. The hearings will be held from 3:00 p.m. to 6:00 p.m. and from 7:00 p.m. to 10:00 p.m. at each of the following locations:

St. Louis, Missouri

Monday, November 2—Henry VIII Motor Inn (Rooms to be Posted), 4690 N. Lindberg Hwy., Bridgton, MO 63044

Peoria, Illinois

Tuesday, November 3—Bradley University, Neumiller Chapel, Bradley Hall, Peoria, IL 61625

Davenport, Iowa

Wednesday, November 4—St. Ambrose College, Louis Hall, Room 111, 518 W. Locust Street, Davenport, IA 52803

La Crosse, Wisconsin

Thursday, November 5—University of Wisconsin, Hall of Presidents, Cartwright Center, 1725 State Street, La Crosse, WI 54601

Roseville, Minnesota

Monday, November 9—Pollution Control Agency, Hearing Room, 1935 County Road B-2, Roseville, MN 55117

All comments submitted within the comment period to either the Commission in writing or at the formal public hearing will be considered by the Commission in formulating the final Master Plan and final EIS. The final Master Plan and EIS will be submitted to Congress by January 1, 1982 as required by Pub. L. 95-502.

Rodney N. Searle,

Chairman-Designate, Upper Mississippi River Basin Commission.

[FR Doc. 81-27778 Filed 9-23-81; 8:45 am]

BILLING CODE 8410-02-M

VETERANS ADMINISTRATION

Manpower Grants Program; Report Availability

In the matter of Availability of Report of 38 U.S.C. 219 Program Evaluation.

Notice is hereby given that the program evaluation of the Veterans Administration's Manpower Grants Program has been completed.

Single copies of the Manpower Grants Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: September 17, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-27726 Filed 9-23-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearings Rules, Station Committee on Educational Allowances that on October 16, 1981, at 12:30 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal building—U.S. Courthouse, Room A-220, 110 Ninth Ave., South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons in U Save 52 (formerly Big Star No. 219), Clarksville Plaza, Clarksville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 15, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South Nashville, Tennessee.

[FR Doc. 81-27774 Filed 9-23-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 185
Thursday, September 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 10 a.m. (eastern time), Friday, September 25, 1981.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Semi-Annual Regulatory Agendas of the EEOC as required by Executive Order 12291 and the Regulatory Flexibility Act.
2. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 18, 1981.

Announcement by: Equal Employment Opportunity Commission

In the recent past, our machine for transmitting announcements for publication in the Federal Register has been malfunctioning, resulting in delays in having EEOC's Commission meetings published. This is to advise readers of the Federal Register, however, that without fail, all Commission meetings giving time, place and agenda are announced seven days in advance at the following telephone number:

Area Code 202—634-6748

Additionally, notices are also timely placed on all bulletin boards accessible to the public at the Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 21, 1981.

[S-1440-81 Filed 9-22-81; 10:18 am]

BILLING CODE 6750-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 28, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offense involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1441-81 Filed 9-22-81; 11:14 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 28, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Bank of Stamford, a proposed new bank, to be located at 45 Prospect Street, Stamford, Connecticut.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,927-L—The Morrice State Bank, Morrice, Michigan

Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania

Memorandum and Resolution re: Delegation of authority to the Director of the Division of Liquidation to enter into certain indemnity agreements with purchasers of mortgages.

Memorandum and Resolution re: Statement of policy on retail repurchase agreements.

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and Resolution re: Policy statement on enforcement of the Equal Credit Opportunity Act and the Fair Housing Act.

Memorandum and Resolution re: Supervisory enforcement policy for the Equal Credit Opportunity Act and the Fair Housing Act.

Memorandum and Resolution re: Interpretation of NOW account eligibility requirements.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1442-81 Filed 9-22-81; 11:14 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," and that no notice of this change in the subject matter of the meeting prior to September 16, 1981, was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,902-L—Franklin National Bank, New York, New York

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: September 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1445-81 Filed 9-22-81; 3:08 pm]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,892-L—First Augusta Bank & Trust Company, Augusta, Georgia

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(9)(B), and (c)(10)).

Dated: September 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1446-81 Filed 9-22-81; 3:08 pm]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, September 29, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, October 1, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings

Correction and approval of minutes

Advisory opinions:

Draft AO 1981-37: Richard A. Gephardt, Member of Congress

Draft AO 1981-39: Herbert P. Wiedemann, Square D Company
Draft AO 1981-40: Richard J. Ressler, Bache Halsey Stuart Shields, Inc.
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lena L. Stafford,
Acting Secretary of the Commission.

[S-1441-81 Filed 9-22-81; 3:31 pm]
BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45850, September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 18, 1981.

CHANGE IN THE MEETING: The following item has been added:

(2) *City of Charlottesville* v. *FERC*, D.C. No. 80-1175.

Lois C. Cashell,
Acting Secretary.

[S-1439-81 Filed 9-22-81; 8:51 am]
BILLING CODE 6450-85-M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 46740, September 21, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 23, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG-20: G-3636, Allied Chemical Corporation
M-5: GP80-12, Consolidated Gas Supply Corporation
RP-3: OR78-1, Trans Alaska Pipeline System; OR79-1, *et al.*, Williams Pipe Line Company
CP-4: CP80-135, *et al.*, Northern Natural Gas Company

Lois D. Cashell,
Acting Secretary.

[S-1444-81 Filed 9-22-81; 12:23 pm]
BILLING CODE 6450-85-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 30, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions taken Pursuant to Delegated Authority.
2. Agreement No. 10107-10: Modification of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement to provide for intermodal authority in the United States.
3. Docket No. 81-16—Exemption of Certain Agency Agreements Involving Solicitation and Booking of Cargo, and Signing Contracts of Affreightment and Bills of Lading—Consideration of comments submitted in response to notice of proposed rulemaking.
4. Docket No. 81-18: Exemptions of Agreements Covering the Collection, Compilation, and Exchange of Credit Information—Consideration of comments submitted in response to notice of proposed rulemaking.

Portion closed to the public:

1. Petition of National Customs Brokers and Forwarders Association For Declaratory Order and For Other Relief—Prohibition of Brokerage Payments on Bunker and Currency Surcharges.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1448-81 Filed 9-22-81; 3:45 pm]
BILLING CODE 6730-01-M

10

FEDERAL RESERVE SYSTEM
Board of Governors

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 22, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1443-81 Filed 9-22-81; 4:07 pm]
BILLING CODE 6210-01-M

11

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Thursday, September 24, 1981.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel-related matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone: (202) 254-9430.

Dated: Washington, D.C., September 22, 1981.

By direction of the Board.
National Labor Relations Board.
John C. Truesdale,
Executive Secretary.

[S-1443-81 Filed 9-22-81; 11:56 am]
BILLING CODE 7545-01-M

Federal Register

Thursday
September 24, 1981

Part II

Department of the Interior

Bureau of Land Management

Mid-Atlantic Outer Continental Shelf (Tentative Sale No. 76); Call for Nominations and Comments on Areas for Oil and Gas Leasing

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Mid-Atlantic Outer Continental Shelf
(Tentative Sale No 76)

Call for Nominations and Comments on Areas for Oil and Gas Leasing

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (43 U S C 1331-1343), as amended (92 Stat 629) Potential bidders are requested to outline broad areas where they believe hydrocarbons may occur or where they have an interest in leasing offshore the Mid-Atlantic States The Secretary is also requesting comments from all interested parties--Federal, State and local government, environmental groups, the general public, and potential bidders--on possible environmental effects and use conflicts in the Call area, and on the appropriateness of initial lease terms longer than five years and lease blocks larger than 5,760 acres

Use of Information from Call

Information submitted in response to this Call will be considered in identifying a broad area of interest which will be analyzed in the Environmental Statement for this sale as an alternative to offering the entire Mid-Atlantic area

Comments received on possible environmental effects and use conflicts will be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. These comments may also be useful in developing special lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease block will be used in the assessment of appropriate initial lease term and appropriate tract size, pursuant to Section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Areas

The area of this Call generally lies between 36° 30' N. latitude and 39° N. latitude, plus that portion of the OCS north of 39° N. latitude and west of 71° W. longitude. The Call area is offshore the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, and extends offshore the seaward boundary of those States to roughly the 4,000-meter isobath. Expressions of interest and comments will be considered for any area within the boundaries of the Call.

The following list identifies the protraction diagrams and blocks included in this Call. The diagrams may be purchased for $2 00 each from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Jacob K. Javits Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278

1) NK 19-7: Providence: All blocks west of a line beginning at the SE corner of block 593, thehce south to the SE corner of block 989.
2) NK 18-12: New York: All Federal blocks.
3) NK 19-10: Block Island Shelf: All blocks west of a line beginning at the NE corner of block 27, thence south to the SE corner of block 995

4) NJ 18-2: Wilmington: All Federal blocks

5) NJ 18-3: All Federal blocks.

6) NJ 19-1: Block Canyon: All blocks west of a line beginning at the NE corner of block 27, thence south to the SE corner of block 995; also blocks 996 to 1012.

7) NJ 19-2: Veatch Canyon: Blocks 969 through 1005.

8) NJ 18-5: Salisbury: All Federal blocks.

9) NJ 18-6: All Federal blocks.

10) NJ 19-4: All Federal blocks.

11) NJ 19-5: All Federal blocks.

12) NJ 18-8: Chincoteague: All Federal blocks.

13) NJ 18-9: Baltimore Rise: All Federal blocks.

14) NJ 19-7: All Federal blocks.

15) NJ 18-11: Currituck Sound: Blocks 5 through 525.

16) NJ 18-12: Blocks 1 through 507

17) NJ 19-10: All blocks west and north of a line beginning at the NE corner of block 20, thence south to the SE corner of block 460, thence west to the SW corner of block 442.

Instructions on Call

Expressions of interest from potential bidders should be limited to the areas included in the Official Protraction Diagrams as described above. Those expressing interest are requested to do so in one of several ways: whole protraction diagrams or large portions of protraction diagrams such as quarters thereof (e.g., NE, NW, SE, SW); areas enclosed within lines connecting points of latitude and longitude; or marked up protraction diagrams. Although individual expressions of interest are considered to be privileged and confidential information, the names of persons or entities expressing interest or submitting comments will be of public record.

In addition to expressions of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archaeological, socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas, where available. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease periods longer than the normal five years, and on the need, if any, for lease blocks larger than the normal size of 5,760 acres. Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied.

Expressions of interest and comments must be submitted no later than 30 days from date of publication of this document in the Federal Register in envelopes labeled "Expressions of Interest for Leasing in the Outer Continental Shelf, Mid-Atlantic," or "Comments on Leasing in the Outer Continental Shelf, Mid-Atlantic," as appropriate. They must be submitted to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Jacob K. Javits Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278. Copies should be sent to the Conservation

Manager, U S Geological Survey, Eastern Region, 1725 K Street, N W., Suite 204, Washington, D.C. 20006, and to the Director, U S Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established Departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the Outer Continental Shelf Lands Act, as amended Notice of areas to be offered for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

SEP 16 1981 ACTING Associate Director, Bureau of Land Management

Dated: SEP 18 1981

Approved

Donald Paul Hodel
Acting Secretary of the Interior

[FR Doc 81-27720 Filed 9-23-81; 8:45 am]
BILLING CODE 4310-84-C

federal register

Thursday
September 24, 1981

Part III

Department of the Interior

Bureau of Land Management

Final Wilderness Management Policy

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Management Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Final wilderness management policy.

SUMMARY: The Final Wilderness Management Policy describes how the Bureau of Land Management (BLM) will manage lands administered by the BLM which are designated by Congress as part of the National Wilderness Preservation System. The BLM's Wilderness Management Policy will apply to public lands specifically designated as wilderness by an Act of Congress.

EFFECTIVE DATE: September 23, 1981.

ADDRESS: Any inquiries or suggestions should be sent to: Director (430), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David E. Porter, Division of Recreation, Cultural and Wilderness Resources, (202) 343-6064. Requests for copies of this document should be addressed to: Division of Recreation, Cultural, and Wilderness Resources (430), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. Copies will also be available from the Bureau of Land Management State Directors in the Western States.

SUPPLEMENTARY INFORMATION: The Draft Wilderness Management Policy was published in the Federal Register on January 16, 1981 (46 FR 4456). Comments were invited for 75 days. Comments were received from approximately 400 different sources representing individuals, interest groups, industry, and government. The following summaries the findings of the comment analysis.

General

Overall, the Draft Wilderness Management Policy was widely accepted with few major criticisms. Most comments referred to word changes or the need for minor policy clarification. Comments in general expressed the view that the proposed policy would provide for the proper protection and management of designated wilderness areas in accordance with provisions of the Wilderness Act of 1964.

Some comments indicated several specific issues were in need of further clarification. The bulk of these comments were directed at specific provisions. Therefore, the Final Wilderness Management Policy was developed to be as responsive as possible to the public comments while remaining consistent with Bureau of Land Management policies, and in conformance with the Wilderness Act of 1964.

Minerals Management

Several comments questioned whether the District Manager had the knowledge to determine that there is a "reasonable expectation of the presence of a mineral deposit" before deciding on the use of motorized equipment for access under a plan of operations. As a result of a careful review of this question, it was decided that the final policy would be changed to clarify the rights of the operator. Criteria for deciding on the use of motorized equipment for access were changed to reflect the differences before and after the withdrawal date of December 31, 1983. After this date the authorized officer will have a BLM minerals examiner verify whether or not a discovery of a valuable mineral deposit had been made and confirm that the operator has a reasonable prospect of developing a paying mine. Any disapproval or denial is subject to appeal by the operator.

Many groups and individuals stated that the section on mineral leasing needed to be expanded to provide more guidance. It was felt the draft wording was inadequate for the rights of the lease holders. In addition, some comments recommended that State Directors should have the authority for leasing recommendations or decisions in BLM wilderness areas.

Guidance for mineral leasing has been expanded where possible. Authority for leasing decisions and recommendations on public lands is currently delegated to the State Directors. This authority will remain the same on designated wilderness areas.

Gathering Information About Resources

A few comments suggested that BLM did not have the authority to require a permit and prior notification for use of mechanical transport when gathering information about resources after December 31, 1983, simply because an area was designated as wilderness. The policy proposed in the draft document was reconsidered, and it was decided to retain that policy. In this case, a permit is not being required simply because of the fact of wilderness designation. Section 302 of the Federal Land Policy and Management Act of 1976 authorizes the Secretary of the Interior to regulate through easements, permits, leases, or other instruments, the use, occupancy, and development of the public lands. Use of mechanical transport for gathering information about resources under Section 4(d)(2) of the Wilderness Act will be approved by permit according to applicable regulations under 43 CFR 2920 (effective April 15, 1981, 46 FR 5772).

The standard for conducting activities under section 4(d)(2) is that they be done in a manner compatible with the preservation of the wilderness environment. Prior notification of intent to conduct prospecting and information gathering activities in a wilderness area is reasonably necessary to enforce this standard. Persons conducting activities in a noncompatible manner would exceed their authorization granted by section 4(d)(2) to use wilderness lands for those purposes, and would therefore be subject to actions normally taken against those making unauthorized use of the public lands.

Fish and Wildlife

Some concern was expressed in the comments about States' jurisdiction over wildlife in BLM-administered wilderness areas. Many felt that the State's jurisdiction for wildlife management needed to be further clarified. Some referred to the "Policies and Guidelines for Fish and Wildlife Management in Wilderness and Primitive Areas" developed by the International Association of Fish and Wildlife Agencies (IAFWA) as guidance for BLM's policy.

As a result of careful review, it was decided the final policy would remain essentially the same as in the draft. The final policy recognizes the basic responsibilities of the States and BLM in the management of fish and wildlife in wilderness areas. This jurisdiction is not altered by the Wilderness Act cooperative management agreements was added to the policy to assure that jurisdiction over wildlife management in wilderness areas is clear and all concerned parties are fully involved in the formation of management direction.

The policies and guidelines for fish and wildlife management in wilderness areas developed by the IAFWA were used to formulate the BLM's draft wilderness management policies. After careful reevaluation it was concluded the the final policy is consistent with the IAFWA guidance within the parameters of the Wilderness Act, and BLM and Department of the Interior policies.

A large number of comments objected to the draft policy on allowing no commerical trapping in BLM wilderness areas. Most comments on this subject appeared to be based on the assumption

all trapping would be prohibited. This is clearly not the case. As a final policy states, trapping is a compatible wilderness use. Incidental trapping, if it is not the trapper's sole source of livelihood, is permitted. Section 4(c) of the Wilderness Act prohibits commercial enterprises. States retain jurisdiction over the management of wildlife, including trapping, and manage this resource within the provisions of the Wilderness Act.

Dated: September 9, 1981.

Robert F. Burford,

Director.

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Chapter I. Introduction

I.A. The Purpose of This Document

The purpose of this document is to describe how the Bureau of Land Management (BLM) will manage lands administered by the BLM which are designated by Congress as part of the National Wilderness Preservation System. At present, the Bureau of Land Management administers no wilderness areas. The Bureau has developed a Wilderness Management Policy at this time for the following reasons: (1) To inform BLM field officials, Congress, and the public as to how BLM will manage wilderness areas, so this can be taken into account during BLM wilderness studies and during deliberations on wilderness recommendations affecting BLM public lands, and (2) to provide guidance for BLM personnel to use in managing future BLM wilderness areas at such time as Congress designates them.

The BLM's Wilderness Management Policy will apply to public land administered by BLM that have been specifically designated as wilderness by an Act of Congress. The Wilderness Management Policy has a different purpose than BLM's *Interim Management Policy and Guidelines for Lands Under Wilderness Review.* The *Interim* Management Policy is an interim measure governing lands under wilderness review. The Wilderness Management Policy governs lands designated by Congress as wilderness. (Appendix C of this document summarizes BLM's wilderness review process.) If Congress designates a wilderness study area as wilderness, the Interim Management Policy ceases to apply, and instead the Wilderness Management Policy applies thereafter. If Congress decides that a particular wilderness study area will *not* be designated as wilderness, the Interim Management Policy ceases to apply, and the area is managed for the uses and activities indicated in the pertinent BLM planning documents for the area.

This policy document does not apply to BLM-administered public lands in Alaska, If public lands in Alaska are designated as wilderness in the future, they will be managed under applicable provisions in the Wilderness Act of 1964 and in accordance with additional congressional guidance in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The ANILCA recognized special conditions in Alaska in connection with such activities as subsistence uses, access and transportation.

I.B. Manadate From Congress

The BLM wilderness review program stems from Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law establishes a policy of generally retaining the public lands in Federal ownership, and it directs the BLM to manage them under principles of multiple use and sustained yield. The BLM is to prepare an inventory of the public lands and their resources, including identification of area having wilderness characteristics. Management decisions for the public lands are to be made through a land-use planning process that considers all potential uses of each land area. All public lands are to be managed so as to prevent unnecessary or undue degradation of the lands.

Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values and uses to be considered in the inventory and in the land-use planning process. Section 603 of FLPMA specifically directs the BLM, for the first time, to carry out a wilderness review of the public lands. (The complete text of section 603 appears in Appendix A of this document. The BLM's wilderness review process implementing section 603 is summarized in Appendix C.)

Section 603(c) of FLPMA tells the BLM how to manage public lands designated as wilderness, in these words:

> Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

The Wilderness Act of 1964 contains a number of provisions addressing the administration and use of national forest wilderness areas. Those most pertinent to BLM wilderness management are cited in the following paragraphs. Section 2(a) says:

> * * * it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness * * *.

Section 4 of the Wilderness Act is devoted to the use of wilderness areas. Section 4(b) says:

> Except as otherwise provided in this Act, each agency administering any area

designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Section 4(c) prohibits certain activities, in these words:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commerical enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Sections 4(c), 4(d), and 5 provide special exceptions to the prohibitions in section 4(d) by providing for the following activities:

Existing private rights.

Measures required in emergencies involving the health and safety of persons within the area.

Activities and structures that are the minimum necessary for the administration of the area as wilderness.

Use of aircraft and motorboats, where already established, may be permitted to continue.

Measures necessary in the control of fire, insects, and diseases.

Any activity, including prospecting, for the prupose of gathering information about mineral or other resources, if carried on in a manner compatible with the preservation of the widlerness environment. (This includes mineral surveys conducted on a planned, recurring basis by the Geological Survey and Bureau of Mines.)

Continued application of the U.S. mining and mineral leasing laws unitl December 31, 1983.

Water resource developments may be authorized by the President where he determines that such use will better serve the interests of the United States and the people thereof than will its denial.

Livestock grazing, where already established, shall be permitted to continue.

Commercial services necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

Adequate access to surrounded State-owned and privately-owned lands, or such lands shall be exchanged for Federally-owned land.

Ingress and egress to surrounded valid mining claims and other valid occupancies.

Section 5(c) provides land acquisition authority, in these words:

Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

In addition to the basic management authority in the Wilderness Act, management provisions may appear in the legislation establishing each wilderness area. Standard provisions included in most wilderness legislation make clear that the effective date of the new law will apply whereever the Wilderness Act's management provisions mentioned the effective date of the Wilderness Act, and, for areas administered by the Department of the Interior, make clear that the Secretary of the Interior will continue to administer the areas.

In some cases, special provisions have been incorporated into the legislation (e.g., special mining area in the River of No Return Wilderness in Idaho). These provisions override the general management provisions of the Wilderness Act and must be regarded as specific direction for management of the area in question.

Congress has subsequently commented on wilderness management in House and Senate committee reports and conference reports accompanying wilderness legislation. These reports are part of the legislative history of the laws they accompany and can be helpful in determining the intent of Congress where the language in the law itself is unclear. Although reports on wilderness laws passed after 1964 do not become part of the legislative history of the Wilderness Act, they nonetheless indicate the interpretation given to the Wilderness Act by the congressional committees during their consideration of the subsequent legislation. Such report language addresses a variety of subjects. For example, guidelines for administering grazing use in wilderness areas appear in the Conference report (House report 96-1126) on the Central Idaho Wilderness Act of 1980 (Pub. L. 96-312). House Report 95-540 on the Endangered American Wilderness Act of 1978 discusses the interpretation of the Wilderness Act as it relates to such uses and activities as: hunting and fishing; trails, bridges, and trail signs; control of fire, insects, and diseases; cabins and sanitary facilities; shelters and campsite facilities; and weather modification and special equipment.

The provisions of FLPMA, the Wilderness Act, and future Acts of Congress designating specific BLM areas as wilderness are BLM's mandates on the management of wilderness areas. All activities in wilderness areas must be carried out in conformance with these mandates.

I.C. Meaning of the Congressional Mandate

The congressional mandate contains three basic concepts which form the basis for BLM's Wilderness Management Policy.

—*Wilderness Preservation Concepts.* Congress has directed the BLM to perpetuate the wilderness resource by managing designated wilderness areas so that their wilderness character is preserved unimpaired.

—*Wilderness Use Concepts.* Congress has directed the BLM to provide opportunities for the public to use designated wilderness areas for recreational, scenic, scientific, educational, conservation, and historical purposes in a manner so as to leave the wilderness area unimpaired for future use and enjoyment as wilderness.

—*Nonconforming Use Concept.* Congress has directed the BLM to accommodate in wilderness areas certain activities, existing uses, and private rights which are generally nonconforming to wilderness preservation and wilderness use.

The meaning of each of these concepts is discussed below.

1. *Wilderness Preservation Concept.* The Wilderness Act directs that wilderness areas be managed to provide for their protection, the preservation of their natural conditions, and the preservation of their wilderness character. The factors which make up an area's wilderness character are spelled out in the Wilderness Act's definition of wilderness (section 2(c)). These factors are referred to in FLPMA collectively as "wilderness characteristics," and they fall into three broad categories:

a. Naturalness—A wilderness area "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." Wilderness areas must be managed to ensure that this description remains accurate.

b. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation—A wilderness area "has outstanding opportunities for

solitude or a primitive and unconfined type of recreation." Solitude is defined as (1) the state of being alone or remote from habitations; isolation; (2) a lonely, unfrequented or secluded place. The emphasis is on the opportunities a person has to avoid the sights, sounds and evidence or other people within a particular area. Primitive and unconfined types of recreation are defined as those activities that provide dispersed, undeveloped recreation which do not require facilities or motorized equipment. In most cases, opportunities for solitude and primitive recreation go hand-in-hand, and both are dependent on naturalness. Wilderness areas must be managed to insure that these opportunities are not degraded.

c. Special Features—Congress specified that wilderness areas "may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." These are optional wilderness characteristics; an area may meet the Wilderness Act's definition of wilderness without having these special features, but they are usually present in wilderness areas, and in some cases they may be a prime reason for wilderness designation. Also, these features contribute to an area's opportunities for primitive recreation. Wilderness areas must be managed to ensure that these features are not degraded.

In order to preserve these wilderness characteristics as Congress directed, the management of BLM-administered wilderness must be based on a *principle of nondegradation.* Under this principle, the central thrust of BLM wilderness management is to prevent degradation of natural conditions, opportunities for solitude or primitive recreation, and special features.

It is recognized that there is often variation in the level of naturalness, solitude, types of primitive recreation, and special features, present within a wilderness—or between different wilderness areas. Also, different lands have different capabilities to sustain types and amounts of use. The principle of nondegradation means that wilderness areas will be managed to provide for the protection and perpetuation of the values of the wilderness resource and prevent deterioration caused by other resource activities or by visitor use, and, when necessary, to restore deteriorated sites to an acceptable condition.

Most uses will result in some changes in the condition of the wilderness resource. Some uses cause little or no change, while others have potential for serious change. Therefore, it is necessary to define limits of acceptable change. This must be established using the conditions *generally* prevailing in each wilderness at the time of congressional designation as a benchmark unless there is unacceptable biological, physical, or social degradation present. This does not mean that existing human-caused impacts in some areas will set a standard, or a sort of "lowest common denominator", which other more natural areas will be allowed to reach. Managers must determine what human-caused changes can be allowed without causing degradation and what measures can be taken to bring situations below the limit of acceptable change back to an acceptable level. This may influence the ways in which recreational, scenic, scientific, educational, conservation, and historical uses, as well as nonconforming uses, are done in the area, so their impact on the wilderness resource can be kept within the limits of acceptable change.

In the case of some of the nonconforming uses, such as mining, provided for by Congress in the Wilderness Act and subsequent legislation the condition of the wilderness resource may be degraded as a result of an allowed use. However, in such cases, the principle of nondegradation and the limits of acceptable change should be used as an analysis tool for the reasonable mitigation of impacts, consistent with the applicant's conduct of the allowed use, and as a standard for determining the condition to which the area will be returned where and when rehabilitation is appropriate.

In this document, the principle of nondegradation is reflected in the policies and guidelines for specific activities.

Two equivalent terms used many times in this document reflect the wilderness preservation concept—"preservation of wilderness character" and "protection of the wilderness resource."

2. *Wilderness Use Concept.* Section 4(b) of the Wilderness Act provides fundamental guidance on how wilderness areas shall be used, in these words:

> Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Wilderness areas are thus open to use and provide a variety of benefits to society. Use might be "on-site," taking direct advantage of the multiple resources of the area. Or the use and benefits may be derived "off-site," such as through enjoyment of the scenery at a distance from a nearby highway, through indirect benefits from the area's resources (i.e., water quality, wildlife, etc.), or just the knowledge that the area exists.

There is a limit to the extent to which such uses as recreation and education may take place within wilderness, because the Wilderness Act also says that they must occur in a manner so as to leave the wilderness unimpaired for future use and enjoyment as wilderness. Provision may be made for recreational, scenic, scientific, educational, conservation, and historical use of wilderness areas in ways that do not jeopardize the conditions of naturalness, the opportunities for solitude or a primitive and unconfined type of recreation, or the special features that existed at the time an area was designated as wilderness by Congress. All public use will be administered to ensure that the wilderness resource is kept unimpaired.

Public use for recreation purposes is generally a prevalent use of wilderness. However, the Wilderness Act makes it clear that recreation is only one of the purposes of the National Wilderness Preservation System. Sometimes there are places within wilderness where particularly sensitive values—such as colonial bird nesting sites—may dictate that recreation activities be restricted or entirely excluded.

Use capacity (recreational, historic, educational, etc.), based on social and ecological elements, will be established for each wilderness area, and will be considered in determining how much use to allow.

A second factor which may limit the use of wilderness has to do with the nonconforming use provisions of the Wilderness Act and subsequent legislation. In portions of a wilderness area where nonconforming activities such as mining and grazing are permitted, there may be instances when the public purposes listed in section 4(b) may be displaced either temporarily or permanently.

3. *Nonconforming But Accepted Use Concept.* Congress specially provided for certain activities and existing uses which otherwise would have been prohibited in wilderness areas under the general management provisions of sections 2(a), 4(b) and 4(c). For a complete list of these nonconforming but

accepted activities, refer to section I.B., generally they are: existing private rights; aircraft and motorboats; control of fire, insects, and diseases; gathering of resource information; mining; grazing, water resource development; commercial recreation services; and access to non-Federal inholdings.

The FLPMA directs that all uses of the public lands be conducted so as to prevent unnecessary or undue degradation of the lands. In wilderness areas, this means that the BLM must manage the nonconforming but accepted uses described above as as to prevent unnecessary or undue degradation of the area's wilderness character. As on nonwilderness public lands, some of the nonconforming but accepted uses may be restricted or entirely excluded where particularly sensitive resource values occur or where the public interest would be better served be restricting or excluding them.

Chapter II. Management Policy for BLM-Administered Wilderness

The policy guidance in this chapter is followed in Chapter III by guidelines for specific activities, based on these policies and on their interaction with other applicable policies for the management of public lands. No policy document can address every potential situation. Managers must use their best judgment in applying these policies and guidelines to particular situations. In cases not covered by specific guidance, managers will resolve questions by testing alternative courses of action against the policies in this chapter to arrive at the alternative that is most consistent with the policy as a whole.

Uses and values will vary between wilderness areas and frequently vary among different parts of an individual wilderness. There may be wide differences in terrain and other geographic characteristics, climate, vegetation, and wildlife. Historical patterns of use, local customs, and the traditional attitudes of visitors also differ between and within wilderness areas. Consequently, activities that are accepted and management practices that are necessary and appropriate on one wilderness may be either unnecessary or unacceptable on others. While this may require some flexibility in the management and administration of the individual units of wilderness, all are part of one National Wilderness Preservation System and shall be consistently managed within the intent of the Wilderness Act.

This policy document prescribes the general objectives, policies, and specific activities guidance applicable to all BLM wilderness areas. Specific management objectives, requirements, and decisions implementing administrative practices and visitor activities in individual wilderness areas are developed and described in the wilderness management plan for each unit.

II.A. General Policy

1. The Department of the Interior's policy is to manage wilderness areas under the administration of the Bureau of Land Management so as to preserve their wilderness character, and to manage them for the use and enjoyment of the American people in a manner that will leave them unimpaired for future use and enjoyment as wilderness. The wilderness areas will be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

2. The Department's policy is to allow the nonconforming but accepted uses specifically permitted in wilderness areas by the Wilderness Act and subsequent laws in a manner that will prevent unnecessary or undue degradation of the area's wilderness character.

3. The Department's policy is to manage BLM wilderness areas consistent with the policies above so as to augment multiple use management of adjacent and nearby lands through protection of watersheds and water yield, wildlife habitat, natural plant communities, and similar natural values.

II.B. Specific Policy Guidance

1. *Preservation of Wilderness Character.* BLM wilderness areas will be managed so as to be affected primarily by the forces of nature, with the imprint of human work substantially unnoticeable; so as to maintain the area's outstanding opportunities for solitude or primitive and unconfined recreation; and so as to protect any ecological, geological, or other features of scientific, educational, scenic, or historical value which the area may contain.

a. *Naturalness.* BLM will foster a natural distribution of native species of wildlife, fish, and plants by ensuring that natural ecosystems and ecological processes continue to function naturally. The BLM will minimize human influence on wildlife populations and work to prevent the extinction by human causes of plants and animals found in the areas. Hunting, fishing, and trapping will continue as authorized by State law, when carried out in a manner consistent with preservation of an area's wilderness character.

The BLM will allow fire, insects, and diseases to play a natural role in the wilderness ecosysem, except where these activities threaten human life, property, or high value resources on adjacent nonwilderness lands, or where these would result in unacceptable change to the wilderness resource. (The guidelines in Chapter III will indicate some types of unacceptable change.)

The BLM will keep watersheds, water bodies, water quality, and soils in a natural condition and will allow associated ecological processes previously altered by human influences to return to their natural condition.

The limits of acceptable change will be defined in the wilderness management plan for each wilderness area, and the BLM will endeavor to restore those sites which have dropped below this level.

b. *Solitude.* BLM will maintain and enhance the area's outstanding opportunities for solitude by providing natural settings with few reminders of human activity or civilization and by providing opportunities for relatively few contacts with other visitors.

c. *Special Features.* BLM will maintain unimpaired the ecological, geological, and other features of scientific, educational, scenic, or historical value found in BLM wilderness areas.

2. *Prohibition of Certain Uses.* Except where subject to existing private rights, where necessary to meet minimum requirements for the administration of the wilderness area for the purposes of the Act or as specifically provided for elsewhere in these policies, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motor boats, no landing of aircraft, no other form of mechanical transport and no structure or installation within wilderness areas. There shall be no commercial enterprise or permanent road, except where subject to existing private rights or as specifically provided for in this policy.

3. *Minimum Tool.* Tools, equipment, or structure may be used for management when they are the minimum necessary for protection of the wilderness resource or when necessary in emergency situations for the health and safety of the visitor. Management will use the *minimum* tool, equipment, or structure necessary to successfully, safely, and economically accomplish the objective. The chosen tool, equipment, or structure should be the one that least degrades wilderness values temporarily or premanently.

For the purposes of the above paragraph, accepted tools, equipment, and structures may include but are not limited to: fire towers, patrol cabins, pit toilets, temporary roads, spraying

equipment, hand tools, fire-fighting equipment caches, fencing, and controlled burning. In special or emergency cases involving the health and safety of wilderness visitors, or the protection of wilderness values, aircraft, motorboats, and motorized vehicles may be used.

4. *Visitor Use.* BLM wilderness areas will be managed to provide for their use and enjoyment in ways that are consistent with preservation of their wilderness character and that will leave them unimpaired for future use and enjoyment as wilderness.

Visitor use may be related to any of the following public purposes: recreation, scenic, scientific, educational, conservation, and historical use.

Visitor use facilities may be installed if they are the minimum necessary for the health and safety of wilderness visitors, or for the protection of the wilderness resource. (See also "minimum tool," in section B.3. above.) Facilities that are solely for the convenience of the visitor are not compatible with preservation of wilderness character and therefore will not be provided in wilderness areas.

The use capacity of the wilderness area will be determined, and will be used by managers to anticipate and avert degradation of the area's wilderness character and as a basis for mitigating the impacts caused by various uses.

If visitor use threatens to impair the area's wilderness character, managers will take action to prevent impairment. Indirect methods of reducing visitors' impact, such as trail design, information, and education, will be preferred over direct (regulatory) methods, such as limits on party size, length of stay, or number of parties, In case of conflict between visitor uses that depend upon a wilderness setting and those that do not, the uses dependent upon a wilderness setting will be favored

Visitor use in wilderness involves certain risks to the visitor as a consequence of isolation from the conveniences of a technological world. The visitor must accept these risks in entering a wilderness area. In emergencies involving the health and safety of persons within the area, managers will take appropriate measures, such as search and rescue operations.

5. *Nonconforming Uses.* a. *Valid Existing Rights.* Private rights existing as of the date an area was designated as wilderness will be recognized. In some cases, such rights may involve activities addressed elsewhere in this document under standards prescribed by the Wilderness Act. (One example of this is valid mining claims, addressed in section (j).) Valid existing rights in situations not covered by these policies will be considered by the BLM on a case-by-case basis, in consultation with the Regional Solicitor, to determine the nature of the rights and the extent to which the BLM must regulate the exercise of those rights pursuant to the Wilderness Act and other laws.

b. *Aircraft and Motorboats.* Use of aircraft or motorboats may be permitted to continue in wilderness areas where such uses were established prior to the date the area entered the National Wilderness Preservation System. Such use, when permitted to continue, will be monitored on a regular basis to determine if its continuation is appropriate. Use may be regulated or discontinued as necessary to protect resources in the area or to preserve the area's wilderness character.

c. *Control of Fires, Insects, and Diseases.* Where fire, insects and diseases threaten human life, property, or high value resources on adjacent nonwilderness lands, or where they would cause unacceptable change to the wilderness resource, measures may be taken as necessary to control them. Allowable actions will be specified in the wilderness management plan for each wilderness area.

d. *Gathering Information About Resources.* Any activity, including mineral prospecting, for the purpose of gathering information about natural resources in wilderness, will be permitted provided it is carried on in a manner compatible with the preservation of the wilderness resource. (This section does not affect mineral prospecting activities conducted under the mining laws, which are covered in section (h) below. The Wilderness Act provides for these activities in wilderness areas until midnight December 31, 1983.)

(1) No form of overland mechanical transport may be used in connection with prospecting for minerals or any activity for the purpose of gathering information about individual resources, unless approved by the BLM in accordance with the regulations 43 CFR 2920—Leases, Permits, and Easement (effective April 15, 1981) (published in 46 FR 5772).

(2) Any person desiring to use motor vehicles, motorized equipment, mechanized transport, or to land aircraft, for mineral prospecting or for gathering information about resources is required to notify the BLM in writing. Approval documents will assure activities are conducted in a manner compatible with the preservation of the wilderness resource. No degradation of wilderness resources or values will be allowed. Restoration of disturbed areas is required and must take place as soon as possible once activities terminate. Performace bonds may be required.

e. *Proposed Water Resource Facilities.* If the President authorizes new water resource facilities or activities, pursuant to section 4(d)(4)(1) of the Wilderness Act, the BLM will manage those authorized operations to prevent unnecessary or undue degradation of the area's wilderness character. (Existing water resource facilities are discussed in (f) below, and water facilities for livestock grazing are discussed in (g) below.)

f. *Existing Water Resource Facilities.* Some wilderness areas may contain minor water resource facilities that were found to be substantially unnoticeable in the area. If such structures are present and were explicitly recognized by Congress as being acceptable in a specific wilderness, they may be operated and maintained to keep them in an effective, usable condition. Maintenance may not change the location, size, or type of the facility, or increase the storage capacity of a reservoir.

g. *Livestock Grazing.* Grazing of livestock, where established prior to the effective date of the Act designating the area as wilderness, shall be permitted to continue subject to this policy and the BLM grazing regulations 43 CFR 4100. Existing grazing may include not only the utilization of the forage resource, but also the use and maintenance of livestock management improvements and facilities associated with the grazing activity at the time of designation and which are in compliance with an approved Allotment Management Plan.

Congressional guidelines regarding "Grazing in National Forest Wilderness Areas," published in House Report 96-1126, dated June 24, 1980, will be implemented in all BLM-administered wilderness with pre-existing grazing. These guidelines will be applied using the normal planning and environmental assessment process and will be intergrated into all management plans for the wilderness areas.

h. *Minerals Management.* Until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall extend to BLM-administered wilderness areas to the same extent as applicable prior to the date the wilderness was incorporated into the National Wilderness Preservation System.

(1) *Mining Law Administration.* Holders of unpatented mining claims validly established on any BLM-administered wilderness prior to inclusion of such unit in the National Wilderness Preservation System are accorded the rights provided by the United States mining laws as then applicable to public land involved. Persons prospecting or locating mining claims in BLM-administered wilderness on or after the date on which the said unit was included in the National Wilderness Preservation System are accorded similar rights subject to the provisions of the Wilderness Act and subsequent establishing legislation. All claimants must comply with reasonable conditions for the protection of resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment of its wilderness character.

Timber on mining claims within BLM-administered wilderness may be cut only for the actual development of the claim or uses reasonably incident thereto. Any severance or removal of timber, other than that necessary to provide clearance, on the claim shall be in accordance with sound principles of forest managment and shall be done in such a manner as to minimize adverse effects on the wilderness resource. In the development and operation of mining claims, claimants will be required to prevent erosion and the obstruction, pollution, or siltation of streams, lakes, or springs or deterioration of the land.

A bond as prescribed in 43 CFR 3809.1-9 may be required. All reasonable measures will be required of the operator to reclaim disturbed lands as soon as feasible after operations cease. Ordinarily, needed work will be accomplished within one year after operations cease, unless provided otherwise by the BLM. Whenever possible and feasible the objectives of reclamation shall be to restore the surface to a contour which appears to be natural, although this may not be the original contour. Where such measures are impractical or impossible, the objective shall be to provide for the maximum achievable slope stability. Reclamation shall in all cases include revegetation where feasible and practical. If revegetation by natural means will not occur in time to prevent serious soil loss or other damage to wilderness values, revegetation by planting may be required, with preference given to the use of native species, when practical and reasonable.

If an application for patent has been filed but not acted upon when the requirements of the immediately preceding paragraph would normally be invoked, the requirements will be suspended while the patent application is under consideration. However, those requirements for the prevention of erosion and pollution, siltation or obstruction of streams, lakes, or springs or deterioration of the land will continue to be observed.

The title to timber on patented mining claims validly established after the land was included in the National Wilderness Preservation System will remain in the United States, subject to a right of the patentee to cut and use timber. The patentee may cut and use as much of the mature timber as is needed in the extraction, removal and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as set forth in stipulations issued by the BLM.

In the development and operation of mining claims, claimants will be required to prevent unnecessary or undue degradation of the land.

(2) *Mineral Leasing.* Until January 1, 1984, all laws pertaining to mineral leasing will continue to apply in wilderness areas to the same extent they applied before the area was designated.

State Directors will make decisions on whether or not to issue mineral leases, permits, and licenses in wilderness areas. The State Director's decision to issue mineral leases will be made through the environmental assessment process and after consideration of what will best serve the public interest.

Reasonable stipulations for the protection of the wilderness character of the land will be incorporated into mineral leases, permits, and licenses covering lands within BLM-administered wilderness. Stipulations will be consistent with the use of the land for purposes for which they are leased, permitted, or licensed.

(3) *Common Varieties.* Permits shall not be issued for the removal of mineral materials commonly known as common varieties under the Materials Act of July 31, 1947, as amended and supplemented.

(4) *Withdrawal.* Subject to valid rights then-existing, effective January 1, 1984, the minerals in lands designated as wilderness are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, unless Congress specifically provides otherwise in the law designating the area as part of the National Wilderness Preservation System or in subsequent legislation.

i. *Commercial Services.* Commercial service such as those provided by packers, outfitters, and guides may be provided within wilderness areas to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

j. *Access to Non-Federal Lands.* States or persons, and their successors in interest, who own land completely surrounded by a wilderness area shall be given such rights as may be necessary to assure adequate access to that land. Adequate access is defined as the combination of routes and modes of travel which will, as determined by the BLM, cause the least lasting impact on the wilderness resource, and at the same time serve the reasonable purpose for which the State or private land is held or used.

No road shall be constructed across wilderness until authorized by the BLM. Access by routes or modes of travel not available to the general public may, when fully justified, be permitted by written authorization. The authorization will prescribe routes and modes of travel which will result in the least lasting impact on wilderness values and, at the same time, serve the reasonable purposes for which the land is held or used. A performance bond will usually be required (in accordance with Title V of the Federal Land Policy and Management Act).

Where the exercise of rights of access to surrounded State or private land would be detrimental to wilderness values, the BLM shall, before granting access, attempt to acquire such land by purchase or by exchange.

6. *Existing Structures and Installations.* After Congress has designated a wilderness area, an inventory will be made of existing structures and installations, critically evaluating the purposes and need for each, and its historical significance, if any. If a structure or installation has historical significance, it may be retained as a historic feature of the area. If it does not have historical significance, it may be maintained for continued use if it meets the "minimum tool" policy in paragraph 3 above, or it it is necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area. Any structure or installation that does not qualify for retention under the above criteria will be removed.

In maintaining or modifying existing structures and installations, the manager should consider the potential for using

native materials and alternative technological approaches to make them as unobstrusive as possible.

7. *Acquisition of Non-Federal Lands.* Acquisition of non-Federal lands within wilderness areas is authorized by purchase or exchange when such lands are to be acquired, the BLM will seek to acquire the mineral rights as well as the surface rights. Acquisition of privately-owned lands will occur only if the private owner concurs with the acquisition, or if the acquisition is specifically authorized by Congress to be accomplished by eminent domain.

8. *Research and Collection of Management Information.* Wilderness areas administered by BLM will provide opportunities for research and scientific activities that use wilderness areas for study of natural environments and ecosystems. Information collection activities by resource managers for wilderness and other purposes may also be conducted in wilderness. All research and collection of management information within the wilderness area will be conducted in an unobtrusive manner, by methods compatible with the preservation of the area's wilderness character. (Refer to section II. B. 5. d. for policy on gathering information about resources and section III. L. for specific policies on research.)

9. *Buffer Zones and Adjacent Lands.* No buffer zones will be created around wilderness areas to protect them from the influence of activities on adjacent land. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

When activities on adjacent lands are proposed, the specific impacts on those activities upon the wilderness resource and upon public use of the wilderness area will be addressed in enviromental assessments or environmental impact statements, as appropriate. Mitigation of impacts from outside wilderness will not be so restrictive as to preclude or seriously impede such activities.

10. *Visitor Information and Education.* Part of the wilderness experience valued by many visitors is the freedom from rules and regulations. Visitor education will be used to achieve management objectives where feasible. Only the minimum amount of regulation necessary to achieve desired objectives will be used.

To protect the natural appearance of wilderness areas, visitor informational and educational programs, signs, and poster boards will normally be located outside the wilderness boundary. An exception to this general rule is that informational or regulatory signs may be placed within wilderness areas as a management tool to correct specific problems and protect the wilderness resource or for the health and safety of visitors when these signs meet the "minimum tool" standard (see section II. B. 3.)

Informational and educational materials pertaining to the management of BLM-administered wilderness in general or to specific wilderness areas will be readily available to the wilderness user at BLM offices. Such materials will inform visitors of the responsibilities and risks involved in visiting a wilderness area.

11. *Administration.* a. *Wilderness Management Plans.* A wilderness management plan will be developed for each BLM-administered wilderness area as a means of applying the Wilderness Management Policy to that specific area. The plan will be tailored to the local conditions of each wilderness by prescribing any specific objectives appropriate to the area, consistent with the Wilderness Management Policy. Plans should consider the different kinds of environmental settings, history of use, and management situations pertaining to the individual wilderness area. The wilderness management plan will describe the strategy to be used to implement both the Wilderness Management Policy and the specific objectives prescribed for the area.

Management plans for individual wilderness areas should be flexible and must be updated periodically to reflect changes in conditions and use. New inventory data, use patterns, demand trends, supply conditions, management concerns, etc., may change over a period of time, and some goals and objectives applicable soon after a wilderness area is designated may not be appropriate further in the future. Managers should use the land management planning process to analyze all available options, so as to respond to changing conditions.

In developing wilderness management plans, the concept of stratification or zoning between wilderness areas or within individual areas should be considered as a means of achieving management objectives or providing different experiences and opportunities. For example, it may be desirable to manage one wilderness or a portion of an area within a wilderness primarily for protection of an endangered wildlife species. In another wilderness, managers may want to establish different zones of experience, providing recreational opportunities ranging from (1) high concentrations of use to (2) a series of more natural areas as one penetrates into the inner core, to (3) a pristine area which may have no trails or signs. Stratification or zoning can help the wilderness manager achieve objectives, protect resources, and satisfy user demands and expectations.

b. *Coordination.* When a wilderness area's bounadaries overlap BLM administrative boundaries, management will be coordinated between district and State Offices to ensure uniformity in management practices.

When a wilderness area involves contiguous lands administered by BLM and by another Federal agency, the BLM will remain an active manager of lands under its administration, unless it has been determined that more effective wilderness management can be achieved by transferring the land to the other agency or by some form of cooperative management. State directors have the option of approving cooperative management agreements with other Federal agencies on a case-by-case basis. Wherever appropriate, a joint management plan by all agencies involved will be encouraged.

Coordinated planning efforts will also involve State fish and wildlife agencies and all other Federal, State, county, and local agencies, Indian tribal governments, and organizations that may be affected by wilderness management activities.

c. *Wilderness Management Personnel.* Wilderness management personnel may be employed to help implement the provisions of a wilderness management plan. They can facilitate protecting the wilderness resource by assisting visitors with suggestions, advice, and information; enforcing regulations; performing minor trail repairs; and removing trash. Wilderness management personnel can reduce site-specific problems, such as the overuse of popular camp areas, by relocating camp sites and performing rehabilitation work. The manager may also use wilderness management personnel to gather information about resource trends and visitor use. The decision to employ wilderness management personnel should be made on a case-by-case basis. Their use may or may not be required, depending on local conditions. In cases where personnel are not employed specifically for wilderness management, the BLM will assign appropriate personnel as needed to monitor the condition of the wilderness resource.

Chapter III. Guidelines for Specific Activities

The guidelines in this chapter are an application of the policies set forth in Chapter II to various activities that may

or may not take place in BLM-administered wilderness areas. These guidelines are also based on other applicable laws and on other policies and regulations of the Department of the Interior.

These guidelines will be used in developing a Wilderness Management Plan for each BLM-administered wilderness area, containing guidance on how specific activities will be treated in that area. Until such time as a Wilderness Management Plan is approved by the State Director, interim decisions on specific activities in a wilderness area will be made by BLM field officials based on these guidelines.

Decisions on any activities not addressed in these guidelines will be made on the basis of the policies in Chapter II.

III.A. Recreation and Visitor Use.

Wilderness areas administered by the BLM shall provide a variety of uses including, but not limited to, recreational, scenic, scientific, educational, conservation, and historical.

The wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness character and visitor use. There are places and times within wilderness where unique values may require that recreation and visitor use activities be restricted or entirely prohibited in order to preserve an enduring resource of wilderness. The highest priority among various kinds of visitor use will be accorded those activities which (1) are most dependent upon the wilderness environment and cannot be reasonably accommodated outside of wilderness, (2) least affect the wilderness environment.

Consideration must be given to the ability of the wilderness resource to sustain visitor use without loss or degradation of the wilderness resource itself. Carrying capacity—social, biological, and physical—may vary widely within and between wilderness areas due to variations in types and amounts of uses, resource characteristics, and the capabilities of the resources to sustain different types and amounts of uses. The leading management tool and document to consider these factors and set guidelines for managing visitor use will be the Wilderness Management Plan. These plans will describe the level at which an area is able to absorb use and impacts and will describe measures needed to protect wilderness values.

The following specific guidance applies to visitor use within BLM wilderness:

1. *Visitor Management.* Visitor management techniques will be utilized in wilderness when necessary to preserve both the wilderness resource and the visitor's wilderness experience and opportunities. Management of visitor use will be the minimum necessary to provide for use of the area as wilderness, and to preserve the wilderness character of the area.

Visitor management should be planned to maintain a high-quality wilderness resource and to protect the quality of the wilderness experience. The Wilderness Management Plan will consider all appropriate and compatible methods to manage levels of use that are within the capacity of the wilderness. Visitor management may be carried out by both direct and indirect methods.

a. *Indirect Methods.* Visitor use may be managed through such indirect efforts as:

(1) Wilderness rangers informing visitors about less congested areas.

(2) Obliteration of improvements at overcrowded or undesirable sites.

(3) Improved access to tributary, lightly used areas.

(4) Information to (a) encourage use of lightly used or relatively unknown areas, or to (b) stress the experience and value to be found outside the peak use period.

(5) Minimize the promotion of an outdoor experience in wilderness and emphasize such uses of undeveloped areas outside wilderness.

(6) Reroute primary transportation away from major destination areas. Have spur trails to vistas or camp areas.

(7) Design and management of trail-head areas, including access roads and parking areas.

(8) Education of visitors about good wilderness manners and ethics.

(9) Use of Built-in frictions or obstacles, such as low-standard access roads.

(10) Removal of trail-head improvements and/or restriction of travel into areas already overused or where capacity use already occurs.

(b) *Direct Methods.* More direct methods to achieve visitor management may include:

(1) Regulating the use of saddle horses and/or pack stock.

(2) Managing areas strictly for foot or horse use only, to protect sensitive sites and resources, to provide different recreation opportunities or experiences within the wilderness.

(3) Requiring permits for specific areas or time periods. A permit or registration system can be an important tool for both the wilderness manager and wilderness visitor. Both systems provide visitor use data on the number and distribution of visitors. In addition, a permit or registration system can give the visitor site-specific information helpful in preplanning a trip. A permit system can be utilized also to limit or redistribute and disperse visitor use.

(4) Limiting the number of people in parties or the number permitted to stay overnight at specific locations.

(5) Limiting numbers of users. The Wilderness Management Plan will analyze needed methods and identify necessary measures.

(6) Stock grazing or canoe/boat-beaching restrictions, both private and commercial on overused or concentration areas.

2. *Improvements and Facilities.* Facilities and improvements such as trails, bridges, signs, and campsites, will be provided only where they are the minimum necessary for protection of the wilderness resource and for the health and safety of persons within area. No facilities or improvements will be provided for the comfort and convenience of the visitor. The need for proposed facilities, such as latrines, fire circles, and fences will be justified in the Wilderness Management Plan. Improvements and facilities when approved will be constructed of materials which harmonize with the natural environment.

Existing improvements or facilities not specifically provided for in these guidelines—those having no historical value and not necessary for preservation of an area's wilderness character or for the health and safety of persons within the area—will be removed.

Construction, maintenance, and removal of facilities and improvements will be by primitive means. Exceptions to this policy, such as using handpowered portable tools and aircraft, may be approved by the State Director if no other alternatives exist, the mechanized or mechanical equipment is the minimum necessary, and they will not degrade or impair the area's wilderness character.

a. *Trail Systems.* (1) New trails will be constructed only if they are needed to preserve wilderness values and resources and they will not significantly degrade the degree of naturalness or solitude in the area. Trails are an acceptable improvement provided they are constructed and maintained so they have an insignificant impact on wilderness values. Wilderness management plans will address where trails and related facilities are appropriate.

(2) Existing trails and trail systems will be evaluated to determine if they

are the minimum necessry to meet wilderness management objectives. Trails may be expanded, relocated, restored, or closed as a result of the evaluation. Wilderness Management Plans will address the present situation and evaluate future needs. Trailhead access points will be evaluated at this time. Trailhead locations should be carefully chosen as they have a profound influence over management of visitor use. It may be desirable to locate trailhead access points well outside the wilderness boundary to reduce their impact upon the wilderness area.

(3) Trail routes shall be selected to provide scenic vistas and, where possible, a varied scene. Heavily used areas should generally be served by spur trails and should be bypassed by primary trails. Trails will not be constructed with treads of more than 24 inches in width except where a wider trail is justified for protection of the wilderness resource. Trails should follow natural contours where possible and result in minimum disturbance to soil and ground cover.

(4) Bridges will be designed and constructed so as to harmonize with the environment and will be the minimum size and complexity necessary to allow foot or stock use. Besides adhering to the basic standards set out for improvements and facilities above, bridges will be provided only:

(a) When no other route or crossing is reasonably available.

(b) Where the crossing, during the primary season of public use:

—Cannot be safely negotiated on foot.

—Cannot be safely forded by horses.

(c) Where less formal devices are frequently destroyed or damaged by flood water.

b. *Signing.* Only a minimum of signs will be provided for the visitor, in combination with availability of accurate maps, route descriptions, brochures, etc. Signs will be provided primarily for visitor safety and resource protection. Signs will not be placed within the wilderness for the convenience of the user.

(1) Signs may be erected at trail junctions, showing directions with arrows.

(2) Informational or interpretive signs will not be used to mark streams, lakes, mountain peaks, passes, or points of interest.

(3) Regulatory signs will be kept to the minimum necessary, and may be of materials other than wood. When regulatory signs are posted within a wilderness, notice pertaining to these regulations will also be posted at trailheads or major access points and published where feasible on brochures or maps or otherwise made available to the user prior to entry into the wilderness.

c. *Use of Campsites.* (1) Campsites or camping areas may be designated if necessary for the purpose of wilderness resource protection. They will be located sufficiently distant from lakes, streams, trails, or other natural attractions as to allow appropriate use without unacceptable degradation of the focal point of public interest. Space between sites should be sufficient to ensure a reasonable degree of solitude and quiet. A "no-trace" camping concept will be promoted.

(2) Shelters or lean-tos will not be constructed, and existing shelters will be removed from within wilderness. Shelters or lean-tos determined to have historical value may remain, and their protection and use will be addressed in the Wilderness Management Plan.

(3) Garbage pits will nto be permitted, and existing garbage pits will be closed. A "pack-it-in, pack-it-out" philosophy will be encouraged with visitors. Every practicable medium will be used to educate and inform the visitor on this point.

(4) Improvised camp structures constructed by visitors will not be permitted. They will be dismantled and obliterated when and where found.

(5) Hitchracks or corrals and other improvements to facilitate stock use may be used as necessary to prevent damage to the wilderness resource. They will be located away from main-traveled trails, streams, lakes, camping areas, and focal points of interest, and will be constructed of materials which harmonize with the environment.

d. *Outfitter Camps.* The Wilderness Management Plan will carefully analyze the role of the outfitter-guide in a particular wilderness. Some wilderness areas may not be particularly suited to this kind of service due to size, shape, location, etc., or to the objectives for management of a particular wilderness. Also, the visitor-use capacity of the wilderness as well as public needs must be considered in making a decision to permit or not permit outfitter-guide services. If allowed, these services will be planned and administered to meet public needs while maintaining the wilderness resource. Operations will be so administered as to be harmonious with those of wilderness visitors who do not employ such services.

Outfitter-guide camps will be located off the primary trails or scenic spur trails and at sufficient distance from attractions to avoid conflicts with other visitors. The BLM will select the location of outfitter-guide campsites as necessary to protect wilderness resources and the wilderness experience of other visitors. Outfitter-guides will operate under special recreation permits, which will include stipulations for management of the use. The Wilderness Management Plan shall evaluate the need for temporary caches not involving erection of structures and shall designate their locations, if caches are to be approved.

3. *Fuelwood.* If campsites or cooking fires are permitted, fuelwood cutting should be limited to dead and down material. The use of portable cookstoves will be encouraged whenever possible. The Wilderness Management Plan will define any regulations or restrictions needed for wilderness resource protection.

4. *Contests.* Contests, such as physical or mental endurance of a person or animal; foot races; canoe or boat races; competitive trail rides; survival contests or exercises (including military); and other activities of this nature shall not be be permitted in wilderness areas. These activities do not depend on a wilderness setting, and they cause impacts that degrade the wilderness character of the area, thus adversely affecting wilderness-dependent uses.

5. *Recreational or Hobby Mineral Collecting.* Recreational or hobby collecting of mineral specimens (rockhounding) will be allowed in wilderness. Such use will be limited to hand methods or detection equipment that does not cause surface disturbance such as a metal detector or Geiger counter. In addition, methods shall not be permitted that in any way adversely affect or degrade the wilderness resource or the experiences of visitors in the area. (This paragraph does not cover mining claims, which are addressed in section I below.)

III.B. Cultural and Historic Resources

Archeological and historical sites and values are a unique and nonrenewable part of the wilderness resource. They are protected by provisions of the Uniform Rules and Regulations (43 CFR Part 3) to carry out the Antiquities Act of 1906, the Historic Sites Act of 1935, Executive Order 11593, the National Historic Preservation Act of 1966, as amended, and the Archeological Resources Protection Act of 1979. To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, and objectives for cultural resource management, these resources are available for recreational, scenic, scientific, educational, conservation, and historical uses (including

ceremonial or religious use by Native Americans).

Cultural resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage, rehabilitation, stabilization, reconstruction, and restoration work on archeological and historic sites; excavation; and intensive inventories may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

The National Historic Preservation Act and Executive Order 11593 require an inventory and evaluation of cultural resources. The evaluation study for National Register of Historic Places eligibility is made using criteria in 36 CFR 1202.6 and in consultation with the State Historic Preservation Officer (SHPO). Those cultural resources found to qualify are nominated to the National Register of Historic Places.

Those sites or structures that do not qualify for the National Register may be allowed to deteriorate naturally, or be removed or obliterated. However, some structures may qualify for retention as historic features or under the "minimum tool" policy (refer to section II. B. 3), or as facilities necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area.

Management direction for cultural resources that qualify for nomination to the National Register is subject to compliance with Section 106 of the National Historic Preservation Act and 36 CFR 800. A decision to remove, maintain, or allow historic or prehistoric structures to deteriorate naturally is a Federal undertaking which will affect the resources. In working through the compliance processes, a determination will be made as to what feasible and prudent alternatives exist to satisfactorily mitigate adverse effects of the proposes decision on the cultural resources. A Memorandum of Understanding will be developed with all consulting parties whenever an adverse effect determination is made (36 CFR 800). The range of alternatives might include recording to established standards (by drwaings and photographs), salvage (by removing or dismantling), stabilizing, or restoration. Stabilization or restoration and subsequent maintenance may be considered for adminstrative structures that meet the "minimun tool" policy (refer to section II. B. 3).

III.C. Forestry Resources

1. *Cutting of Trees and Shrubs.* Management of the forest cover will be directed toward retaining the primeval character of the environment and allowing natural ecological processes to operate freely. Trees, shrubs, and other vegetative products will not be sold or cut for nonwilderness purposes except under specified conditions set forth in these guidelines for valid mining claims and under emergency conditions such as fire, insect, and disease control.

2. *Cutting of Trees for Administrative Purposes.* Trees may be cut for use in the construction and maintenance of authorized improvements that are located within the wilderness when the necessary material cannot be reasonably obtained or brought in from outside the wilderness. Such cutting within the wilderness shall be done away from trails or campsites, and all evidence of the cutting shall be disposed of insofar as possible.

3. *Cutting of Trees for Fuelwood.* (Refer to section III. A. 3., Fuelwood, for specific guidance.)

4. *Reforestation.* Reforestation, in the absence of natural revegetation, will generally be prohibited, but in rare cases may be authorized by the Director to prevent deterioration or loss of the wilderness resource when the cause of the damage or loss is due to human activities and there is no reasonable expectation of natural reforestation. The natural processes of ecological succession will be the preferred method of site-restoration. When reforestation action is necessary, only native species and only primitive methods, such as hand planting, will be used.

III.D. Fish and Wildlife

Management will seek a natural distribution, number, and interaction of indigenous species of fish and wildlife. Natural processes will be allowed to occur in wilderness ecosystems, which include fish and wildlife populations, as far as possible without human influences. Management will protect the conditions that allow natural processes a maximum degree of freedom.

To the extent possible, wildlife species in BLM wilderness should be allowed to maintain a natural balance with their habitat and with each other. Wildlife may be harvested under State regulations; fisheries management will be consistent with preservation of the area's wilderness character; and direct fish and wildlife control measures will be applied only upon a showing of need under standards described below.

The BLM, in cooperation with State and Federal public health and fish and game officials, may make special exceptions, where necessary to control disease epidemics or other health hazards in which wildlife species are involved as carriers.

The basic responsibilities of the BLM and other cooperating State and Federal agencies in the management of fish and wildlife are not altered by the Wilderness Act. However, the constraints of the Act and the intent of the Congres articulated in the Act and in subsequent legislation will guide the management of wildlife in wilderness. Memoranda of Understanding will be developed with appropriate State game and fish agencies to clarify wildlife management jurisdictions. Wilderness Management Plans will specify wildlife habitat conditions to be maintained. Development of management plans will fully involve all Federal, State, and local agencies and organizations in the formation of management direction.

The preservation of sensitive, rare, threatened, and endangered species dependent on wilderness conditions will be favored.

The killing of native birds and mammals which are a natural component of the biotic community, but are not provided protection by State or Federal law, will be discouraged or controlled if necessary through public education and Memoranda of Understanding with State game and fish agencies.

1. *Hunting and Fishing.* Hunting and fishing are permitted in BLM-administered wilderness, subject to applicable State and Federal laws and regulations. Coordination with State game and fish agencies for the management of resident wildlife and fish species will be sought in order to ensure maintenance of the wilderness resource. Specific management criteria may be cited in Memoranda of Understanding and the Wilderness Management Plan.

2. *Fish and Wildlife Habitat.* The proper balance of fish and game animals with their habitat may be achieved by managing public hunting and fishing. Objectives for the management of fish and wildlife habitat are normally compatible with the objectives for maintaining general wilderness character, or careful planning usually can make them so. Where incompatible, the requirements for maintenance of wilderness values will be overriding.

Vegatative manipulation projects for fish and wildlife purposes may be approved by the State Director on a project-by-project basis if they do not

degrade wilderness character, or if they correct conditions which are a result of human influence, or if the project will promote the perpetuation of a threatened or endangered species.

Habitat manipulation by chemical or mechanical means may only be approved on a project-by-project basis where necessary for threatened or endangered species, or to correct unnatural conditions resulting from human influence. Such activities will be allowed only where manipulation would enhance the wilderness resource and where natural processes have been unsuccessful. Hand or aerial seeding of native vegetation species may be permitted after disturbances, such as wildfire, to retore essential food plants to a wilderness where the natural process of healing is not expected to occur. Actions of this type will be allowed only to enhance wilderness values and not to optimize habitat needs of any single wildlife species to the detriment of wildlife diversity in an untrammeled environment. Wildfire or prescribed burning may be used as a wildlife management tool if carefully designed to maintain or enhance the wilderness resource. Wildfire or prescribed burning is to be used only when the project can be accomplished without serious or long-fasting damage to watershed or the area's wilderness character. Prescribed burning will not be permitted to improve wildlife utilization. It may be done only for the following purposes:

a. It is needed to maintain the natural condition of a fire-dependent ecosystem or to re-introduce fire where past strict wildfire control measures have interfered with natural ecological processes.

b. A primary value of a given wilderness will be sustained as a result of the burning.

c. It will promote the perpetuation of a threatened or endangered species.

Additional specific guidelines on prescribed burning appear in section E, Fire Management.

The BLM may authorize State and Federal agencies to use temporary enclosures and facilities to trap or transplant wildlife as long as they are the minimum necessary to protect or maintain the wilderness resource.

Although construction of facilities to enhance an area's value for wildlife or fish is not consistent with the free operation of natural processes, there are situations where such measures may be necessary for the continued existence or welfare of wildlife or fish living in wilderness. This is particularly true in the case of species adversely affected through human activities in such areas. Certain permanent installations to maintain conditions for wildlife and fish, upon consideration of their design, placement, duration, and use, may be permitted if the resulting change is compatible with preservation of wilderness character and is consistent with wilderness management objectives for the area, and if the installations are the minimum necessary to accomplish the task. Permissible actions under these criteria may include: installations to protect sources of water on which native wildlife depend, such as exclosures; and water sources such as springs, wells, and guzzlers. Fisheries activities may be permitted as long as their purpose is to protect natural conditions, restore deteriorated habitat, and maintain wilderness values.

3. *Wildlife Manipulation.* In some instances, wildlife species once native to the wilderness have been forced from their original habitat by the encroachment of human beings and human activities. To the extent that these factors can be altered or managed within the intent of the Wilderness Act, native species no longer established in the wilderness area may be reintroduced and managed as a part of the wilderness resource. Care must be exercised to be certain that the species is native. Such programs will be addressed in the wilderness management plan.

Management of established exotic species (e.g., chukar partridge, pheasant) not natural to an area may continue where they enhance the wilderness character of a particular wilderness. Introduction of new exotics will not be permitted. Coordination with State and Federal agencies should be established for control of undesirable exotic populations.

4. *Fish Stocking.* Fish-stocking programs needed to meet wilderness management objectives shall be developed in cooperation with the State agencies or the Fish and Wildlife Service and shall be coordinated with overall wilderness management objectives. The probability of increased visitor use at stocked waters and the full impact and effect of such use on the wilderness resource will be recognized and considered.

Memoranda of Understanding with State agencies should be developed to establish a stocking policy for each wilderness where stocking is permitted, as a basis for a stocking plan. Basic decisions will be spelled out in the wilderness management plan for each wilderness. Aerial stocking of fish by State agencies or the Fish and Wildlife Service may continue where this was an established practice prior to designation. Authorization will be on a case-by-case basis. Aerial stocking should be done outside of general visitor use seasons when possible. Wilderness management plans should contain all necessary justification, mitigation, and definition of planting programs.

Some general guides for fish stocking in BLM wilderness units are:

a. Native species should be favored in waters with a history of supporting such species. Species native to the vicinity or region may be considered as an alternative. Exotic fish will not be considered, except where such practice existed prior to wilderness designation and it meets wilderness management objectives.

b. Waters with established undesirable fish or where overpopulations of fish have occured shoud be managed for fish best suited to the water under natural conditions, and to meet wilderness management objectives. Barren waters may be stocked only if the wilderness management plan defines the desirability of such an action. The scientific value of barren lakes will be considered prior to approval to stock.

c. Presently nonstocked waters which at one time supported a native fish population, and which would provide suitable habitat for native fish species that would enhance the wilderness experience of visitors, may be considered for stocking on a case-by-case basis.

d. In all fish-stocking activities, threatened or endangered species shall receive primary consideration.

5. *Trapping.* Trapping of furbearers, such as mink, marten, beaver, and muskrat, is a compatible wilderness use and will be allowed under State laws and regulations. Commercial trapping will not be permitted. Incidental trapping, if it is not the trapper's sole source of livelihood, is permitted.

6. *Rodents.* Rodents in BLM-administered wilderness areas shall be exempt from control programs, except where overpopulations pose a serious threat to other wilderness values or resources and property outside the boundaries of the wilderness. Control projects must be approved on a case-by-case basis.

7. *Predators.* Predacious animals are an important part of natural life systems within wilderness. They play an important role in the natural selection and survival processes, helping to maintain critical population balances of wild species. They should be able to survive and compete with other species, free from unregulated human interference and the traditional pursuit

of sport or bounty. Where control of predators is necessary to protect threatened or endangered wildlife species or on a case-by-case basis to prevent special and serious losses of domestic livestock, it will be accomplished by methods which are directed at eliminating the offending individuals while at the same time presenting the least possible hazard to other animals or to wilderness visitors. Poison baits or cyanide guns are not compatible. Control programs will be carried out by or under the direction of the U.S. Fish and Wildlife Service (FSW), the BLM; or State agencies, and will be consistent with the Secretary of the Interior's policies on animal damage control and with the Memorandum of Understanding between the BLM and FWS. Programs will comply with BLM Animal Damage Control plans where these have been previously adopted. The State Director will approve predator-control programs on a case-by-case basis, and under such conditions as to ensure minimum disturbance to the wilderness resource and visitors.

Approval of predator control actions must be contingent upon a clear showing that the removal of the offending predators will not diminish the wilderness values of the area, because this kind of wildlife is an integral part of the wilderness, as well as an adjunct to the visitor's experience.

E. Fire, Insect, and Disease Management

1. *Fire Management.* a. *Overriding Fire Guidance.* All fires will be controlled to prevent loss of human life or property within wilderness areas or to prevent the spread of fire to areas outside of the wilderness where life, resources, or property may be threatened. Human-caused wildfires will be prevented and/or controlled unless the fire meets wilderness fire management objective.

b. *Natural Fire.* Natural fire (i.e., lightning-caused) is normally a part of the ecology of the wilderness, and human efforts to ban this agent may have resulted in significant ecological changes in the flora and fauna of some areas. In order to return some wilderness ecosystems to a more natural state, it may be appropriate to allow natural fire to burn, but only in conformance with an approved Fire Management Plan and the overriding fire guidance in section (a) above.

c. *Prescribed Burning.* Where natural fire under prescription does not meet wilderness fire management objectives, prescribed burning with ignition by Bureau personnel may be allowed on a case-by-case basis for the following purposes:

(1) To reintroduce or maintain the natural condition of a fire-dependent ecosystem,

(2) To restore fire where past strict fire control measures had interfered with natural, ecological processes,

(3) Where a primary value of a given wilderness will be perpetuated as a result of the burning, or

(4) Where it will perpetuate a threatened or endangered species.

Prescribed fires will be allowed only in conformance with an approved Fire Management Plan. State Director approval is required.

d. *Removal of Evidence of Fire Control Activities.* Temporary fire camps, helispots, and other sites used for fire suppression or control activities shall be removed upon completion of use and the site rehabilitated to as natural a state as possible.

e. *Fire Detection.* Fire detection methods necessary to meet wilderness objectives will be used. Structures such as lookouts may be maintained or constructed if they are the minimum to achieve wilderness management objectives and there is no other alternative detection method. Preference will be given to detection methods which have the least permanent impact on wilderness values, such as aircraft overflights and lookouts located outside the wilderness boundary.

f. *Pre-Suppression.* Pre-suppression activities may be allowed to meet wilderness management objectives and where necessary for the protection of the public health or safety. All pre-suppression programs will be addressed in the Fire Management Plan.

g. *Suppression.* Fire-suppression measures and techniques shall be used which achieve the wilderness management objectives with the minimum adverse impact on the wilderness resource. Preference shall be given to the methods and equipment which least alter the landscape or disturb the land surface. Structures and improvements shall be located outside the wilderness boundary, except those that are the minimum necessary to achieve wilderness management objectives.

h. *Fire Management Plans.* The following considerations will be covered in each Fire Management Plan: wilderness management objectives for the area, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, smoke management, and effects on adjacent landowners. The plan will conform to criteria established by the BLM defining the limits of acceptable fire weather, fire behavior, and fire effects. Each Fire Management Plan will be written to conform to the Wilderness Management Plan (WMP) for the area it addresses and will become an addendum to the WMP upon approval.

2. *Control of Insects and Diseases.* Insect and disease outbreaks will not be artificially controlled, unless it is necessary to protect timber or other valuable resources outside of the wilderness area, or in special instances when loss to resources within a wilderness is undesirable (e.g., absence of control would threaten rare or endangered plants or animals). Such control measures will consist of the effective combination of actions which have the least adverse impact on the wilderness resource.

Special care must be taken when using chemicals or other artificial methods to control insect and disease outbreaks because of their possible adverse effect on the total biological community.

Insect or disease suppression projects in BLM wilderness must be approved by the Director.

III.F. Water Resource Management

1. *Watershed Restoration.* Watershed restoration may be undertaken where deteriorated soil and hydrologic conditions caused by human being or human influences create a serious threat or loss of wilderness values; or where, even though not human-caused, these conditions present a definite hazard to life or property, or where such conditions cause serious depreciation of important environmental quality outside the wilderness. Where such dangers are not imminent or where natural vegetation may be expected to return in a reasonable time, restoration work will not be done.

Re-establishment of vegetation as a watershed-restoration measure, where there is no reasonable expectation of natural healing, will be accomplished using native or naturalized species. Overland motorized equipment will not be used where most primitive equipment can accomplish the restoration objectives. Exceptions must be fully justified, based upon serious imminent threat to high downstream values. Approval by the Director is required for all watershed restoration proposals.

2. *Water Improvements.* a. *Water-yield Improvements.* Protection of wilderness values and management objectives generally preclude use of water-yield improvement techniques. Water-yield improvement prescriptions, if contemplated, must be clearly

compatible with maintenance of the wilderness rersource. The Director's approval is required for project approval.

b. *New Water-Development Structures.* The establishment of new water-regulating structures, power installations, and related improvements is subject to approval by the President. (Range and wildlife water-development structures are discussed under separate subheadings and are not subject to Presidential approval.)

The BLM's conclusions and recommendations in connection with proposals for new water-resource developments will be based upon comprehensive, factual information developed by an environmental analysis, and draft and final environmental impact statements, as prescribed by the National Environmental Policy Act. The final environmental impact statement requires the Director's approval. Any recommendation in favor of the proposal must be based upon a clear showing that the public values to be gained exceed the values that would be lost, and that the need cannot be met outside the wilderness. When a proposed structure is thus found to be in the public interest, consideration should also be given to a recommendation to exclude the applicable area from wilderness.

c. *Existing Structures.* Reservoirs, ditches, catchments, and related facilities for the control or use of water may have existed within BLM wilderness under valid premits or other authority prior to the area's designation as wilderness. These may be maintained if they are needed in the public interest, or are a part of a valid existing right.

Routine maintenance and repair of an existing structure which does not change the location, size or type, or increase the original intended storage capacity of a reservoir may be approved by the State Director. The operation, maintenance and repair of such facilities may include occasional motorized access where no other reasonable or practical alternatives exist.

Reconstruction of any structure or restoration of a natural body of water to its original or historic level must be approved by the State Director. Primitive means of transport and hand tools will be used wherever and whenever feasible.

Any proposal to increase the storage capacity of a reservoir, or replace a reservoir, which was not under a valid permit at the time the unit was incorporated into the National Wilderness Preservation System, will be considered as a new structure and subject to approval by the President.

The wilderness management plan should carefully evaluate each improvement to determine if the continuation of the use is needed in the public interest, or is part of a valid existing right. Maintenance needs and methods must be specifically stated if the improvement is to remain. If not the improvement should be allowed to deteriorate naturally. When natural processes themselves cannot effectively and safely return the abandoned improvement back to a natural condition, restoration by other means may be used. Only hand labor and tools, and seeding with native or naturalized species may be permitted. All restoration projects are subject to approval by the State Director.

d. *Snow Measurement.* The measurement of snow within BLM wilderness is permitted under the following conditions:

(1) Measurement of snow will be accomplished by primitive means. If use of a helicopter was an established practice in measuring snow within an area prior to wilderness designation, that same use may be permitted. However, ways and means of eliminating the need will be explored.

(2) No new data sites can be established unless they are parts of projects approved by the President under provisions of Section 4(d)(4) of the Wilderness Act. Use of existing data sites may continue until adequate correlation can be established with data sites outside the wilderness. Installation of automated equipment (sensing devices, data collection platforms, etc.) may be permitted on a temporary basis at existing data sites to accelerate the development of correlations with data sites outside the wilderness. Access will be by primitive means except as specifically provided for in (1) above.

(3) Only miniaturized and unobtrusive types of equipment may be installed, and must be camouflaged to blend with the terrain as much as possible. Practices such as burying equipment and using antennae which can be removed during nonuse periods, will be used to minimize the visual impacts of the data site.

e. *Water Quality.* Maintaining or enhancing water quality is of high priority in management of the wilderness resource. Water quality monitoring instruments and hydrometorological devices may be permitted if these are the minimum necessary for protection of the wilderness resource. All instruments and devices must be miniaturized and unobtrusive. No motorized vehicles will be permitted for installation, maintenance, or monitoring and surveillance.

f. *Weather Modification Over Wilderness.* Use of lands within the National Wilderness Preservation System as target areas for weather modification activities will not be approved unless the following conditions are met:

(1) The proponent can provide reasonable, scientifically supportable assurance that the activities will not produce permanent, substantial changes in natural conditions.

(2) The proposal does not include any feature that might reasonably be expected to produce conditions incompatible in appearance with the wilderness environment or reduce its value for recreation, scenic, scientific, education, conservation, or historical use.

The effects of weather modification activities may be permanent or temporary depending upon the type, duration, and degree of change in weather brought about by that activity.

Generally, short-term weather-modification activities, which will produce only occasional, incidental, temporary, or transitory changes in the weather with carryover effects on the ground lasting only a few days beyond the actual seeding period, can be permitted over wilderness because little or no permanent, identifiable ecological or physical impact is likely. Conversely, long-term weather modification programs, which will produce a repeated or prolonged change in the weather during any part of successive years, are likely to have a direct and often substantial impact in terms of ecological and physical effects. Even though the human contribution to these impacts on the ecology and physical conditions on the ground may be obscured by the fact that the activities are carried on outside or above the wilderness, they nevertheless can be recognized to be the result of human activities and therefore cannot be permitted where they will directly affect wilderness areas.

State Directors will gather necessary information relative to items 1 and 2 and make recommendations to the Director on any activity or application. The Director will approve activities or installations relative to weather modification affecting wilderness.

III.G. Air Quality

Under the Clean Air Act (as amended, 1977), BLM-administered lands were given Class II air quality classification, which allows moderate deterioration

associated with moderate, well-controlled industrial and population growth. The BLM will manage designated wilderness areas as Class II unless they are reclassified by the State as a result of the procedures prescribed in the Clean Air Act (as amended, 1977).

According to the Clean Air Act, air quality reclassification is the prerogative of the States. The States must follow a process mandated by the Clean Air Act Amendments of 1977, involving a study of health, environmental, economic, social, and energy effects, a public hearing, and a report to the Environmental Protection Agency.

Administrative actions within wilderness areas will comply with the air quality classification for that specific area.

III.H. Rangeland Management

1. *Livestock Grazing Operations.* Section 4(d)(4)(2) of the Wilderness Act provides for continued livestock grazing where established prior to designating the area as wilderness. The objective of livestock management in wilderness is:

Utilize the forage resource in conformity with established wilderness objectives for each area and the BLM grazing regulations (43 CFR 4100), and through practical, reasonable and uniform application of the congressional guidelines and policy.

Further insight on the subject is in the Conference Reports on S. 2009 (House Report 96–1126), under the heading "Grazing in National Forest Wilderness Areas." These congressional guidelines and policy are to be considered in the overall context of the purposes and direction of the Wilderness Act and will be applied nationwide. They are reprinted here verbatim as an excerpt from House Report 96–1126:

Grazing in National Forest Wilderness Areas. Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964, Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95–620 and 95–1321) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture" To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests. This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96th Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with Section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permitees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area, is, or has been designated as wilderness, nor should wilderness designations be used as a excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving cosideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

Where practical alternatives do no exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example,

motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials,", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. this privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined tht the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines are adhered to by the Forest Service. Of course, the inclusion of these guidelines in this Joint Statement of Managers does not preclude the Congress from dealing with the issue of grazing in wilderness areas statutorily in the future.

This concludes the excerpt from House Report 96-1126.

a. *Management Plans.* The above congressional guidelines and policies will be applied in accordance with the environmental analysis process. Management prescriptions will be determined through the BLM resource management planning process and implemented by the allotment management plan.

Planning for livestock grazing operations in designated wilderness will be through the normal BLM resource management planning processes.

(1) Resource management plans establish: (a) Objectives and prescriptions for management of wilderness. These are based on resource inventory data which includes, but is not limited to, ecosystem identification, rangeland conditions, existing uses, and areas of existing or potential conflict.

(b) Use levels of the rangeland resource and its relationship with other uses.

(2) Allotment management plans, within the direction established by the resource management plan, prescribe:

(a) The manner and extent to which livestock grazing will be conducted to meet wilderness objectives, rangeland resource needs, desired conditions of ecosystems, and other resource values.

(b) Direction and scheduling for accomplishing goals and objectives on individual allotments, including the development of rangeland improvement schedules and grazing system to be followed.

b. *Permits.* Grazing operations within wilderness areas will be authorized by grazing permits. Permits for livestock operations will be issued only in areas where grazing was established at the time the wilderness was designated.

c. *Rangeland Analysis.* (1) Rangeland analysis in wilderness areas will follow the normal BLM standards.

(2) The development of the allotment management plan will determine the need for and standards of rangeland improvements and will prescribe the grazing system to be followed.

Where an approved allotment management plan exists at the time an area is designated as wilderness, it will be reviewed in context with the congressional guidelines and policy. Necessary modification will be integrated into the resource management plan and the allotment management plan.

Allotment management plans for allotments partially or entirely within designated wilderness will specifically identify the following:

(a) The use of motor vehicles, motorized equipment or other forms of mechanical equipment including: specific equipment, where it is to be used, when it is to be used, and what it is to be used for.

(b) Rangeland improvement structures and installations to be maintained, constructed, or reconstructed in achieving rangeland management objectives, including maintenance standards.

(c) The means to handle emergencies. In bonafide emergencies or urgent situations, decisions will be based on consideration of all relevant factors and use of good judgement.

d. *Rangeland Improvements.* The following criteria should be considered in determining the use of motor vehicles, motorized equipment or mechanical transport in constructing, maintaining or applying rangeland improvements and practices.

(1) Minimizing threat to or loss of property.

(2) Minimum use of motorized equipment within wilderness.

(3) Develop and manage the rangeland resources in a cost-effective manner.

(4) Achieve least amount of impact by non-conforming uses on wilderness values through:

(a) Scheduling during periods of low use.

(b) Harmonizing improvements to surrounding landscape.

(c) Locate improvements to achieve maximum screening and fully utilize natural feature opportunities.

(5) Type of practice or construction material.

(6) Timeliness, including frequency and time of year.

(7) Need to deal with emergency or urgent situations that develop through acts of nature, such as drought, heavy snow.

(8) Location of nearest ranch facilities in relation to the project.

(9) Availability of primitive transport, e.g., team and wagon, saddle and pack stock, etc.

(10) Length of time to complete a project by alternative methods.

(11) Availability of temporary camp and feed sites.

(12) Age and health factors of permittee.

Documentation of the environmental analysis which considers the authorization of rangeland improvement construction and/or maintenance, and the use of motor vehicles, motorized equipment, and mechanical transport shall be made in an environmental assessment.

e. *Structural Rangeland Improvements.* Rangeland improvement alternatives will be developed and

evaluated through the environmental analysis process, including consultation with grazing permittees and other interested publics. Alternatives which utilize a practical and reasonable approach to meet rangeland and wilderness management objectives will be selected.

Permit modifications for the construction of new rangeland improvements or replacement of existing rangeland improvements will be made in accordance with BLM grazing regulations. Special consideration will be given to construction standards and techniques to achieve the most practical and reasonable approach considering the wilderness resource. Specific consideration will be given to:

—Costs of using natural materials.

—Alternative means of construction which harmonize to the extent possible with the wilderness resource.

—Use of motor vehicles, motorized equipment or mechanical transport neeeded for construction of improvements.

All rangeland improvements will be listed in the allotment management plan along with maintenance schedules.

(1) *Maintenance.* The maintenance of existing necessary rangeland improvements may be allowed to continue. Those determined unnecessary through an environmental analysis will be phased out and removed on an agreed upon schedule.

The techniques by which maintenance of rangeland improvements and other related grazing activities are performed will require careful study, consideration of options, and a practical and reasonable solution. Existing use and requests for new use of motor vehicles, motorized equipment or other forms of mechanical transport, including emergencies, will be reviewed and congressional grazing guidelines applied. The occasional use of motor vehicles, motorized equipment or mechanical transport may be permitted where practical alternatives are not available.

The guidelines address occasional use of motor vehicles, motorized equipment, or mechanical transport where practical alternatives do not exist, with application only to those portions of a wilderness where they occurred prior to wilderness designation. It is important to look at all options and their impacts. Good judgement will be necessary in the decisionmaking process.

(2) *New Improvements.* The construction of new rangeland improvements is permissible if determined to be necessary for the purpose of resource protection (rangeland and/or wilderness) and the effective management of these resources, rather than to accommodate increased numbers of livestock. The rangeland analysis may indicate that a reduction of use is necessary for rangeland protection, or new rangeland improvements are necessary for improved management or protection of wilderness values. New improvements will not be justified solely on the basis that they will aid intensive management resulting in increased grazing.

(3) *Types of Materials.* When pemitted, new or existing improvements should be of materials which harmonize with the wilderness character of the area to reduce the impact of artificial objects on the natural environment. Natural (native) materials for improvements will be used unless costs are unreasonable or they do not harmonize with the wilderness.

When replacement of an existing range improvement is contemplated, the following will be considered:

(a) The necessity of the rangeland improvement for livestock grazing operations, resource protection, or enhancement of wilderness values. Some improvements may no longer be needed or should be relocated. Existing rangeland improvements may be necessary for managment of the rangeland and wilderness resources. Other alternatives for meeting needs will be explored.

(b) Design, location, and type of materials feasible to serve the purpose and yet be harmonious with natural features of the wilderness will be considered. A steel post and wire fence may be less obtrusive than native pole fence. A redwood water trough may be less noticeable than a steel one. A windmill may better harmonize with wilderness values than an earthen stock pond.

(c) Material and labor costs for natural materials vs. artifical materials. Good judgement, in consultation with permittees, will provide the basis for determining what is reasonable for the permittee's livestock grazing operation and the particular wilderness values involved.

f. *Non-Structural Rangeland Improvements.* Non-structural rangeland improvement practices can be approved where they were part of the management at the time the wilderness was established and where their continuance is necessary to maintain livestock grazing operations. The need for non-structural rangeland improvements and practices will be carefully analyzed using the following criteria:

(1) *Seeding.* The need for seeding will be carefully analyzed. Seeding will be approved only for:

(a) Areas where human activities have caused the loss or threaten the existence of indigenous species.

(b) Areas where human activities have denuded or caused loss of soil, providing the actions or activities responsible for the deterioration have been corrected and natural vegetation is insufficient and ineffective.

(c) Maintenance of livestock grazing operations where seeding was practiced prior to the designation of wilderness. Species seeded will be those that are native or naturalized to the area. Seed will be broadcast, except in special situations where other seeding methods are necessary.

(2) *Plant Conrol.* Plant control will be approved only for:

(a) Native plants when needed to maintain livestock grazing operations where practiced prior to the designation of wilderness.

(b) Noxious farm weeds by grubbing or with chemicals when they threaten lands outside wilderness or are spreading within the wilderness, provided the control can be effected without serious adverse impacts on wilderness values.

(3) *Irrigation.* Artifical irrigation or water spreading will be done only to maintain livestock grazying operations where practiced prior to the designation of wilderness.

(4) *Fertilizing.* Fertilization may be used only as an aid to revegetation of disturbed areas approved in item (1) or to maintain livestock grazing operations where practiced prior to the designation of wilderness. Liming will be considered a fertilization practice.

(5) *Prescribed Burning.* Prescribed burning will be approved for rangeland management purposes only where it was practiced prior to the designation of wilderness and is necessary to achieve maintenance of livestock grazing operations; such use must be approved in a fire management plan. (Prescribed burning may be permitted for other purposes, under guidelines in section III. D. 2. and III. E. 1 of this document, such as in cases where reestablishment of natural fire regimes is desired. Rangeland management objectives may be achieved through such prescribed burns and through management of natural fire as prescribed in fire management plans.)

2. *Recreational Livestock.* Commercial recreational livestock, such as that used by packers and outfitters, will be grazed under permit. Noncommercial recreational livestock

may also be subject to permit when necessary for the administration or protection of the wilderness. All recreational livestock users, including commercial outfitters, will be required to pack in feed for their domestic animals when it is determined that adequate forage is not available within the area to be visited. The Wilderness Management Plan will analyze the need for regulations or restrictions relating to recreational saddle and pack stock; including, but not limited to, hobbling rather than tethering of horses, restrictive zoning, horse-party size limits, and use of native feed or pellets.

3. *Wild Horses and Burros.* The Wild Free-Roaming Horse and Burro Act of 1971 declares that wild horses and burros "* * * are to be considered in the area where presently found, as an integral part of the natural system of the public lands."

Viable, healthy populations of wild horses and burros will be maintained in wilderness areas at levels determined appropriate by the BLM planning system. Herd numbers and management techniques will not degrade, and will be compatible with preservation of, the area's wilderness character.

Herd Management Area Plans (HMAP's) will be developed in wilderness areas containing wild horses or burros. The plans will detail the present condition and potential of the herd and herd management area. The plans will describe management actions required to meet the wilderness objectives as well as the herd needs. The HMAP's will establish the habitat requirements and any necessary improvements; herd structure (sex and age ratios, etc.); methods of population manipulation and control (including removal, if necessary); migratory habits; and projections of population changes over time. Monitoring studies for the herd and its habitat will be and integral part of the plan. The HMAP's will describe the physical improvements necessary for maintenance of healthy, viable herds and their habitat.

Use of motorized and mechanical equipment, including aircraft; use, maintenance and type of material, and equipment such as temporary corrals; and the location, frequency, and timing of such uses will be specified in HMAP's and wilderness management plans. Such uses will be allowed when no other alternatives exist, they are the minimum necessary to acomplish the task, and they are the least degrading of wilderness values temporarily or permanently. Use of these facilities and equipment require State Director approval.

Environmental assessments will analyze the impacts of the management prescribed by the HMAP's, and alternatives and mitigating measures to minimize those impacts upon the wilderness resource.

I. Minerals Management

1. *Mining Law Administration.* The Wilderness Act of 1964 provides the basis for the minerals management policy to be followed in approving minerals exploration and development in designated wilderness areas. The Act recognizes the rights of the mining claimant under the mining laws and provides for prospecting and mining in wilderness while providing for protection of the wilderness resource. Under the Wilderness Act, the mining laws shall, to the same extent as applicable prior to the designation of an area as wilderness, apply until midnight December 31, 1983. Thereafter, subject to valid rights then existing, the lands are withdrawn from all forms of appropriation under the mining laws. Therefore, BLM's policy on mining operations on unpatented mining claims will comprise two categories: those operations occurring on or before midnight December 31, 1983, and those operations occurring after midnight December 31, 1983, which may proceed because they qualify as valid existing rights as of that date.

a. *Plans of Operations.* (1) Whether or not the operations occur before or after midnight December 31, 1983, an approved plan of operations as called for by 43 CFR 3809 is in all BLM-administered wilderness areas. The plan of operations will include all access, functions, work, facilities, and activities in connection with prospecting, development, extraction, and processing of mineral deposits and all other uses related to these activities whether on or off a mining claim. All BLM officials involved must ensure that provisions approved in operating plans protect the rights of the operator while minimizing the impact on the wilderness resource. Operators must be allowed to carry out operations that are necessary and reasonably incidental to the mining operation, but may not, in any circumstance, cause unnecessary or undue degradation. District Managers may call for the expertise of all necessary specialists to ensure that both the wilderness and rights of the operator are adequately and properly served.

Before approving the plan the BLM may assist the operator in selecting the most appropriate means and type of access and access route. The final approved access must be that which creates the least lasting impact on the wilderness resource, while still reasonably serving the needs of the operator.

Those activities otherwise generally prohibited in wilderness, including the use of mechanical transport, motorized equipment, or aircraft, shall be authorized only when there is no reasonable alternative. An approved operating plan will serve as authorization for such otherwise prohibited activities on mining claims within wilderness.

Casual use permissible in wilderness areas consists of operations resulting in only negligible disturbance to wilderness resources and not involving the use of mechanical or motorized equipment, landing of aircraft, or explosives. Examples of casual use would be: access by foot or horseback, or overflights to conduct magnetic surveys. Flights used to transport equipment or personnel into and out of the wilderness will not be considered as casual use. An approved plan of operations is not required for casual use.

(2) Contents of a plan of operations and plan approval procedures shall comply with the 43 CFR 3809 regulations. The following criteria shall also be satisfied:

(a) *Operations Prior to Midnight December 31, 1983.* Until this deadline, lands within wilderness areas are open to appropriation under the mining laws to the same extent as before wilderness designation. In other words, claim staking, prospecting, exploration, development, and patenting may occur. Before approving operations submitted in a plan of operations during this time, the District Manager shall be satisfied that:

i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the plan of operation are adequate to provide for restoration as near as practicable of the surface of the land disturbed.

Any disapproval or denial of a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

(b) *Operations After December 31, 1983.* Development work, extraction, and patenting will be allowed to continue after midnight December 31, 1983, only on valid claims located on or before that date. After that date, prospecting and exploration work under the mining laws

will not be allowed, as the right to continue those kinds of operations terminated on midnight December 31, 1983.

Prior to approving plans submitted after December 31, 1983, for operations on claims, or allowing operations to continue that had been approved prior to midnight December 31, 1983, the District Manager shall cause an examination of the unpatented claim(s) by a BLM minerals examiner to verify whether or not a valid claim exists. Operations on producing mines will be allowed to continue pending determination of valid existing rights. The minerals examination and subsequent minerals report must confirm that as of midnight December 31, 1983, minerals had been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine. Any disapproval or denial or a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

Before approving a plan of operations applicable after December 31, 1983, the District Manager shall be satisfied that:

i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the operator's plan of operation are adequate to provide for restoration as near as practicable of the surface of the land disturbed.

(c) *Timber*—Timber determined necessary for removal to facilitate mining activities will be cut following principles of sound forest management and in such a manner as to minimize lasting evidence of its removal. Individual trees will be carefully selected so as not to make obvious artificial openings. Stumps will be cut as close to the ground as practical.

(d) *Fire*—The operator will be required to keep spark arresters and fire extinguishers on all internal combustion engines during periods of fire danger. The operator will generally be required to maintain caches of handtools in sufficient quantities to equip those personnel expected to be on the operation. The operator and his personnel will be expected to take initial action on any fire in the vicinity of the operation.

Slash and other flammable debris will generally require complete disposal to reduce fire hazard, prevent insect buildup, and more rapidly reduce evidence of the timber cutting. If burning is performed it will be in accordance with a prescribed burn plan that establishes fire and resource management objectives. Burning will be performed at a time approved by the BLM District Manager.

(e) *Site Reclamation*—The reclamation of the site and other disturbed areas will vary with the location, type of soil erosion hazard, type of vegetative cover, and type and extent of disturbance. As a minimum, all sites will be treated in such a manner that they will not cause accelerated erosion, siltation of streams, a hazard to wilderness visitors, or unnecesary or undue degradation of the land. Also, as a minimum, all excavations with vertical cuts in soil will be sloped to a stable angle of repose. Generally, hand-dug pits or shafts with the excavated material still at hand will be refilled. Here, as with timber cutting, the main objective will be to minimize remaining evidence of human activities. It may not be practical to return an area to its original contour, but it will generally be entirely reasonable to return it to a contour which might appear to be natural. An effort will be made when practical and reasonable to put topsoil equal in quality to that which was removed over disturbed soil surfaces to promote natural revegetation or to aid in seeding. Where native seed is available, and its use is reasonable, disturbed areas will be seeded to native plant species provided the area originally supported such vegetation.

(f) *Structures and Improvements*—Plans of operations shall identify all structures and improvements planned as an adjunct to the operation. The plan will also show the ultimate disposition of the improvements and when this will occur. The objective will be to ensure the removal of all works or improvements when they are no longer needed for the prospect or future mining.

(g) *Unnecessary or Undue Degradation*—A plan of operations shall include measures to be taken to prevent unnecessary or undue degradation of the area resulting from the proposed operation. This may require measures to prevent water pollution through contamination or siltation of streams while the operation is in progress and to leave the site in such condition that a vegetative cover can be reestablished when the operation is abandoned. Such measures may include trenching of disturbed slopes, placing retaining walls to prevent tailings from entering stream channels, etc. It may also require the scalping and stockpiling of the topsoil or sod from the area to be disturbed so that it might be spread over the surface to aid in reestablishing vegetation. Air and noise pollution are also critical elements. Plans shall identify mitigating measures to minimize noise and air pollution.

(3) *Performance Bond.* No bond shall be required for operations considered as casual use. A bond may be required for any operator who conducts operations under an approved plan of operations. The primary purpose for a bond is to ensure compliance with the plan of operations. Requirement for posting a bond is at the discretion of the authorized officer.

(4) *Environmental Assessment.* Operating plans for prospecting and mining activities will normally involve surface disturbance of the wilderness resource and will require an environmental assessment which considers the impact of the proposed operation on the lands and all feasible alternatives for complying with the rights of the claimant. Upon completion of the analysis, the District Manager will determine if no environmental impact statement is needed. The State Directors approval is required for preparation of an environmental impact statement.

2. *Mineral Leasing.* Section 4(d)(3) of the Wilderness Act of 1964 prescribes that mineral exploration and development will continue in designated wilderness areas by stating "until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those * * * lands designated by this Act as 'wilderness areas' ".

Designation of an area as wilderness may not be the basis for denying a mineral lease, permit, or license. Mineral leasing applications will be evaluated through the environmental assessment process. A State Director's determination to deny an application must be based upon background data and facts of record indicating the public interest would be better served by the rejection so as to protect other resource values. Wilderness character may be taken into account when making mineral leasing decisions, but leases or permits may not be denied solely on the basis of a desire to protect wilderness character. Leases, permits, or licenses issued after an area is designated as wilderness and prior to midnight December 31, 1983, must contain reasonable stipulations for the protection of the wilderness

character of the land consistent with the use of the lands for the purposes for which they are leased, permitted, or licensed.

Mineral leases, permits, or licenses confer certain rights upon individuals to conduct certain activities upon the public lands.

Regulations imposed on existing lessees, permittees, or licensees must be reasonable and consistent with the continued use of the lands for the purposes for which the leases, permits or licenses were issued.

Geothermal leasing is within the scope of the "laws pertaining to mineral leasing" in section 4(d)(3) of the Wilderness Act. Designated wilderness areas will remain available for geothermal leasing to the same extent they were at time of designation, and the above guidelines on mineral leasing will apply.

3. *Mineral Patents.* A patent conveying both surface and mineral rights may be issued on a valid claim located *prior* to the date the area was included as a part of the National Wilderness Preservation System and prior to midnight December 31, 1983.

Mining locations shall be held and used solely for mining. For a valid claim located *after* the date an area is established as wilderness and prior to midnight December 31, 1983, the patent conveys title to mineral rights only. The patentee may cut and use so much of the mature timber from the claim as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available. All timber shall be cut under sound principles of forest management. All surface rights are reserved to the United States. Except as specifically provided in the Wilderness Act or the act designating the area as wilderness, no use of the surface of the claim or its resources not reasonably required for carrying on mining or prospecting shall be allowed. No patent shall issue after December 31, 1983, except for the valid claims existing on or before midnight December 31, 1983.

Once a claim has been patented it becomes private land or interest in lands. Access will then not be governed by a plan of operations, but under the policy in section III.B.5.j.

4. *Common Varieties of Mineral Materials.* Permits to remove such materials will not be issued.

5. *Paleontological Resources.* To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, paleontological resources are available for recreational, scenic, scientific, educational, conservation, and historical uses. Paleontological resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage of paleontological sites, excavation, and collection of artifacts may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

III.J. Administrative Structures and Facilities

1. *Administrative Sites.* Existing administrative sites will be limited to the existing structures or their replacement with similar structures of compatible design provided their continued use is necessary to meet minimum requirements for the administration of the area. Tents will usually be used to supplement housing and kitchen demands brought about by special projects and expanding workloads. As maintenance becomes impractical, first consideration will be given to eliminating the site. Replacement of facilities will require the Director's approval. The Wilderness Management Plan will address the need for existing sites. No new sites will be planned unless they are the minimum necessary for management of the area as wilderness.

2. *Fences.* Corrals and fences for the control of administrative pack and saddle stock may be built only at administrative sites where the animals are regularly used for periods of more than a few days' duration. New permanent fences shall be constructed of materials compatible with the particular wilderness. The Wilderness Management Plan will consider the need for, location of, and material to be used in administrative fence construction.

3. *Trails.* Trails for administrative purposes may be constructed when they are the minimum necessary for the preservation of the wilderness resource and have been authorized in the Wilderness Management Plan. (Trails and associated structures for visitor use and discussed as part of the specific guidance under Recreation and Visitor Use, section III.A. of this document.)

4. *Airfields.* New airfields, including emergency airstrips, shall not be located in BLM-administered wilderness. The Wilderness Management Plan shall review existing airstrips and determine whether or not to permit the continued use of existing airfields. Such use will be monitored on a regular basis to determine if its continuation is appropriate. Use may be restricted when necessary to protect wilderness resources, such as wildlife values during nesting season. If use is approved, maintenance will generally be by primitive, non-motorized equipment only.

5. *Heliports and Helispots.* a. *Heliports.* Heliports may be constructed and maintained at existing administrative sites where they are the minimum necessary for wilderness purposes. Complete justification for continuing heliports or constructing new ones will be required. Unless otherwise approved by the Director, other heliports shall not be located within wilderness areas. The Wilderness Management Plan will fully evaluate the need for heliports. Only those heliports considered the minimum necessary for wilderness resource management will be continued.

b. *Helispots.* State Directors may approve construction of individuals helispots or systems of helispots when they are the minimum necessary for administration or protection of the area as wilderness. The Wilderness Management Plan will fully evaluate helispot needs. Except for emergencies, helispot construction is prohibited if not specifically identified in the wilderness management plan.

6. *Communication Facilities.* Communication facilities will be constructed and maintained only when they are the minimum necessary for administration and protection of the area as wilderness. The Wilderness Management Plan will fully evaluate the need for existing and proposed sites and their maintenance. Facilities should blend with the natural environment.

7. *Structures and Facilities Constructed, Used or Proposed by Other Agencies.* Other agencies conducting activities within BLM wilderness shall be equally constrained by provisions of the Wilderness Act that are applicable to the BLM. These guidelines will apply:

a. Authorized structures, installations, or facilities used by other agencies shall be reviewed periodically to determine whether their continued existence is essential for meeting the minimum requirements for administration of the area as wilderness. If it is not, the authorization shall be terminated and the improvement removed. The Wilderness Management Plan will assess and determine the disposition of all such improvements.

b. When existing improvements deteriorate to the point that normal maintenance will not suffice to keep

them usable, the necessity for such improvements shall be critically analyzed. If they are not essential to meet the minimum requirements of administration of the wilderness, or essential to a continuing program that was established on the basis of the structure, they shall not be replaced. Permits for new improvements or replacement of existing improvements must be approved by the Director.

c. The maintenance or replacement of existing signs, instruments, and other improvements of a minor nature, used in connection with such projects as snow surveys, water measurement, game and fish management, and geological studies may be approved by the State Director. New installations may be approved if they are essential to meet the minimum requirements for administration of the wilderness for the purposes of the Wilderness Act.

III.K. Use of Motorized and Mechanical Equipment

Travel within a BLM-administered wilderness will normally be by non-motorized, non-mechanical means consistent with the preservation of wilderness character.

The wilderness management plan will specify the instances and places in which administrative use of mechanized equipment, mechanical transport, or aircraft is the minimum necessary to protect and administer the wilderness resource or is necessary as part of a nonconforming, but accepted, use. Where approved, that equipment which is the minimum necessary to accomplish the task with the least lasting and damaging impact on the wilderness resource will be selected. Such motorized and mechanical equipment use will be scheduled at times and locations which will have the least impact on the visitors' wilderness experience.

Conditions under which use may be allowed (unless otherwise stated, all use is subject to the standards spelled out in the preceding paragraph) are:

1. The public use of aircraft or motorboats, where these uses were established prior to the area's designation as wilderness, may be permitted to continue. Wilderness Management Plans will assure periodic review of such use to determine if its continuation is necessary and impacts on the area's wilderness character are minimized.

2. Motorized and mechanical equipment use may be authorized for mining or prospecting purposes if approved in a Plan of Operation or in association with valid existing rights. Refer to specific guidance for Minerals Management in section III.I.

3. The use of motor vehicles, motorized equipment, and mechanical transport may be approved for certain situations involving established livestock grazing operations. Refer to specific guidance for Rangeland Management in section III.H.

4. Motorized equipment and mechanical transport use may be allowed when an emergency condition exists which involves the health and safety of visitors. The District Manager (or Area Manager, if delegated) may approve such action.

5. Motorized equipment and mechanical transport may be permitted during a fire suppression emergency. Impacts resulting from overland vehicle travel (either cross-country travel or temporary road construction) and impacts from equipment use will be obliterated and rehabilitated in a manner which permits the wilderness resource an opportunity to heal rapidly. Motorized equipment and mechanical transport uses will be specifically addressed in a wilderness area's Fire Management Plan. The District Manager (or Area Manager, if delegated) may approve such action. Refer to specific guidance for Fire Management.

6. The use of aircraft may be allowed in nonemergency situations to deliver supplies or materials to construct or maintain improvements needed for administration of the area as wilderness when use of pack and saddle stock or other non-mechanized means is not feasible. Approval must be authorized by the State Director.

7 Powered hand-portable tools, such as chain saws or rock drills, may be approved by the State Director when they are the minimum necessary for administration purposes where work cannot be accomplished with nonpowered tools. (In some cases, such tools may be necessary in trail construction and maintenance, due to limitations of time, season, etc.)

8. Mechanized or motorized equipment may be used for wilderness research, other wilderness-enhancing purposes where no other alternatives exist and where such use is the minimum necessary for administration of the area as wilderness and will not degrade the area's wilderness character. Instances could include wildlife transplants or fish stocking by State Divisions of Wildlife. State Director approval is required. (Refer also to specific guidance for Research and Studies.)

9. Mechanized or motorized equipment may be used in gathering information about resources, so long as the use is compatible with preservation of the wilderness environment. Instances could include mineral surveys by the U.S. Geological Survey or water resource investigations. State director approval is required.

10. Where feasible, control of insects and disease will be conducted without use of motorized equipment. Otherwise, aircraft use is permissible without landing of aircraft. Approval must be authorized by the State director on a case-by-case basis.

11. Motorized equipment necessary to meet temporary emergencies involving violations of criminal law and/or including the pursuit of fugitives may be approved by the District Manager (or Area Manager, if delegated).

12. There is no specific prohibition of overflight of wilderness by aircraft. Low-flying aircraft cause disturbance of the solitude of an area. Except in bona fide emergencies, such as search and rescue efforts and essential military missions, low flight should be discouraged. Where low overflight is a problem, or expected to become a problem, wilderness management plans will provide for liaison with proper military authorities, the Federal Aviation Administration, and contact with pilots in the general area in an effort to reduce low flight.

III.L. Research and Studies

Research is a valid and important use of the wilderness resource. Research will be permitted and encouraged as long as all projects are conducted in such a manner as to preserve the area's wilderness character and they further the management, scientific, educational, historical, and conservation purposes of the area.

Research will be conducted or supported to evaluate the effectiveness in achieving objectives of ongoing wilderness management. Research will also be encouraged to identify problems and improve management techniques to increase efforts to further the purposes of the Wilderness Act.

Research and studies to investigate scientific values may also be conducted in wilderness provided that wilderness is essential to results of such research, and wilderness values would not be jeopardized.

Research and other studies will be conducted without use of motorized equipment or construction of temporary or permanent structures. Exceptions to this policy may be approved by the State Director in projects that are essential to management of the specific wilderness when no other feasible alternatives exist. Such use, when

approved, must be the minimum necessary and must not degrade the area's wilderness character.

Chapter IV. Implementation of the Wilderness Management Policy

This chapter explains how the BLM will implement the Wilderness Management Policy through the process of developing a plan for each wilderness area under its administration.

The purpose of the Wilderness Management Plan (WMP) is to describe the management strategy that will be used to work toward attainment of the objectives of the Wilderness Management Policy. The plan must clearly show the actions that will be taken to preserve the wilderness resource, and the linkage between these actions and the objectives.

Each WMP will address the management situation present in an individual wilderness area or in two or more closely related areas. Plans should reflect the different kinds of environmental settings, history of use, and management situations found in individual areas within the framework of this policy.

Public involvement must be included in the development of each WMP A minimum of at least one meeting or workshop must be open to the general public, and the public must be given at least 45 days to comment upon the proposed Wilderness Management Plan. Issues, questions, and problems raised by the public will be considered during the development of the final WMP. The WMP's will be updated on a regular basis or as conditions change. The public will be given the opportunity to be involved in plan changes.

The Wilderness Management Plan will included the general policy for all BLM wilderness areas. Additions may be made to tailor the policy to the current management situation for each area. Selected statements from the Wilderness Management Policy may be included to show the connection between actions proposed in the Plan and the objectives found in the management policy. Other policy statements may be included where appropriate, so long as they do not confict with the Wilderness Mangement Policy.

During the time period before a WMP is prepared for a wilderness area, the Wilderness Management Policy will guide the conduct of day-to-day activities. The approval of activities, programs, or projects initiated by the Bureau of Land Management, other governmental bodies, or private individuals will be contingent upon the completion of an environmental assessment. Proposals determined to be inconsistent with the intent of the Wilderness Management Policy or other elements of the BLM's legislative and regulatory manadate will be modified or disapproved, as appropriate.

Upon completion of the WMP for an area, the viability of activities, programs, or projects will be determined through the BLM's environmental assessment process. If the proposed action is part of an approved WMP, the environmental assessment will consider if it is the best way to meet objectives of the plan from an on-the-ground perspective and if the action conforms to other applicable elements of the BLM's legislative and regulatory mandate. If the proposal is not part of the WMP, the environmental assessment will be used also to determine if it is in conformance with the WMP. Proposals found to be inconsistent with the WMP or other applicable BLM guidance will be modified or disapproved, as appropriate.

The BLM will issue any regulations necessary to manage visitor use and other problems peculiar to a particular wilderness area. Regulations might cover such topics as camping, river running,use of firewood, etc. Managers should use the minimum amount of regulation necessary, but should not hesitate when a problem calls for them.

Specific guidance regarding the procedure for developing Wilderness Management Plans will be issued to BLM field offices after issuance of the final Wilderness Management Policy.

Appendix A.—Section 603 of The Federal Land Policy and Management Act of 1976 (Pub. L. 94-579)

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall,from time to time report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness: *Provided,* That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas: *Provided further,* That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and minerals leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: *Provided,* That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedure of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

Appendix B.—The Wilderness Act of September 3, 1964 (Pub. L. 88-577; 88th Congress, S. 4)

An act to establish a National Wilderness Preservation System for the the permanent good of the whole people and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Short Title

Section 1. This Act may be cited as the "Wilderness Act."

Wilderness System Established—Statement of Policy

Section 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future

generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be desinated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency have jurisdiction thereover immediately before its inclusion in the National Wildereness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

Definition of Wilderness

(c) A wilderness, in contrast with those areas wheze man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permannent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, education, scenic, or historical value.

National Wilderness Preservation System—Extent of System

Section 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness," "wild," or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdiction also shall be available to the public in the office of regional foresters, national forest supervisors, and forest rangers.

Classification. (b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President.

Presidential recommendation to Congress. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act.

Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand areas with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such areas as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to President. (c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness.

Presidential recommendation to Congress. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act.

Congressional approval. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress, Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Suitability. (d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

Publication in Federal Register. (A) give public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands,

Hearings. (B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided,* That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by

no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

Proposed modification. (e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

Use Of Wilderness Areas

Section 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and unit of the national park and wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Pub. L. 539, Seventy-first Congress, July 10, 1930, 46 Stat. 1020), the Thye-Blatnik Act (Pub. L. 733, Eightieth Congress, June 22, 1948; 63 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Pub. L. 607, Eighty-fourth Congress, June 22, 1956, 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 5, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such areas, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. (432 et seq.); and section 3(2) of the Federal Power Act (16 U.S.C. 796 (2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Prohibition of Certain Uses

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requiremets for the administration of the area for the purpose of the Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircrafts, no other form of mechanical transport, and no structure or installation within any such area.

Special Provisions

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases, claims, etc. (3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use as much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983. Mining claims located after the effective date of the Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from deposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources. (4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of resevoirs, water conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly

designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided,* That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

State and Private Lands Within Wilderness Areas

Section 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture:

Transfer, restriction. Provided, however, That the United States shall not transfer to a State or private owner any mineral interest unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculure shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Acquisition. (c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

Gifts, Bequests, and Contributions

Section 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

Annual reports

Section 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Appendix C.—the Bureau of Land Management Wilderness Review Process

To carry out the wilderness mandate of FLPMA, the Bureau of Land Management has developed a wilderness review process with three phases: inventory, study, and reporting to Congress.

Inventory: In the wilderness inventory, the BLM examined the public lands, with public participation, and identified those areas that meet the definition of wilderness established by Congress. These areas were identified as wilderness study areas (WSA's). The inventory was completed by November 14, 1980, in the contiguous Western States, resulting in identification of approximately 25 million acres as wilderness study areas and in elimination from further wilderness consideration of approximately 150 million acres.

Study: Each wilderness study area will be studied through the BLM resource management planning system to analyze all values, resources, and uses within the area. The findings of the study, including public participation, determine whether the area will be recommended as suitable or nonsuitable for designation as wilderness. In practice, determining an area's "suitability or nonsuitability * * * for preservation as wilderness," in the words of FLPMA, means determining whether the area is more suitable for wilderness designation or more suitable for other uses.

Reporting: When the study has been completed, a recommendation as to whether the wilderness study area is suitable or nonsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. A mineral survey will be conducted by the Geological Survey and Bureau of Mines for any area recommended as suitable. Reports on all wilderness study areas must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

Appendix D.—Definitions

Some of the terms used in this document have specific meanings and are defined as follows:

Domestic Livestock: Animals kept and managed for their products or for breeding purposes, not visitors' animals or administrative livestock.

FLPMA: The Federal Land Policy and Mangement Act of 1976 (Pub. L. 94-579, 90 Stat. 2743, 43 U.S.C. 1701).

Livestock Grazing Operations: Those operations under permit where the primary purpose is the grazing of livestock for the production of food and fiber. Includes pack and saddle stock used in conjunction with such operations.

Mechanical Transport: "Mechanical transport" means any device for transporting personnel or material with wheels, tracks, skids, or by flotation for traveling over land, water, or snow and is propelled by a nonliving power source contained or carried on or within the device.

Motorized Equipment: "Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger Counters, and cameras.

Motor Vehicle: "Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries.

Multiple Use: "* * * the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitutde for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with conideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From Section 103, FLPMA)

Naturalized: Refers to a non-native species of plant or animal which is well established in the area as a part of the wilderness ecosystem and which sustains its population without requiring human assistance (such as stocking or reseeding). Non-native species that are not in equilibrium with the wilderness ecosystem (such as those which are increasing their population and displacing

native species) are not considered naturalized.

Naturalness: Refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." (From Section 2(c), Wilderness Act.)

Outstanding: Standing out among others of its kind; conspicious; prominent. Superior to others of its kind; distinguished; excellent.

Permanent Improvement: A manmade structural or nonstructural improvement which will remain at a particular location for more than one field season—as differentiated from temporary structures; includes such items as toilet buildings, trails, cabins, signs, fences, vegetative cover manipulation, shelters, and fire grills.

Primitive and Unconfined Recreation: Nonmotorized and nondeveloped types of outdoor recreational activities.

Rangeland Improvements: Any structural or nonstructural improvement which directly affects or supports the use of the forage resource by domestic livestock, such as fences, line cabins, water lines, and stock tanks.

Recreational Livestock: Horses, mules, or burros used for recreational purposes to transport people and/or their supplies.

Solitude: The state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place.

Temporary Structure: Any structure which can be readily and completely dismantled and removed from the site between periods of actual use. It may or may not be authorized at the same site from season to season or from year to year.

Unnecessary or Undue Degradation: Surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas, or creation of a nuisance may constitute unnecessary or undue degradation. Failure to comply with applicable environmental protection statutes and regulations thereunder will constitute unnecessary or undue degradation.

Visitor Use: Visitor use of the wilderness resource for inspiration, stimulation, solitude, relaxation, education, pleasure, or satisfaction.

Wilderness: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B for its full text).

Wilderness Characteristics: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B for its full text).

[FR Doc. 81-27570 Filed 9-22-81; 8:45 am]

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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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.

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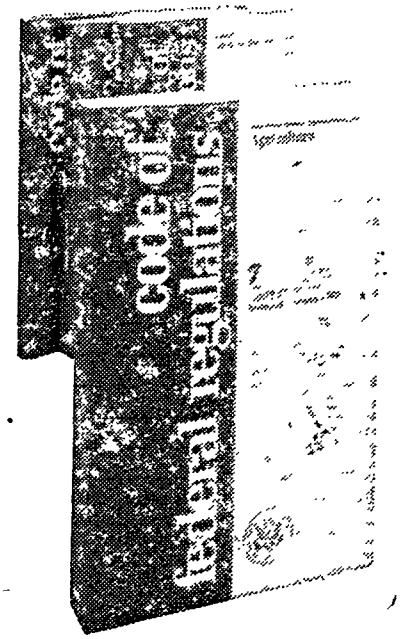

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