10-8-81
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Federal Register

Thursday
October 8, 1981

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49823 **National Guard Day** Presidential proclamation.

49825 **Leif Erikson Day** Presidential proclamation.

50022 **Child Welfare** HHS issues model State legislation for the adoption of children with special needs.

49827 **Securities** FRS amends Regulation T to establish margin requirements for options on exempted debt securities.

50014, 50015 **Income Tax** Treasury/IRS proposes to amend rules and announces hearing date on proposed rules on industrial development bonds. (2 documents) (Part II of this issue)

50018 **Surface Mining** Interior/SMREO issues rules on resubmittal of State regulatory programs for Federal approval. (Part III of this issue)

49963 **Grant Programs—Humanities** NFAH announces schedule of deadlines for grant programs 1982–1983.

49842 **Highways and Roads** DOT/FHWA establishes policy on selection of paving materials in Federal-aid projects.

49842 **Pensions** PBGC amends regulation on allocation of residual assets in terminating, non-multiemployer pension plans.

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

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49878 **Transportation—Administrative Practice and Procedure** DOT implements the Equal Access to Justice Act.

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Presidential Documents

Title 3—

The President

Proclamation 4870 of October 6, 1981

National Guard Day

By the President of the United States of America

A Proclamation

Three hundred and forty-five years ago, the first settlers organized militia units to defend their homes and lives in Massachusetts Bay Colony. With these first units the tradition of the citizen-soldier was born and took root in America, a tradition exemplified by the willingness of private citizens to leave their civilian occupations, don the uniform of their country, and serve their States and their Nation when the need arises.

These citizen-soldiers camped with Washington at Valley Forge and charged up San Juan Hill. They fought in the Meuse-Argonne and on Omaha Beach. Since World War II, the National Guard has played a role in every major American crisis or conflict including Korea, Berlin, and Vietnam. When called upon by their country, the men and women of the Guard have always responded.

When disaster has struck in times of peace, the Guard has been equally ready to serve, whether in the flood waters of Johnstown, or on the slopes of Mount St. Helens. The Guard has been responsible for saving countless lives and millions of dollars of property and equipment by its quick responses and efficiency.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, ask all Americans to celebrate Wednesday, October 7, 1981, as National Guard Day and to honor the Army and Air National Guard of the United States for service to their communities, to their States and to their Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29514
Filed 10-7-81; 10:14 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4871 of October 6, 1981

Leif Erikson Day, 1981

By the President of the United States of America

A Proclamation

Nordic stories passed through the ages tell us of the Viking Leif Erikson and his explorations across the North Atlantic. One of the most daring of the great Norse adventurers, he may have been the first European to discover our continent. Scandinavian tales tell us of a cargo of timber and wild grapes he brought from North America to his home in Greenland more than four centuries before Columbus.

Above all, Leif Erikson was an explorer, and he has come to symbolize mankind's efforts to push back his frontiers, master the elements, and conquer his fear of the unknown.

In honoring him, and in honoring the Nordic people whose achievements have continuously enriched the Western world, we also honor the act of discovery.

As a mark of respect to the courage of Leif Erikson and his Viking followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, October 9, 1981, as Leif Erikson Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29515
Filed 10-7-81; 10:15 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 684]

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 October 9–15, 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: October 9, 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 October 6, 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.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.984 is added as follows:

§ 908.984 Valencia Orange Regulation 684.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 9, 1981, through October 15, 1981, are established as follows:

(a) District 1: 450,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons.

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

Dated: October 7, 1981.

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

[FR Doc. 81-29553 Filed 10-7-81; 11:50 am]
BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0082]

Amendment to Regulation T To Establish Margin Requirements for Options on Exempted Debt Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation T (12 CFR Part 220) to provide a separate margin requirement for options on debt securities issued or guaranteed by government entities (exempted debt securities). The Board's existing margin rule for options was adopted to apply to options written on corporate equity securities. Absent this amendment to Regulation T, that rule would be automatically applicable to a new type of option on exempted debt securities for which filings have been made with the Securities and Exchange Commission (SEC). The initial margin required for the writing of uncovered options on Treasury and government agency securities and the specification of appropriate cover under this new amendment rule will be determined by the rules of the exchange on which the option is traded, provided those rules have been approved by the SEC. In addition, brokers and dealers will be required to obtain from customers writing over-the-counter options on exempted debt securities either the margin or the covering security position which is equivalent to the comparable exchange-traded option requirement. The amendment will continue the Board's present policy of not according loan value to an option so that it cannot be used as collateral for loans for the purpose of purchasing or carrying securities. On June 19, 1981 the Board published two alternative proposed amendments for comment (46 FR 32033) identified as the "good faith proposal" and the "premium based proposal." The

rule adopted is a modification of the "good faith proposal".

EFFECTIVE DATE: October 26, 1981.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: The Board of Governors amends its Regulation T to provide a separate margin for options on exempted debt securities. Public comment was received on two alternative proposals and on issues identified in the Federal Register notice.

An option contract on mortgage pass-through certificates guaranteed by the Government National Mortgage Association (GNMA options) has been approved by the SEC for trading on the Chicago Board Options Exchange (CBOE) and option contracts on Treasury bills, notes and bonds that have been proposed by the New York Stock Exchange (NYSE), American Stock Exchange (AMEX) and CBOE are currently being considered by the SEC (see Securities Exchange Act Release No. 17577, February 26, 1981, and Securities Exchange Act Release No. 17995, May 11, 1981). One of the SEC's requirements for the approval of trading of GNMA options was that CBOE margin rules conform with the Board's margin requirements.

Twenty-three comments were received. Of those that took a general position on the two alternatives, ten supported the premium based alternative and eight supported the good faith alternative. However, many specific changes were recommended for each alternative. There was no disagreement with the Board's position that the current margin for options in Regulation T was not appropriate for options on exempted debt securities. No commenters on the issue supported the part of the "good faith" proposal giving loan value to the long side of the option and most expressly recommended that the Board deny loan value. The fact that CBOE, NYSE and AMEX had agreed to adopt each other's maintenance margin rules for option contract proposals already filed with the SEC was cited by several commenters as the reason why the "good faith" proposal should be adopted.

The "good faith proposal" adopted by the Board differs in two material respects from the proposal previously published for comment. First, the initial margin will be determined by the rules of the exchange on which the option is traded, subject to approval by the SEC rather than determined by each individual broker/dealer. Second, the definition of what constitutes adequate cover will also be determined by the same exchange rules, subject to SEC approval, rather than specified by the Board.

The Board retains authority to itself to set margin with respect to these option contracts if future circumstances should warrant. For example, this authority may be invoked without prior notice in an emergency, or if the Board determines that the level of margin prevailing is not adequate to forestall speculative price movements that could have adverse effects on the underlying securities markets.

PART 220—CREDIT BY BROKERS AND DEALERS

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w) the Board adopts the following amendments to § 220.4(i) and § 220.8 (b) and (j) of Regulation T (12 CFR Part 220):

1. Section 220.4(i) is revised to read as follows:

§ 220.4 Special accounts.

* * * * *

(i) *Special bond account.* (1) In a special bond account a creditor may extend and maintain credit on any exempted security, registered non-equity security, or OTC margin bond. The maximum loan value of securities held in this account shall be as prescribed from time to time in § 220.8 of this part (the supplement to Regulation T).

(2) Put and call options on exempted securities may be issued, endorsed or guaranteed in this account if either a security position in lieu of margin (cover) is held in the account or the amount of margin prescribed by the Board from time to time in § 220.8 of this part (the supplement to Regulation T) is included in the adjusted debit balance.

(3) A security position held in the account may serve in lieu of the margin required for writing a call or a put, if the following conditions are met:

(i) For writing a call, the covering long security position shall be valued at no more than the exercise price of the call or

(ii) For writing a put, the amount of margin required for a covering short security position shall be based on a value not less than the exercise price of the put.

(4) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(5) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day.

2. Section 220.8 (b) and (j) are revised to read as follows:

§ 220.8 Supplement.

* * * * *

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, an OTC margin bond, or a registered nonequity security which is not a put, call or combination thereof shall be as determined by the creditor in good faith. No put, call or combination thereof shall have any loan value.

* * * * *

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3 of this part, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) of this part as the margin required for the issuance, endorsement, or guarantee of a put or call on an exempted debt security or the security position to be held in lieu of margin shall be equivalent to (i) The amount specified by the rules of the national securities exchange on which the option is traded provided that all such rules have been approved or amended by the Securities and Exchange Commission pursuant to sections 19(b) or 19(c) of the Securities Exchange Act of 1934, or (ii) in the case of an option on an exempted debt security which is not traded on an exchange an amount or security position which the creditor in good faith deems to be equivalent to the margin or the cover on comparable exchange-traded options.

Regulatory Flexibility Analysis

The Board of Governors of the Federal

Reserve System has amended Regulation T to establish a margin requirement for options on exempted debt securities that is separate from and less stringent than the Regulation T margin requirement that applies to options on equity securities. The need to amend the regulation follows from the approval by the SEC to allow trading of such exempted debt security options beginning as early as October, 1981. The Board amended the Regulation in such a way that the margin required for writing these "interest rate" options will be determined by the rules of the exchanges trading such options.

By adopting industry standards that are subject to approval by the SEC before implementation, the Board sought to create a margin regulatory structure that was flexible enough to match the margins and the risks of a variety of different "interest rate" options and that was consistent with the goal of minimal regulatory complexity and the need for adequate regulatory oversight. This approach to regulation streamlines regulatory compliance. That is, instead of possibly having to meet a separate initial margin requirement of the Federal Reserve and a maintenace margin rule of an exchange, brokers must only satisfy an exchange standard. Such a reduction in regulatory overlap is expected to be particularly beneficial to many small brokers, for whom compliance costs constitute a large proportion of administrative expenses.

Regulatory burden is further reduced by explicitly relating the margin requirement to that established by the exchange trading the option contract; any remaining burden upon self-regulatory organizations (SROs)—specifically, securities exchanges and the National Association of Securities Dealers—to write rules will be confined to the particular products that trade in their respective markets. Moreover, as a result of these Regulation T amendments, no SRO should be in a position to influence the trading of options in another market by setting different margin levels for its member organizations than were deemed appropriate by the exchange upon which the option is traded and were approved by the SEC.

By order of the Board of Governors of the Federal Reserve System, October 2, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-29310 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-67-AD; Amdt. No. 39-4231]

Airworthiness Directive; Artex Aircraft Supplies, Inc., Emergency Locator Beacon Replacement Battery Pack, P/N 00-21-006

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires removal from service of the Artex replacement battery pack, P/N 00-21-006, which was designed for use in the Emergency Beacon Corporation (EBC), Emergency Locator Transmitter (ELT). This action is necessary because the battery pack was not subjected to the saltwater immersion test required by TSO-C91. If an ELT powered by this battery pack were to encounter saltwater following a crash or ditching, the Artex battery pack would fail, rendering the ELT inoperative.

DATES: Effective date October 19, 1981. Compliance is required within the next 30 days after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems & Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Emergency Locator Transmitters (ELT) are approved under TSO-C91. Personnel-type ELTs (ELT(P)) must pass a saltwater immersion test, among others. Automatic fixed type ELTs (ELT(AF)) are exempt from this requirement.

Personnel-type ELTs are designed to be removed from the aircraft following a ditching or a crash and used by the occupants while awaiting rescue, possibly while floating on a raft or in the water. Resistance to saltwater is therefore a critical feature of the personnel-type ELT.

Since Artex has stated that their battery pack would not pass the required saltwater test, and that the battery pack cannot be modified in the field to conform to the requirements of TSO-C91, an Airworthiness Directive is being issued which requires removal from service of all Artex battery packs, P/N 00-21-006, designed for use in the Emergency Beacon Corporation ELT.

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

Adoption of the Amendment

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

Artex Aircraft Supplies, Inc.: Applies to Artex replacement battery packs, P/N 00-21-006, which are designed for use in the Emergency Beacon Corporation Emergency Locator Transmitter.

Within 30 calendar days after the effective date of this AD, inspect the ELT and if the battery is an Artex Battery Pack, P/N 00-21-006, replace it with a battery pack with a different part number which is approved under TSO-C91 for use in this ELT.

Note.—If no replacement battery pack is immediately available, placard the ELT "Not to be used in salt water." The airplane may be operated for up to 90 days with a placarded ELT.

Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective October 19, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under 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 above under the caption "For Further Information, Contact."

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

Issued in Seattle, Washington, on September 29, 1981.

Robert O. Brown,

Acting Director, Northwest Region.

[FR Doc. 81-29241 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-66-AD; Amdt. 39-4229]

Airworthiness Directives: British Aerospace Corporation Model DH-114 Heron Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a modification to the wing leading edge access doors on British Aerospace Corporation (formerly deHavilland) DH-114 Heron Series 1B and all Series 2 airplanes which have had Modification 154 (de-icing on wing leading edges between outboard engines and fuselage) or Modification 469 (improved leading edges between outboard engines and fuselage). One U.S. operator experienced a situation in which an access door opened during flight and caused a partial loss of control. This AD requires the modification of the closing mechanism to prevent closure without the locking mechanism being engaged.

EFFECTIVE DATE: October 18, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace Corporation (deHavilland) Hatfield, Herty, England, or may be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Project Engineer, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: One U.S. operator of a DH-114 Heron airplane experienced a partial loss of control when a leading edge door opened during flight. The airplane descended at a high rate with heavy buffeting. The airplane was immediately landed. An investigation was made by the National Transportation Safety Board (NTSB) from which it was recommended that the leading edge access doors be modified to ensure they remain closed during flight. The NTSB received numerous reports from operators who had experienced similar incidents. These incidents were not reported through the FAA Service Difficulty Program. The manufacturer and the British Civil Aviation Authority were also advised of the problem, but they reported no records of similar occurrences since 1962. They pointed out that improper closure of the doors could also be a factor in the incident. British Aerospace Corporation provided a copy of Manufacturer's Technical News Sheet W.11, Issue 2, and Modification No. Heron 1171 (Amendment 1 incorporated) which, when accomplished, would ensure the positive engagement of the toggle fasteners on the wing leading edge access doors. This modification applies only to airplanes already modified in accordance with Modification No. 154 or 469.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the leading edge access doors in accordance with Modification No. Heron 1171 on all applicable British Aerospace Corporation DH-114 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical 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 be 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 Corporation: Applies to all operators of DH-114 Heron Series 1B and all Series 2 airplanes which have been modified in accordance with Modification 154 or 469.

To ensure wing leading edge access doors remain properly secured, accomplish the following unless already accomplished:

1. Within 350 hours time in service after the effective date of this AD, modify the wing leading edge access doors in accordance with British Aerospace Corp. Manufacturer's Technical News Sheet W.11, Issue 2, and Modification No. Heron 1171 (Amendment No. 1 incorporated) dated October 17, 1961, or a later FAA approved revision.

2. Alternate means of compliance may be used which provide an equivalent level of safety when approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.

3. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197.

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 the addresses listed above. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 18, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under 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 above under the caption "For Further Information Contact."

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

Issued in Seattle, Washington, on September 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-29238 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-59-AD; Amdt. 39-4230]

Airworthiness Directives: Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires a check and/or inspection of the brake supply valve function and eventual modification of the parking brake and anti-skid control circuits on Lockheed Model L-1011 series airplanes. It has been determined

that compliance with this AD may result in an inadvertant change to the anti-skid available warning system which causes a lack of failure annunication when the caution and warning light test is accomplished during compliance with the descent checklist with the landing gear retracted. This amendment is needed to correct the original modification procedure to allow the system to function properly with the landing gear either retracted or extended, thereby restoring the original functional characteristics of the system.

DATE: Effective date October 18, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Lonnie Tarver, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: AD 81-08-01, Amendment 39-4079 (46 FR 20535, April 6, 1981), requires a check and/or inspection of the brake supply valve function and eventual modification of the parking brake and anti-skid control circuits to prevent unannunciated failures of the anti-skid system. Two alternative methods of compliance were specified.

After issuing Amendment 39-4079, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, obtained information which indicated that the modification incorporated by Lockheed L-1011 Service Bulletin 093-32-179, dated December 30, 1980, inadvertently changed the operational characteristics of the anti-skid warning system such that it would only function properly with the landing gear extended. In at least one case an operator reported an incorrect anti-skid failure annunciation during a check with the landing gear retracted, which was corrected when the landing gear was extended.

Since this situation is likely to exist or develop in other airplanes of the same type design that are in compliance with this alternative provision of Amendment 39-4079, an amendment to AD 81-08-01 is being issued to incorporate minor circuitry changes which preclude erroneous warning indications, when the required checks are made with the landing gear in the retracted position.

Since a situation exists that requires 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 AD 81-08-01, Amendment 39-4079, (46 FR 20535, April 6, 1981) by revising paragraph 2(b) to read as follows:

(b) Within 1 year from the effective date of this amendment, modify the parking brake and anti-skid electrical circuits either in accordance with the Accomplishment Instructions of Part 2 of Lockheed Service Bulletin 093-32-145 dated May 1, 1980, or Part 2 of Lockheed Service Bulletin 093-32-179, Revision 1, dated April 7, 1981, or later revisions to either service bulletin approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

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 Lockheed-California, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment become effective October 18, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under 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 as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). 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 Seattle Washington, on September 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-29240 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NE-17, Amdt. 39-4228]

Airworthiness Directives; Sikorsky S-76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes a reduced replacement time for the Sikorsky S-76A main rotor rotating scissors assembly and requires repetitive inspections of the center bolt of the assembly and the hub/scissors bearings. During the course of recent engineering tests of main rotor head components and the analysis of the resulting data, it was found that the replacement time for the main rotor rotating scissors assembly must be reduced to prevent an unsafe condition. The vibratory stresses in the scissors assembly may be increased significantly by bearing wear and thus reduce the fatigue life.

DATES: Effective date—October 8, 1981. Comments must be received on or before November 9, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81-NE-17, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable publications may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of these publications are contained in the Rules Docket, Federal Aviation Administration, Office of the

Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: During the course of recent engineering tests of main rotor head components and the analysis of the resulting data, it was found that the replacement time for the main rotor rotating scissors assembly must be reduced to prevent an unsafe condition. The vibratory stresses in the scissors assembly may be increased significantly by bearing wear and thus reduce the fatigue life.

The FAA has therefore determined that the replacement time for the S-76A main rotor rotating scissors assembly be reduced to 500 hours time in service, and that repetitive inspections be established for the hub/scissors bearings for play and wear and the scissors center pivot bolt for fretting, scoring, and corrosion pits, respectively. The requirements for these inspections are specified in Chapter 5 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2.

Since a situation exists that requires 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.

Request for Comments on the Rule

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

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

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 effective October 8, 1981, by adding the following new airworthiness directive:

Sikorsky Aircraft. Applies to S-76A series helicopters certificated in all categories.

To prevent fatigue failures of the main rotor scissors assembly:

1. Replace P/Ns 76104-08020-044, -045, and -046, and P/N 76070-10005-042 main rotor rotating scissors assemblies with a serviceable part prior to the accumulation of 500 hours time in service or within 25 hours time in service after the effective date of this AD, whichever occurs later.

2. Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 50 hours time in service, and thereafter at intervals not to exceed 100 hours from the last inspection, conduct inspections of the hub/scissors bearings for play and wear and the scissors center pivot bolt for fretting, scoring, and corrosion pits in accordance with Temporary Revision No. 5-24, dated September 8, 1981, or an FAA approved equivalent, Items 42A (Inspection Check 65-14-00, Page 207, dated February 16, 1980, including Temporary Revision No. 65-15, dated September 8, 1981, or an FAA approved equivalent) and 42B of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2.

Note.—"FAA approved" means approved by the Chief, Engineering and Manufacturing Branch, New England Region.

The manufacturer's specifications and procedures identified and described herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, SW, Washington, D.C.

This amendment becomes effective October 8, 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)); 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 procedures of Executive 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 Court by Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Mass., on September 25, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81-29273 Filed 10-7-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-42; Amdt. 39-4226]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA 330 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and modification of the main rotor blade lever eyebolt pivot ball bearings on Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA 330 series helicopters. This AD is needed to prevent the loss of balls from the pivot bearings during flight and possible loss of blade pitch control and resulting loss of control of the helicopter.

DATE: Effective October 12, 1981. Compliance as prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, ATTN: Customer Support.

Copies of the service bulletins are contained in the Rules Docket, Docket No. 81-ASW-42, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

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 J. H. Major, Helicopter

Policy and Procedures Staff, ASW-211, FAA, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, ext. 502.

SUPPLEMENTARY INFORMATION: Several main rotor blade lever eyebolt pivot ball bearings have experienced inadequate lubrication and balls have reportedly escaped from these pivot bearings on SNIAS Model SA 330 series helicopters. Loss of balls causes severe helicopter vibration during flight and can cause loss of blade pitch control. Inadequate lubrication may cause bearing roughness or failure. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor blade lever eyebolt ball bearings and modification, as necessary, to ensure proper lubrication and retention of the balls in the races.

The AD requires removal of the inside seal on the two pivot ball bearings of each lever, if installed, to ensure bearing lubrication. In addition, MRC ball bearings that do not have sealing flange retaining ring must be removed from service to prevent possible loss of the bearing's balls. The pivot bearings must have a sealing flange retaining ring to preclude loss of the balls through the bearing loading slots in the inner and outer race shoulder of the bearings. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to all Model SA 330 series helicopters certificated in all categories. (Airworthiness Docket No. 81-ASW-42.)

Compliance is required within 50 hours' time in service after the effective date of this AD, unless already accomplished.

To ensure bearing lubrication and to prevent balls escaping from each main rotor blade lever assembly eyebolt pivot ball bearing, accomplish the following:

(a) Applies to main rotor heads P/N 330A.31.0020 and 330A.31.0030, all dash numbers, not modified to AMS 07.43.008. Incorporate modification AMS 07.43.008 as described in paragraph 2, Accomplishment Instructions, of SNIAS Service Bulletin No. 65.30, dated November 20, 1979, or FAA approved equivalent.

(b) Applies to main rotor heads P/N 330A.31.0020 and 330A.31.0030, all dash numbers, not modified to AMS 07.43.028. Incorporate modification AMS 07.43.028 as described in paragraph 2, Accomplishment Instructions, of SNIAS Service Bulletin No. 65.38, dated July 4, 1980, or FAA approved equivalent.

(c) Applies to main rotor heads P/N 330A.31.0000.05 to .18 inclusive not modified to AMS 330A.07.43.038, and main rotor heads 330A.31.0020.00 to .04 inclusive not modified to AMS 330A.07.43.037, and main rotor heads P/N 330A.31.0030.00 to .03 inclusive not modified to AMS 330A.07.43.037. Inspect in accordance with paragraph C, Description, of SNIAS Service Bulletin No. 01.33, dated March 31, 1981, or FAA approved equivalent. Before further flight, replace bearings which are not fitted with sealing flange retaining ring, with serviceable bearings having the same MRC part number, that are fitted with the sealing flange retaining ring, or with serviceable bearings manufactured by FAFNIR, or with an FAA approved equivalent bearing.

(d) Equivalent means of compliance with this AD must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective October 12, 1981.

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

Note.—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 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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

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

Issued in Fort Worth, Texas, on September 24, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-29239 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AEA-43]

Establishment of Airway V-419 From Carmel, NY, to Westminster, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment designates a new airway from over the Carmel, NY, VORTAC, to the Westminster, MD, VORTAC. This action is required to provide a bypass route for departures from LaGuardia and Westchester County Airports en route to southern terminals. Establishment of this route will reduce air traffic control delays and workload.

EFFECTIVE DATE: October 8, 1981. Comments must be received on or before November 9, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-43, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 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: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, involving the designation of an airway which is urgently required to reduce ATC delays and associated workload within the New York area 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, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add V-419 from over Carmel, NY, VORTAC via the intersection of the Carmel 244° and Sparta, NJ, VORTAC 093° magnetic radials; direct to Sparta; direct to Stillwater, NJ, VORTAC; thence via the intersection of Stillwater 205° and Modena, PA, 056° magnetic radials; Modena; to Westminster VORTAC. V-419 will be used primarily for departures from LaGuardia and Westchester Airports to reduce delays when they are in excess of 30 minutes. This action is urgently needed to provide ATC relief during the current controller shortage. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 409).

Under the circumstances provided, the FAA concludes that there is an immediate need for a regulation to designate V-419 between Carmel, NY, and Westminster, MD. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, October 8, 1981 as follows:

V-419 [Added]

By adding a new airway V-419 to read as follows:

V-419 From Carmel, NY; INT Carmel 232° and Sparta, NJ, 082° radials; Sparta; Stillwater, NJ; INT to Stillwater 194° and Solberg, NJ, 227° radials; Modena, PA, to Westminster, MD.

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

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); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) 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 24, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-29237 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 18605/80-APC-6]

Alteration of Group II Terminal Control Area; Honolulu, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reconfigures the Group II Terminal Control Area (TCA) at Honolulu, HI, which first became effective on November 27, 1980. This action extends the southern boundary of the TCA to encompass airspace released when Warning Areas W-319 and W-320 were modified and renamed W-181. The increase in TCA airspace will not impose an additional burden on visual flight rules (VFR) operations due to the former nature of the airspace and because of its distance from the land mass.

The objective of this action is to provide for the most efficient utilization of the available airspace while accommodating the legitimate concerns of the airspace users and, in particular, to provide the highest degree of safety for passengers in public air transportation.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. B. Keith Potts, Airspace and Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3731.

SUPPLEMENTARY INFORMATION:

History

On April 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the Honolulu, HI, TCA (46 FR 23065).

The original Honolulu TCA was developed when Warning Areas W-319 and W-320 were active. Those warning areas were located in international airspace and were utilized by the Department of Defense for military training. The southern boundary of the TCA was designed to coincide with the boundaries of those warning areas. On September 4, 1980, the FAA rescinded W-319 and W-320 through nonregulatory means and replaced them with a new but lesser warning area airspace (W-181).

Warning Area W-181 was described in a Notice of Proposed Rulemaking published in the Federal Register on January 24, 1980 (45 FR 5744). The nonregulatory change which defines W-181 releases airspace which will be efficiently utilized as part of the TCA to more safely expedite arriving and departing traffic at Honolulu International Airport. By extending the southern boundaries of Area "E" of the TCA to a continuous 32-nautical mile arc of the Runway 4R instrument landing system distance measuring equipment, the following advantages are realized:

1. A standard instrument departure (SID) procedure (CARAT ONE SID) with accompanying transitions can be utilized in accordance within the FAA policy to container departing aircraft within the TCA until exiting through the TCA ceiling.

2. Arriving aircraft can be more efficiently sequenced because of the additional continuous airspace.

3. The extension will not impose an additional burden on VFR operations due to the former restricted nature of the airspace and because of its 30-mile distance from the land mass.

Section 71.401(b) of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 768).

Discussion of Comments

The FAA received a total of three comments in response to the proposed modification. All three commenters concurred in or had no objections to the proposal. The Air Transport Association endorsed the reconfiguration. The Aircraft Owners and Pilots Association recommended that the FAA continue to portray suggested VFR procedures on the Honolulu VFR Terminal Area Inset on the Hawaiian Islands/Mariana Islands Sectional Aeronautical Chart. This will be done.

The Air Line Pilots Association (ALPA) recommended that consideration be given to establishing TCA corridors from the 9,000-foot TCA ceiling to an altitude of 12,500 feet extending from the 32 DME lateral limits of the TCA to 40-45 DME to contain jet

traffic. No rationale for this proposal was offered. The FAA does not concur with ALPA's recommendations for TCA corridors. The 9,000-foot ceiling has been used for Stage III separation service since TRSA was implemented in 1975. That altitude was selected to contain overflights that were known to transit Oahu at and below 8,500 feet daily. This activity has not changed since implementation of the TCA on November 27, 1980. Since uncontrolled VFR aircraft activity above 9,000 feet immediately outside the TCA 32 DME boundary is nonexistent, corridors as suggested by ALPA would serve no useful purpose. The proposed alteration of Area "E" meets the objectives of the TCA program.

Local Benefits

The modification of the Group II TCA, as proposed in the notice, provides airspace for streamlining air traffic control procedures, thereby making operations more economical for users of the TCA. No adverse economic impact on VFR operations is expected.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) is amended effective November 26, 1981, by revising Area E of the Honolulu, HI, TCA, to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II Terminal Control Areas:

* * * * *

Area E. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within a 32-mile radius of the ILS Runway 4R DME extending from the Honolulu VORTAC 119° radial clockwise to a line 0.5 miles north of and parallel to the Honolulu VORTAC 293° radial, excluding Areas A, B, C, D, G, H and J.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

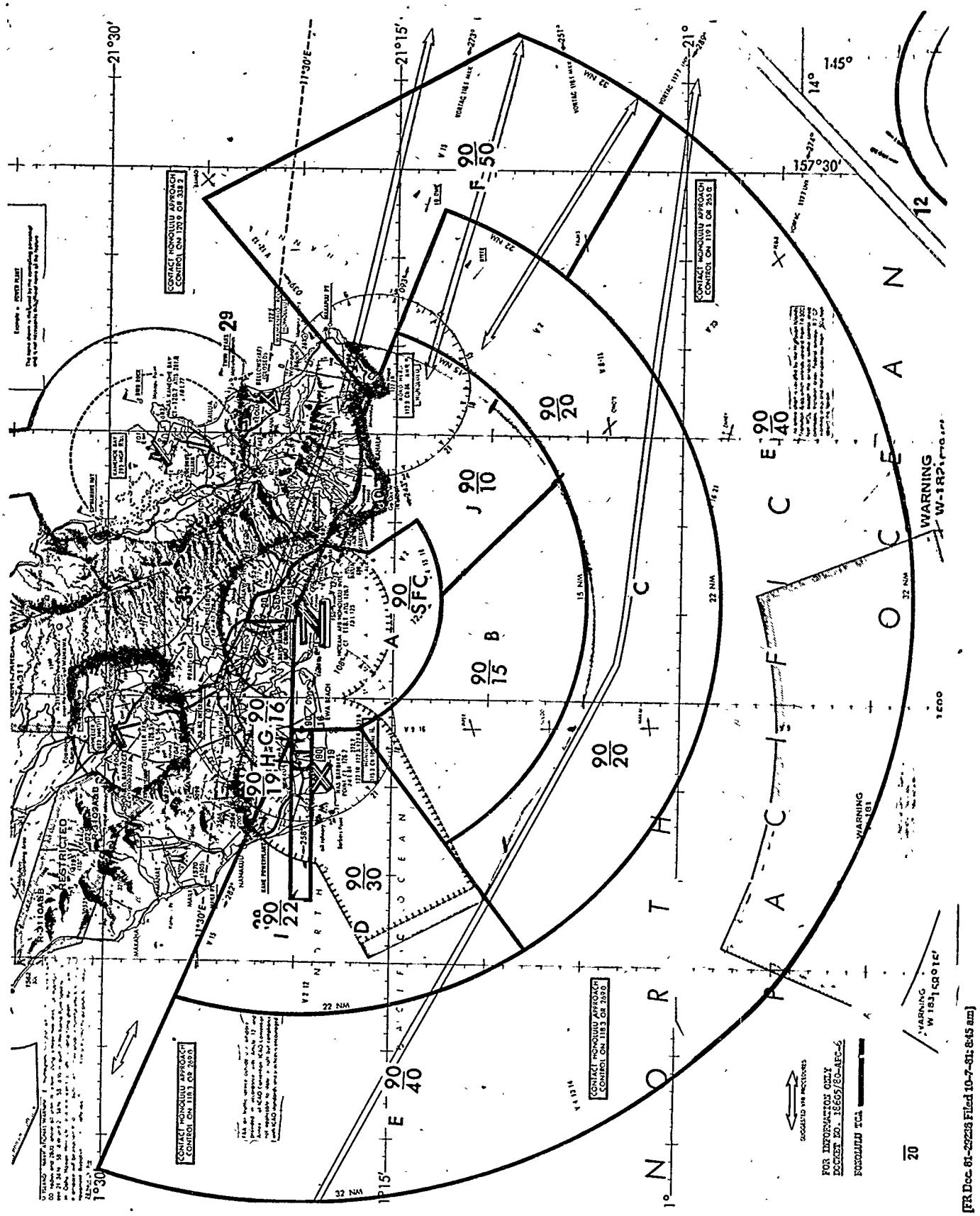
Note.—This amendment involves only a small alteration of navigational and air traffic control procedures over a limited area of open ocean. The FAA has, therefore, concluded that it: (1) Is not a major regulation under Executive Order 12291; (2) is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the Washington and Regional dockets.

Issued in Washington, D.C., on October 2, 1981.

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

BILLING CODE 4910-13-M



[FR Doc. 81-29226 Filed 10-7-81; 8:45 am]

14 CFR Part 71

[Airspace Docket No. 81-AWE-20]

Establishment of Transition Area, Grass Valley, California

Correction

In FR Doc. 81-26885, published at page 46124, on Thursday, September 17, 1981, on page 46125, in the first column, in the first paragraph, in the fourth line of § 71.181 "(latitude 39°13'15"N." should be corrected to read "(latitude 39°13'25"N."

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-18132]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to publish notice of the filing of plans, and amendments to plans, concerning the designation of national market system securities and to approve such plans and amendments.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon (202) 272-2889, Division of Market Regulation, Securities and Exchange Commission, Room 391, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff the authority to publish notices of proposed designation plans for national market system securities, and amendments to such plans, filed under Rule 11Aa2-1 (17 CFR 240.11Aa2-1) and to approve such plans and amendments. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA therefore are unnecessary and that such amendment shall be adopted, effective immediately.

Accordingly, 17 CFR Chapter II is amended by adding a new paragraph (a)(37) to § 200.30-3 to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(37) Pursuant to Rule 11Aa2-1, 17 CFR 240.11Aa2-1, to publish notice of the filing of a designation plan with respect to national market system securities, or any proposed amendment thereto, and to approve such plan or amendment.

* * * * *

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,

Secretary.

October 1, 1981.

[FR Doc. 81-29222 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 81-261]

Special Tonnage Tax and Light Money; Payment Exemption; Dominica

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations by adding Dominica to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been furnished by the Department of State that no discriminating duties of tonnage or impost are imposed in ports of Dominica upon vessels belonging to citizens of the United States or on their cargoes. This document provides reciprocal privileges to vessels registered in Dominica.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Tomenga, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On June 15, 1981, the Department of State advised the Department of the Treasury that satisfactory evidence had been obtained from the Government of Dominica that no discriminating duties on tonnage or impost are imposed or levied in ports of that country upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into that country on United States vessels.

In its communication, the Department of State advised that no discriminating duties of tonnage or impost were imposed or levied upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into ports of the Dominica from June 15, 1981.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 101-5 (46 FR 9336), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of Dominica and the produce, manufactures, or merchandise imported into the United States in such vessels from Dominica or from any other foreign

This suspension and discontinuance shall take effect from June 15, 1981, in respect to vessels of Dominica, and shall continue only for so long as the reciprocal exeptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

To reflect the reciprocal privileges granted to vessels registered in Dominica, the list in § 4.22, Customs Regulations (19 CFR 4.22), of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money, is amended by adding Dominica in appropriate alphabetical order.

(R.S. 251, as amended, 4219, as amended, 4255, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 5, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and Treasury participated in its development.

Dated: September 2, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-29318 Filed 10-7-81; 8:45 am]

BILLING CODE 4810-22-M

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19 CFR Parts 132, 141, and 142

[T.D. 81-260]

Quota Merchandise, Statistical Information, and Merchandise Released Under Immediate Delivery Procedure

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The "Customs Procedural Reform and Simplification Act of 1978," made significant changes in the Customs laws relating, in part, to the entry and warehousing of imported merchandise. Customs Regulations amendments implementing these changes were published; however, several sections of the Customs Regulations needed further changes. This document amends the Customs Regulations to:

(1) Clarify the procedure relating to quota merchandise when the quota is nearing fulfillment;

(2) Remove a mandatory requirement to aggregate statistical information from multiple invoices;

(3) Clarify the circumstances under which a district director may authorize release of merchandise from warehouse under a special permit; and

(4) Clarify what documentation may be filed after merchandise is released under the immediate delivery procedure.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Relating to quota merchandise—Bill Slyne, Duty Assessment Division, (202-566-2957); Relating to statistical information—William L. Marchi, Duty Assessment Division, (202-566-8235); Relating to merchandise released under the immediate delivery procedure—Benjamin H. Mahoney, Entry Procedures and Penalties Division, (202-566-5778). U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Public Law 95-410, the "Customs Procedural Reform and Simplification Act of 1978," made significant changes in the Customs laws relating, in part, to the entry and warehousing of imported merchandise. Final amendments to the Customs Regulations implementing these changes were published in the Federal Register on August 9, 1979, as T.D. 79-221 (44 FR 46794).

Based upon our experience and further review, Customs determined that several sections of the Customs Regulations amended by T.D. 79-221 needed further changes. Accordingly, on December 30, 1980, Customs published a notice of proposed rulemaking (NPRM), in the Federal Register (45 FR 85781), to amend the following sections of the Customs Regulations (19 CFR Chapter 1):

1. Section 132.13(a)(1) Customs Regulations (19 CFR 132.13(a)(1)), to clarify the procedure relating to quota merchandise when the quota is nearing fulfillment;

2. Sections 141.61(e)(1)(i) and (f)(2), Customs Regulations (19 CFR 141.61(e)(1)(i), (f)(2)), to remove a mandatory requirement to aggregate statistical information from multiple invoices;

3. Section 142.21(f), Customs Regulations (19 CFR 142.21(f)), to clarify the circumstances under which a district director may authorize release of merchandise from warehouse under a special permit; and

4. Section 142.22(b), Customs Regulations (19 CFR 142.22(b)), to clarify what documentation may be filed after merchandise is released under the immediate delivery procedure.

Discussion of Changes as Proposed

§ 132.13(a)(1)

As amended by T.D. 79-221, the first sentence of § 132.13(a)(1)(ii) provided that "Except in emergency cases, as provided for in § 142.21(e)(2) of this chapter, absolute quota merchandise shall not be released under this immediate delivery procedure if the quota is nearing fulfillment." To correct an inconsistency in the regulations, this sentence subsequently was amended by T.D. 80-26, published in the Federal Register on January 21, 1980 (45 FR 3901), to provide that "Absolute quota merchandise shall not be released under the immediate delivery procedure if the quota is nearing fulfillment."

A question of interpretation was raised as to whether absolute quota merchandise could be released under the immediate delivery procedure if the quota were not nearing fulfillment. To clarify this point, the NPRM proposed to amend § 132.13(a)(1)(ii) to provide that except as provided for in § 142.21(e)(2) (relating to perishable merchandise of a class approved by Headquarters subject to an absolute quota) and § 142.21(g) (relating to release of merchandise when authorized by Headquarters), absolute quota merchandise shall not be released under the immediate delivery procedure.

Section 132.12, Customs Regulations, relating to the opening of potentially filled quotas, provides a procedure in paragraph (c)(2) to be used in the event quantities specified on entry summaries for consumption or withdrawals for consumption shall be prorated against the quota quantity.

The NPRM further proposed to amend § 132.13(a)(1) by deleting the last sentence of § 132.13(a)(1)(ii) and by adding a new § 132.13(a)(1)(iii) to provide that the procedure set forth under § 132.13(c)(2), relating to the opening of potentially filled quotas, also applies to tariff and absolute quota when the quota is nearing fulfillment.

§§ 141.61(e)(1)(i) and (f)(2)

Section 141.61(e)(1)(i), as amended by T.D. 79-221, provided that if a class or kind of merchandise from the same country of origin subject to the same statistical reporting number is included in more than one invoice, the information shall be combined and reported under one statistical reporting number. That section also provided that when consolidating information from several invoices under one reporting number, a worksheet itemizing the entered value of the merchandise from each invoice shall be attached to the appropriate form.

Section 141.61(f)(2), as amended by T.D. 79-221, relating to values on multiple invoices, required that the aggregate of the entered values of all the merchandise on each of the multiple invoices be shown on an attached worksheet.

The procedures relating to aggregating statistical information were proposed initially to reduce the loss of statistical data because detailed information on line items of the Tariff Schedules of the United States Annotated (TSUSA) valued under $250 was not reported. By combining data under one TSUSA number, many line items valued under $250 could be included in the detailed data. Additionally, many TSUSA line items on Customs entry summaries could be eliminated, thus realizing significant savings in computer processing time.

The effective date of implementing these sections was September 10, 1979. However, after publication of T.D. 79-221 on August 9, 1979, a number of individual customhouse brokers, their trade association, and other interested parties advised Customs of serious problems and burdens they were experiencing in attempting to establish procedures to comply with the new regulations.

After reviewing the matter, Customs found there was merit to these complaints. Accordingly, a notice was published in the Federal Register as T.D. 79-248 on September 24, 1979 (44 FR 55001), delaying implementation of § 141.61(e)(1)(i) and (f)(2), to January 1, 1980. Subsequently, on October 26, 1979, Customs field personnel were directed by Customs Headquarters to advise importers, brokers, and other interested parties that there would be an indefinite delay in implementing these sections.

Customs determined that the problems and financial burden that the new requirements would impose on certain segments of the importing public outweighed the benefits to be gained in reducing processing costs and time, and providing more complete statistical data.

On the other hand, some importers and nonautomated brokers preferred to aggregate the TSUSA numbers. A practice has been established in many locations to permit entry summaries to be filed in this manner.

Therefore, Customs determined to permit importers and brokers, at their option, to either:

1. Aggregate the TSUSA number regardless of the number of invoices involved; or
2. List the TSUSA number within each invoice.

The NPRM proposed to amend §§ 141.61(e)(1)(i) and (f)(2) to provide that the broker and importer may use either procedure.

§ 142.21(f)

Section 142.21(f), as amended by T.D. 79-221, provided that at the discretion of the district director, merchandise may be released from a warehouse under a special permit provided the importer has on file one of the types of Customs bonds provided for in § 142.4, Customs Regulations (19 CFR 142.4).

The purpose of this provision is to avoid unnecessary delay in releasing merchandise from a bonded warehouse when an importer must travel a great distance from (1) the bonded warehouse to the customhouse to file the withdrawal for consumption with estimated duties attached, and (2) the customhouse to the bonded warehouse to obtain release of the merchandise.

Under § 142.21(f), an importer may obtain prompt release of merchandise from a bonded warehouse by filing Customs Form 3461. The importer may accummulate several of these forms over a period of days and then make one trip to the customhouse within the required 10-day period to file the withdrawal for consumption with estimated duties attached.

However, it appears that some importers, who do not travel great distances between their bonded warehouses and the customhouse and, therefore, can obtain prompt release of merchandise from the warehouse, may take advantage of the benefit of § 142.21(f) merely to forestall the payment of estimated duties until 10 days after release of the merchandise from the bonded warehouse.

The NPRM proposed to amend § 142.21(f) to ensure that the procedure will not be used by some importers merely to delay payment of estimated duties. It was proposed to amend § 142.21(f) to provide that the district director may authorize release from warehouse under a special permit under the following circumstances:

1. The warehouse is located a considerable distance from the customhouse and actual release of the merchandise from the warehouse could not be effected within the next full business day after the day of the payment of duty, and
2. The district has sufficient manpower to permit such practice.

§ 142.22(b)

Section 142.21, as amended by T.D. 79-221, provides that merchandise may be released under a special permit for immediate delivery, in accordance with section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)), under circumstances relating to the following:

1. Contiguous countries,
2. Fresh fruits and vegetables,
3. Agency of the U.S. Government,
4. Articles of a trade fair,
5. Quota-class merchandise,
6. Release from warehouse followed by warehouse withdrawal for consumption, and
7. When authorized by Headquarters.

Section 142.22(b) lists the documentation which must be filed after the release of merchandise for which a special permit for immediate delivery had been issued. They are:

1. An entry summary for consumption, with estimated duties attached, an entry summary for warehouse, or an entry summary for entry under a temporary bond;
2. A withdrawal for consumption, with estimated duties attached;
3. An entry for transportation and exportation, immediate transportation without appraisement, or direct exportation; or
4. An application to destroy.

Section 142.28, Customs Regulations (19 CFR 142.28), provides, in part, that an entry for exportation, or for transportation and exportation, or an application to destroy, may be filed for

merchandise released under a special permit for immediate delivery and later found to be prohibited.

A question of interpretation was raised by Customs personnel as to under what circumstances, relating to the release of merchandise under the immediate delivery procedure of § 142.21, would the transportation entries specified in § 142.22(b)(3) be used. Transportation entries may be used only with respect to the release of fresh fruits and vegetables under § 142.21(b) and absolute quota merchandise under § 142.21(e)(2). However, § 142.22(b)(3) did not set forth these two circumstances under which the transportation entries may be used. Therefore, an ambiguity was raised concerning the proper document to be used.

In a related matter, § 142.28 provides for the use of an entry for exportation, or for transportation and exportation, or an application to destroy merchandise released and later found to be prohibited. However, neither § 142.22(b)(3) nor § 142.22(b)(4) made any reference to merchandise released under the immediate delivery procedure and later found to be prohibited. An ambiguity also was raised with regard to the proper documents to be used.

The NPRM proposed to amend § 142.22(b)(3) to provide that the transportation entries shall be filed only in the circumstances under §§ 142.21 (b) and (e)(2), and to provide that an entry for exportation, or for transportation and exportation, shall be filed in the circumstance under § 142.28.

Similarly, that document proposed to amend § 142.22(b)(4) to provide that an application to destroy shall be filed in the circumstances under §§ 142.21 (b) and (e)(2), and § 142.28.

Two additional changes to § 142.22(b) were proposed. It was proposed to amend § 142.22(b)(1) to clarify that the entry summary documents may be filed in any of the circumstances listed in § 142.21 except for merchandise released from warehouse under § 142.21(f). It was proposed to amend § 142.22(b)(2) to clarify that a withdrawal for consumption shall be filed only for merchandise released from warehouse under § 142.21(f).

Pursuant to the NPRM, interested parties were given until March 2, 1981, to submit comments on the proposal. Five commenters responded to the notice. Except for one clarifying change, the amendments are being adopted as proposed.

Discussion of Comments

One commenter requests Customs to clarify and simplify its procedures to relieve congestion of air carrier terminals at various international airports. Because this suggestion is outside the scope of the proposed rule, Customs will not consider the comment as part of this document. However, as part of our continuing effort to improve operations, Customs will endeavor to clarify and simplify procedures wherever possible.

Several commenters object to amending § 132.13(a)(1)(ii), relating to quota merchandise. One commenter believes that prohibiting the release of absolute quota merchandise under the immediate delivery procedure if the quota were not nearing fulfillment would create an obstacle to the importing community. It is claimed that pier and rail demurrage costs would result because quota entries could not be processed by Customs timely. Another commenter believes that the regulations should allow all absolute quota merchandise to be released under normal entry procedures.

As noted in the proposal, this is not a new concept but merely a clarification of the existing procedure for regulating the release of absolute quota merchandise under the immediate delivery procedure, whether or not a quota is nearing fulfillment. The purpose of the rule is to assure that § 132.13(a)(1)(ii) is read consistently with § 142.21, relating to the immediate delivery procedure. The uniform procedure of restricting release of absolute quota merchandise under the immediate delivery procedure is necessary for Customs to maintain quantitative control of the merchandise. Accordingly, the rule is being adopted as proposed.

Concerning the proposed amendments to §§ 141.61(e)(1)(i) and (f)(2), relating to statistical information, one commenter indicates that there are many cases when merchandise hearing the same statistical reporting number is reported separately. The commenter suggests that the regulations provide that an importer, at his option or when required because of licensing or requirements of other government agencies, may report the same statistical reporting number as often as necessary.

Customs is not aware of requirements that merchandise subject to the same statistical reporting number must be reported separately on the Customs entry summary document. We believe that adoption of the suggestion would result in an increase in the number of tariff line items that must be processed. This would necessarily increase the statistical data processing costs. Customs does not favor allowing merchandise on one invoice subject to the same 7-digit TSUSA reporting number to be entered on the entry summary more than once. Accordingly, the amendment is being adopted as proposed. An importer, at his option, may enter the same 7-digit number once for each invoice, or combine and report the same number once on the entry summary for all the merchandise subject to classification under that number from all invoices.

Several commenters object to the proposed amendment to § 142.21(f), relating to the release of merchandise from warehouse under a special permit. One commenter states that the phrase "considerable distance from the customhouse" in proposed § 142.21(f)(1)(i) is too broad and would be subject to misinterpretation. The commenter suggests that the phrase "outside of the official limitations of the city in which the Customs House is located" be used. Customs disagrees with the suggestion because if adopted, it would tend to work to the disadvantage of an importer having a warehouse in a city encompassing large geographical boundaries. Customs believes the proposed language is satisfactory.

Two commenters object to the language of that portion of proposed § 142.21(f)(1)(i) relating to the time of actual release of the merchandise from the warehouse. One commenter claims that is is unlikely that actual release of the merchandise from the warehouse "could" be completed within the next full business day because there is no present procedure under which Customs notifies the importer that the forms are available for pickup at the customhouse. Furthermore, if mail service were used, notice would not reach the importer for several days. The commenter notes that the only way in which an importer could ascertain the status of the forms submitted for withdrawal of the merchandise would be to travel each day to the customhouse. Economically, this would be very expensive. The second commenter notes that depending upon the reliability of the mail and availability of private transportation, release could be made within a span of one to three days.

Customs believes these concerns have merit and seeks to minimize any economic hardships upon the importer and avoid delay in processing paperwork. To clarify this matter, the word "may" is being substituted for the word "could" in proposed § 142.21(f)(1)(i).

Two commenters made suggestions to facilitate the release of merchandise from warehouse including using the

procedure similar to the entry procedure currently in effect. Because these suggestions appear to be beyond the scope of the proposed rule they will not be considered as part of this document. However, Customs will consider these comments as part of its review of warehouse operation.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking issued before January 1, 1981, the effective date of the Act.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Parts 132, 141, and 142, Customs Regulations (19 CFR Parts 132, 141, and 142), are amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved:

John P. Simpson,

Acting Assistant Secretary of Treasury.

September 2, 1981.

PART 132—QUOTAS

1. The first sentence of § 132.13(a)(1)(ii) is revised to read as follows:

§ 132.13 Quotas after opening.

(a) *Procedure when nearing fulfillment.*—(1) *For release of merchandise.*

* * * * *

(ii) *Absolute.* Except as provided for in § 142.21 (e)(2) and (g) of this chapter, absolute quota merchandise shall not be released under the immediate delivery procedure.

2. The last sentence of § 132.13(a)(1)(ii) is removed.

3. A new § 132.13(a)(1)(iii) is added to read as follows:

§ 132.13 [Amended]

(a) *Procedure when nearing fulfillment.*—(1) *For release of merchandise.* * * *

(iii) *Quota Proration.* When it is determined that entry summaries for consumption or withdrawals for consumption must be amended to permit only the quantity of tariff-rate and absolute quota merchandise determined to be within the quota, the entry summaries for consumption or withdrawals for consumption must be returned to the importer for adjustment. The time of presentation for quota purposes in that event shall be the same as the time of the initial presentation of the entry summaries for consumption or withdrawals for consumption provided—

(A) An adjusted entry summary for consumption, or withdrawals for consumption, with estimated duties attached, is deposited within 5 working days after Headquarters authorizes release of the merchandise, and

(B) The importer takes delivery of the merchandise within 15 working days after release is authorized.

* * * * *

PART 141—ENTRY OF MERCHANDISE

1. Section 141.61(e)(1)(i) is revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(e) *Statistical information*—(1) *Information required on entry summary or withdrawal form*—(i) *Where form provides space*—(A) *Single invoice.* For each class or kind of merchandise subject to a separate statistical reporting number, the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated ("TSUSA"), shall be shown on the appraisement entry, Customs Form 7500; the entry summary, Customs Form 7501 or 7502; the transportation entry and manifest of goods, Customs Form 7512, when used to document an incoming vessel shipment proceeding to a third country by means of an entry for transportation and exportation, or immediate exportation; the rewarehouse entry, Customs Form 7519; the manufacturing warehouse entry, Customs Form 7521; the withdrawal form, Customs Form 7505 or 7506; or the record of vessel/aircraft foreign repair or equipment purchase, Customs Form 226, in the space provided.

(B) *Multiple invoices.* If a class or kind of merchandise from the same country of origin subject to the same statistical reporting number is included in more than one invoice, the importer may, at his option (1) list each invoice separately on the appropriate form listed under paragraph (e)(1)(i)(A) of this section and for each class or kind of merchandise within each invoice subject to a separate statistical reporting number, report the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated (TSUSA); or (2) combine the information for each class or kind of merchandise and report it under one statistical reporting number for all invoices. When consolidating information from several invoices under one reporting number, a worksheet itemizing the entered value of the merchandise from each invoice in the manner prescribed in paragraph (f)(2)(ii) of this section shall be attached to the appropriate form.

* * * * *

§ 141.61 [Amended]

2. Section 141.61(f)(2) is revised to read as follows:

* * * * *

(f) *Value of each invoice.* (1) * * *

(2) *Multiple invoices.* (i) If the importer or his agent elects the first option specified in paragraph (e)(1)(i)(B) of this section, the information required to be restated by paragraph (f)(1) of this section for a single invoice shall be restated for each invoice. The required information shall be shown on a worksheet attached to the form or placed across columns (2a) or (2b) on Customs Form 7501 and 7502, and in the same general location on Customs Forms 7505, 7506, 7519, and 7521.

(ii) If the importer or his agent elects the second option specified in paragraph (e)(1)(i)(B) of this section, the information required to be restated by paragraph (f)(1) of this section for a single invoice shall be restated for each invoice. The final amount in the summary computation shall represent the aggregate of the entered values of all the merchandise on each of the multiple invoices. The required information shall be shown on an attached worksheet.

(iii) The worksheet also shall contain:

(A) A statistical reporting number restatement for the merchandise from each invoice subject to the same statistical reporting number from the same country of origin, and

(B) An aggregatge total value which represents the entered value.

(iv) To permit the identification of the merchandise entered under each reporting number, each class or kind of merchandise, from one country reported under a single statistical reporting

number shall be coded identically on each invoice and on the worksheet.

PART 142—ENTRY PROCESS

1. Section 142.21(f) is revised to read as follows:

§ 142.21 Merchandise eligible for special permit for immediate delivery.

* * * * *

(f) *Release from warehouse followed by warehouse withdrawal for consumption.* Merchandise may be released from warehouse under a special permit—

(1) At the discretion of the district director when

(i) The warehouse is located a considerable distance from the customhouse and actual release of the merchandise from the warehouse may not be effected within the next full business day after the day of the payment of duty, and (ii) The district has sufficient manpower to permit such practice;

(2) The importer shall have on file one of the types of Customs bonds provided for in § 142.4; and

(3) The immediate delivery permit shall be annotated to state that a warehouse withdrawal for consumption will be filed for this merchandise.

* * * * *

2. Section 142.22(b) is revised to read as follows:

§ 142.22 Application for special permit for immediate delivery.

(a) * * *

(b) *Customs custody.* Merchandise for which a special permit for immediate delivery has been issued under §142.21 of this part shall be considered to remain in Customs custody until the filing of one of the following:

(1) An entry summary for consumption, with estimated duties attached, an entry summary for warehouse, or an entry summary for entry under a temporary importation bond, which may be filed in any of the circumstances under §142.21 of this part except for merchandise released from warehouse under §142.21(f) of this part;

(2) A withdrawal for consumption, with estimated duties attached, which shall be filed only for merchandise released from warehouse under §142.21(f) of this part;

(3) An entry for transportation and exportation, immediate transportation without appraisement, or direct exportation, which shall be filed in those circumstances under §142.21(b) and (e)(2) of this part; or entry for transportation and exportation, or direct exportation, which shall be filed in the circumstances under §142.28 of this part or

(4) An application to destroy, which shall be filed in those circumstances under §§142.21(b) and (e)(2), and §142.28 of this part.

(R.S. 251, as amended (19 U.S.C. 66), sec. 484, 552, 553, 557, 624, 46 Stat. 722, as amended, 742, as amended, 744, as amended, 759 (19 U.S.C. 1484, 1552, 1553, 1557, 1624); 92 Stat. 888, (Pub. L. 95-410), October 3, 1978)

[FR Doc. 81-29302 Filed 10-7-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch I

Pavement Type Selection; Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This notice provides a statement of FHWA policy on how the type of materials used in the various pavement components of a Federal-aid project should be determined.

FOR FURTHER INFORMATION CONTACT: Mr. L. M. Noel, Pavement Branch, Highway Design Division, (202) 426-0327, or Michael J. Laska, Office of the Chief Counsel, (202) 426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice establishes a policy on Pavement Type Selection pending completion of the rulemaking process initiated on August 21, 1980, with the issuance of an advance notice of proposed rulemaking (ANPRM) (FHWA Docket No. 80-14). This policy is based on an initial analysis of comments made to Docket No. 80-14. The policy is designed to provide the public with acceptable highway service at a minimal annual or life cycle cost while permitting maximum flexibility. The policy encourages the consideration of alternate designs and strategies in the type selection process. As used in this policy, pavement type includes both new and rehabilitated pavements including their components of overlays, shoulders, bases, and subbases.

The FHWA policy can be addressed under the following four key issues:

1. Pavement type selection should be based upon an engineering evaluation considering the factors contained in the 1960 AASHTO publication entitled "An Informational Guide on Project Procedures."

2. Pavement type determinations should include an economic analysis based on life cycle costs of the pavement type. Estimates of life cycle costs should become more accurate as pavement management procedures begin providing historical cost, serviceability, and performance data. States without this data are encouraged to obtain it.

3. An independent engineering and economic analysis and final pavement type determination should be performed or updated a short time prior to advertising on each pavement type being considered.

4. Where the analysis reflects that two or more initial designs and their forecasted performance are determined to be comparable (or equivalent), then alternate bids may be permitted if requested by the contracting agency. The Division Administrator shall review the analysis and concur in the finding of equivalency prior to PS&E approval. Price adjustment clauses where utilized would also have to be treated on an equal basis.

This policy is written with the intention of taking advantage of fluctuating material prices while not compromising good design and pavement management practices.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued: September 29, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-29181 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-22-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2618

Allocation of Assets in Non-Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to final rule adding Subpart C—Allocation of Residual Assets.

SUMMARY: This is an amendment to the regulation on the allocation of assets in terminating, non-multiemployer pension plans. This amendment prescribes rules for the distribution of any assets that remain after all plan benefits have been paid in terminating plans that close out

pursuant to a Notice of Sufficiency from the Pension Benefit Guaranty Corporation. The amendment is necessary to set forth the rules under which those residual assets may revert to the employer. The amendment is further necessary to establish rules for computing what portion of the residual assets is due to employee contributions, and thus must be returned to the employees, and for distributing residual assets among eligible employees or their beneficiaries. The effect of the amendment is to provide plan administrators with needed guidance as to how they should distribute any assets remaining after all plan benefits have been paid.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 220, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On October 2, 1980, the Pension Benefit Guaranty Corporation ("PBGC") published a supplemental notice of proposed rulemaking (45 FR 65259) containing rules to implement the provisions of Section 4044(d) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"), concerning the allocation and distribution of residual assets. Residual assets are plan assets that remain after the allocation of assets to benefits through priority category 6, pursuant to the provisions of sections 4044 (a) and (b) of the Act and Part 2618 of this chapter (formerly Part 2608). Part 2618, Allocation of Assets in Non-Multiemployer Plans, was published as a final rule in the Federal Register on January 28, 1981 (46 FR 9480) (correction published February 4, 1981 at 46 FR 10720; amendment published February 24, 1981 at 46 FR 13689) and was redesignated "Part 2618" on June 24, 1981 at 46 FR 32574.

A number of comments on the October 2, 1980 proposal were received. After reviewing these comments, the PBGC has decided to make several of the recommended changes. In addition, the comments highlighted some unintended ambiguities in the proposal that have been eliminated in this final amendment. A full discussion of the comments received and the changes made in the final regulation follows:

Purpose and Scope

Section 2618.1 has been revised to clarify the purpose of each subpart of Part 2618. Thus, Subpart A contains general rules for applying Subpart B, which covers the allocation of assets to priority categories 1 through 6, and Subpart C, which covers the allocation of any assets remaining after all priority category 6 benefits have been provided. In addition, the amendment makes clear that the rules in both Subpart B and Subpart C have prospective application only.

Section 2618.1 of the proposal provided that the rules in Subparts A and B applied to all plans terminating after the date of enactment of the Act. This was in recognition of the fact that the rules are interpretative of section 4044 of the Act and PBGC presumes that the assets of all plans closing out pursuant to a Notice of Sufficiency from PBGC were allocated in accordance with the provisions of section 4044 in the absence of final regulations governing allocation in such plans. However, in the final regulation published on January 28, 1981 (46 FR 9480), and amended on February 24, 1981 (46 FR 13689), Subparts A and B were adopted effective April 1, 1981. This amendment reflects that change and clarifies coverage.

Coordination With the Internal Revenue Code

Several comments perceived an unintended conflict between the proposed allocation to employees and beneficiaries in plans not providing for reversion and Revenue Ruling 80-229, I.R.B. 1980-34. Moreover, PBGC notes that other provisions of the Internal Revenue Code and regulations may require an allocation or reallocation that varies from the basic allocation. Guidance concerning the procedure to be followed in event of a reallocation was also requested. In order to clarify the interaction of the allocation and non-discrimination requirements, and to state the procedure to be followed in the event of a reallocation, § 2618.32(c) has been revised. Specifically, this amendment makes clear that a plan administrator need not risk disqualification of a plan while allocating residual assets and need not seek PBGC approval of a reallocation required by the Internal Revenue Service to avoid disqualification of the plan. The plan administrator, however, must notify PBGC of any reallocation and revised distribution.

One comment concerned problems posed in a plan with one or more participants who have accrued the maximum benefit permissible under the Act and who would otherwise be entitled to receive a share of the residual assets. It was suggested that the regulation provide that any residual that produces an "excess benefit" be reallocated among other participants, or revert to the employer if all participants have the maximum benefit. Reallocation among other participants is provided for in this situation by § 2618.32(c) of this final amendment. However, the problem of possible reversion of an "excess benefit" to the employer in a plan that provides that there can be no reversion is not treated in the regulation. That situation occurs infrequently and involves legal issues that will not be addressed at this time.

Allocation to Employer

Section 2618.30 provides that residual assets that are not attributable to employee contributions may revert to the employer if the plan provides for reversion and the distribution does not violate any provision of law. This provision reflects the language in section 4044(d)(1) of the Act. One comment noted that the phrase "the distribution does not violate any provision of law" is too restrictive and disregards judicial elucidation and equity. It was suggested that the regulation require that "the distribution does not violate law or equity" and that "a good faith determination to terminate has been made under the fiduciary standards" of the Act. PBGC believes that the regulation should not, and need not, go beyond the statutory language. The allocation process is separate from any judicial remedies based on equity or violations of the fiduciary standards of the Act. Moreover, PBGC believes that "provision of law" includes judicial interpretation of written laws and does not preclude a court from exercising its equitable powers. PBGC further notes that the provisions on fiduciary responsibility and the enforcement of fiduciary responsibilities are found in Title I of the Act and are not within PBGC's jurisdiction.

One comment suggested that the regulation provide that residual assets may revert to the employer if the plan so provides *at the time of such reversion*. If adopted, this suggestion would permit post-termination amendments, which is contrary to PBGC's established position supported by the cases of *Audio Fidelity Corp.* v. *PBGC*, 624 F. 2d 513 (4th Cir. 1980); *In re Del Chemical Corp.*, No. 79-C-250 (E.D. Wisc. 1979); and *Plumbers and Steamfitters, Local Union 530 Annuity Fund* v. *Shaffer*, 457 F. Supp. 954 (W.D. Pa. 1978). The final regulation does not adopt the suggestion, but makes clear that reversion to the employer is permitted only if the plan

provides for reversion as of the date of plan termination.

Residual Assets Attributable to Employee Contributions

Several comments objected to the proposed formula for allocating residual assets between employer and employees in contributory plans since it would result in the employees always sharing in residual assets. Under proposed §2618.31(b), the employees' share of the residual would be determined by multiplying the residual by a fraction, the numerator of which is the present value of all benefits assigned to priority category 2 and the denominator of which is the present value of all benefits assigned to priority categories 2–6. PBGC agrees with the comments that this formula would give a portion of the residual assets to employees in all cases without regard to the fact that some of that portion may not be attributable to employee contributions and agrees that section 4044(d)(2) does not require that conclusion. However, PBGC proposed this simplified formula with the belief that lesser administrative burdens and costs might make it attractive to plan administrators and employers. For example, PBGC believes that determining the employees' share of the residual under this formula could be less costly in many cases than tracing actual investment income.

The proposal, and this final amendment, would allow plan administrators to use an alternative method for tracking investment income attributable to employee contributions, if PBGC approves the use of the alternative method. A request to use an alternative method must be submitted within 30 days after the date a Notice of Sufficiency is issued, or the plan administrator will be precluded from using an alternative method. Rules concerning timely submission, contents of the request, and submission of supporting data are set forth in § 2618.31(d). In deciding whether to approve a proposed alternative, PBGC will consider the accuracy and equities of the proposed method and if it is consistent with the statutory scheme and protects the rights of participants and beneficiaries.

One possible alternative method, set forth in § 2618.31(c)(1), is an accounting of actual investment income, to be offset by interest already allocated to priority category 2. Another example of an acceptable alternative is the formula set forth in § 2618.31(c)(2), which is an attempt to estimate investment gains or the amount by which actual investment income exceeded projected investment income. Under that formula *total plan assets* would be multiplied by a fraction, the numerator of which is net employee contributions and the denominator of which is net employee contributions plus all employer contributions, with all such contributions credited with the interest rate used in the plan's actuarial assumptions. The employees' share of the residual, which cannot exceed the total residual, would be determined by subtracting, from the product of the multiplication, the assets already allocated to priority category 2. Using either of these alternatives could result in a finding that all investment income on employee contributions already had been allocated to employees in the computation of their priority category 2 benefits.

Both of the alternative methods discussed above, as well as the basic method set forth in § 2618.31(b), require the computation and valuation of priority category 2 benefits. PBGC has determined, however, that the priority category 2 computation is not required in all cases. Since PBGC believes that it would be inequitable to require that time and money be spent to determine otherwise unnecessary figures, this final regulation contains a third possible alternative method for establishing the employees' share of the residual assets that will be considered by the PBGC at the request of a plan administrator. Under this third alternative, § 2618.31(c)(3), the employees' share of the residual assets would be determined by multiplying the residual assets by a fraction, the numerator of which is net employee contributions and the denominator of which is net employee contributions plus total employer contributions. Since this formula has the advantage of simplicity, using figures that are normally readily available, PBGC believes that it would be inequitable to limit the use of this formula to those plans for which priority category 2 benefits need not be computed. Therefore, the use of the formula in § 2618.31(c)(3) will not be denied by PBGC solely because a priority category 2 computation is required under § 2618.12. The PBGC will take note of the timing of employee and employer contributions in deciding whether to permit the use of this method.

Two comments received from the public interpreted the basic and alternative formulas as providing that contributing employees *must* share in the residual. They suggested that any residual almost always results from (1) advance or anticipatory funding, (2) the accrual method used, or (3) anticipation of "excess interest" in benefit formulas. The regulation does not preclude a showing that all of the residual is attributable to employer contributions for reasons such as the above, and any such claim would be addressed on a case-by-case basis.

Additional objections to the proposed allocation of residual assets between employer and employees were based on contentions (1) that residual assets may result from the type of plan, *i.e.* a plan in which the employer contributes what is actuarially needed to meet the benefits, or (2) that the Act does not require that contributing employees share in "excess interest" over the rate of interest specified in the plan. PBGC disagrees with both contentions. Regardless of the obligation assumed by the employer in a plan described in (1) above, employer and employee contributions are commingled and therefore indistinguishable. Thus, they contribute proportionately to any investment income. It follows that employees and employer should share that income proportionately. The employees in terminating plans bear the risk of loss of benefits where assets do not cover benefits through priority category 6 and the employer bears the risk of loss where assets do not cover benefits through priority category 4. It follows that both employer and employees should share the gains, if any, when assets reach beyond priority category 6.

With respect to the contention that employees who contribute should be limited to the interest rate provided in the plan, the legislative history of the Act supports a contrary conclusion. See Opinion Manual Letter No. 76–65.

Allocation Among Eligible Participants and Beneficiaries

Under the proposal, in § 2618.32(a), the employees' share of the residual in a plan that does not provide for reversion to the employer generally would be allocated among the pool of eligible participants and beneficiaries on a pro rata basis according to the present value of the respective participant's benefits assigned to priority categories 2–6, determined as of the date plan assets are to be distributed. One comment suggested that this would give a share of the residual assets to retirees who are already receiving full benefits under the plan whereas active participants are deprived of the opportunity to accrue additional benefits. It was suggested that the regulation permit residual assets attributable to employer contributions to be allocated in any manner permitted by a plan that does not result in prohibited discrimination.

Of course, residual assets attributable to employee contributions must always be distributed among those entitled to benefits in priority category 2 in proportion to the value of those benefits or, if an alternative method of allocation based on pro rata contributions in a contributory plan is approved under § 2618.31(c)(3), in proportion to the respective contributions. However, nothing in the regulation would preclude an employer from providing in the plan for the exclusion of specific groups of participants from sharing in the residual assets attributable to employer contributions, unless otherwise legally prohibited. The regulation is, therefore, unchanged in this respect.

One comment pointed out that an allocation among the pool based on relative accrued benefits may result in inequities, and recommended that the regulation permit an employer to propose and use, subject to PBGC approval, an alternative method. The ratio of the present value of a participant's benefits assigned to priority categories 2–6 to the present value of all benefits assigned to those categories was proposed by PBGC as the most logical and administratively simple basis for comparing the interests of pool members when the entire residual is to be distributed to them. The inequities envisioned by the comment are inherent in the statutory allocation provisions which, nevertheless, provide the most objective basis for allocating residual assets in plans that do not provide for reversion. Therefore, PBGC has not adopted this suggestion.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries or significant adverse effects on competition, employment, investment, productivity, innovation, or competition.

In consideration of the foregoing, Part 2618 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby revised as follows:

1. The table of contents of Part 2618 is amended to add a new Subpart C and new sections as follows:

PART 2618—ALLOCATION OF ASSETS IN NON-MULTIEMPLOYER PLANS

* * * * *

Subpart C—Allocation of Residual Assets

Sec.
2618.30 Allocation to employer.
2618.31 Residual assets attributable to employee contributions.
2618.32 Allocation among eligible participants and beneficiaries.

Authority: Secs. 4002 and 4044, Pub. L. 93–406, as amended by secs. 403(l), 406, and 402(a)(7), Pub. L. 96–364, 94 Stat. 1208, 1302, and 1299 (1980) (29 U.S.C. 1302 and 1344).

2. Section 2618.1 is revised as follows:

§ 2618.1 Purpose and scope.

(a) *Purpose.* Section 4044 of the Employee Retirement Income Security Act of 1974, as amended, contains rules for allocating a plan's assets when the plan terminates. These rules have been in effect since September 2, 1974, the date of enactment of the Act. Subpart A of this part sets forth general rules for applying Subparts B and C. Subpart B interprets the rules and describes procedures for allocating plan assets to priority categories 1 through 6. Subpart C interprets the rules and describes procedures for the allocation and distribution of any plan assets remaining after all benefits in priority categories 1 through 6 have been provided.

(b) *Scope.* This part applies to any non-multiemployer plan covered by Title IV of the Act that submits a Notice of Intent to Terminate, or for which PBGC commences an action to terminate the plan under section 4042 of the Act, on or after the effective date of each subpart.

3. Section 2618.2 is amended to add the following definitions, each to be inserted in alphabetical order among the definitions now in § 2618.2:

§ 2618.2 Definitions.

* * * * *

"Pool of eligible participants and beneficiaries" means—

(a) For a contributory plan that provides for reversion of residual assets to the employer, those individuals entitled to benefits in priority category 2, determined as of the date plan assets are to be distributed; and

(b) For any plan that does not provide for reversion of residual assets to the employer, those individuals entitled to benefits in priority categories 2 through 6, determined as of the date plan assets are to be distributed.

* * * * *

"Residual assets" means the plan assets remaining after all liabilities of the plan to participants and their beneficiaries for benefits through priority category 6 have been satisfied.

* * * * *

§ 2618.4 [Amended]

4. Section 2618.4 is amended by inserting the words "or distributed" between the words "allocated" and "upon."

5. Part 2618 is amended by adding a new Subpart C after § 2618.17, reading as follows:

Subpart C—Allocation of Residual Assets

§ 2618.30 Allocation to employer.

(a) Except for residual assets that are attributable to employee contributions, as computed under § 2618.31, residual assets in a plan may revert to the employer if—

(1) The plan provides, as of the date of plan termination, for the return of residual assets to the employer; and

(2) The distribution does not violate any provision of law.

(b) If the requirements of paragraph (a) of this section are not satisified, residual assets shalll be allocated among the pool of eligible participants and beneficiaries in accordance with § 2618.32(a).

§ 2618.31 Residual assets attributable to employee contributions.

(a) If a plan provides for employee contributions, any residual assets attributable to those employee contributions, as determined under paragraph (b) or (c) of this section, shall be allocated among the pool of eligible participants and beneficiaries in accordance with § 2618.32(b). In the absence of evidence to the contrary submitted pursuant to paragraphs (c) and (d) of this section, PBGC will assume that a portion of the residual assets is attributable to employee contributions.

(b) Unless an alternative method of computation is approved by PBGC pursuant to paragraphs (c) and (d) of this section, the portion of residual assets attributable to employee contributions shall be computed by multiplying the total residual assets by a fraction—

(1) The numerator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2618.12; and

(2) The denominator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16.

(c) Notwithstanding the provisions of paragraph (b) of this section, a plan administrator may use an alternative method for determining the portion of residual assets attributable to employee contributions, subject to written approval by the PBGC as provided in paragraph (d) of this section. Examples of alternatives that generally would be acceptable to the PBGC are as follows:

(1) Determine the amount attributable to employee contributions, based on the difference between employee contributions to the plan, minus withdrawals and distributions, credited with actual earnings for each plan year, and the value of the benefits assigned to priority category 2, pursuant to §§ 2618.10 and 2618.12.

(2) Determine the amount attributable to employee contributions, but not in excess of total residual assets, by multiplying total plan assets by a fraction, the numerator of which is total employee contributions to the plan, minus withdrawals and distributions, and the denominator of which is the sum of such employee contributions and all employer contributions to the plan, with all contributions accumulated at the interest rate or rates used in the plan's actuarial assumptions, and subtracting the total assets allocated to priority category 2, pursuant to §§ 2618.10 and 2618.12.

(3) Determine the amount attributable to employee contributions by multiplying total residual assets by a fraction, the numerator of which is total employee contributions to the plan, minus withdrawals and distributions, and the denominator of which is the sum of such employee contributions and all employer contributions to the plan.

(d) A plan administrator may request approval of an alternative method under paragraph (c) of this section by submitting to the PBGC a description of the alternative method that is proposed and a statement that the residual assets will not be allocated or distributed until written approval is received from PBGC. The request must be submitted no later than 30 days after the date a Notice of Sufficiency is issued under Part 2617 of this chapter, addressed to Office of Program Operations, Code 500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. For purposes of this section, a request is considered submitted on the date on which it is postmarked by the United States Postal Service or, if not so postmarked or if the date is illegible, on the date it is received by the PBGC. Documents received after regular business hours are considered submitted on the next regular business day. In addition, a plan administrator shall submit computations illustrating that the proposed alternative method would equitably determine the amount of the residual attributable to employee contributions and properly allocate it among the pool of eligible participants and beneficiaries.

§ 2618.32 Allocation among the pool of eligible participants and beneficiaries.

(a) *Plans that do not provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, in a plan to which § 2618.30(b) applies, the share of each member of the pool of eligible participants and beneficiaries in the residual assets shall be computed by multiplying total residual assets by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16; and

(2) The denominator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16.

(b) *Contributory plans that provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, the share of each member of the pool of eligible participants and beneficiaries in the residual assets in a contributory plan that provides for reversion to the employer shall be computed by multiplying the residual assets allocable to the pool of eligible participants and beneficiaries, as computed under § 2618.31(b) or (c), by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority category 2, pursuant to § 2618.12, or the member's contribution remaining in the plan if § 2618.31(c)(3) applies; and

(2) The denominator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2618.12, or all members' contributions remaining in the plan if § 2618.31(c)(3) applies.

(c) Any amount allocated to a member under paragraph (a) or (b) of this section is subject to allocation or reallocation by the plan administrator or the Secretary of the Treasury to the extent that the allocation would result in disqualification of the plan or discrimination prohibited by the Code and regulations and rules issued thereunder. The plan administrator shall notify the PBGC, in writing, within 30 days of any reallocation and shall file with PBGC the revised distribution information as part of the information to be filed under Part 2617 of this chapter. A previously issued Notice of Sufficiency will not be affected by the reallocation and the revised distribution.

Effective date. November 9, 1981.

Raymond J. Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program; Informal Conference on Status

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

ACTION: Notice of informal conference.

SUMMARY: On January 19, 1981, the Secretary of the Interior approved Oklahoma's program to administer and enforce provisions of the Surface Mining Control and Reclamation Act (SMCRA) and the permanent regulatory program rules contained in 30 CFR Chapter VII (*See* 46 FR 4902–4911). On September 10, 1981, the Director, OSM, notified the Oklahoma Department of Mines that OSM had reason to believe that Oklahoma may not be able to administer, implement, maintain or enforce its approved program for the reasons discussed below under "SUPPLEMENTAL INFORMATION." (*See* Administrative Record No. OK-317.)

Under the provisions of 30 CFR 733.12(c), the Director may hold an informal conference to discuss the facts surrounding the Director's notification if such an informal conference is requested by the State. By letter dated September 21, 1981, the Oklahoma Department of Mines has requested that the Director hold an informal conference (*See* Administrative Record No. OK-318). Accordingly, the Director hereby notifies Oklahoma and the public that OSM will hold an informal conference on October 14, 1981, at the address shown below under "ADDRESSES." All interested persons may attend the informal conference.

DATE: OSM has scheduled an informal conference on October 14, 1981, to be held at the address below.

ADDRESSES: The informal conference will be held on October 14, 1981, beginning at 1:00 p.m. at: Oklahoma Department of Mines, Conference Room, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at:

Office of Surface Mining, Administrative Record, Room 153, Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728

Office of Surface Mining, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920

Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105, Telephone (405) 521-3859

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION: On February 28, 1980, Oklahoma submitted a proposed program to regulate surface coal exploration, mining and reclamation within the State in accordance with Section 503 of SMCRA. The Secretary reviewed the State's submission, provided the public an opportunity to review it, and gave it his partial approval on October 10, 1980 (45 FR 67361-67372). Oklahoma resubmitted its program on December 8, 1980. The Secretary reviewed and invited public comment on those program elements that were not approved in his initial decision.

The Secretary conditionally approved Oklahoma's program on January 19, 1981 (46 FR 4902-4911), whereby primacy was granted to the State. In the Federal Register notice announcing his decision, the Secretary stated that his conditional approval was made with the understanding that implementation would begin with the lifting of a court injunction issued on January 9, 1981. The court injunction barred the State from enforcing its program. At the same time, the Court also ordered Oklahoma to continue to enforce the interim program established in Section 502 of SMCRA, 30 U.S.C. 1252. [A detailed discussion on the facts surrounding the injunction can be found in the Secretary's January 19, 1981, decision notice under the heading "State Court Litigation" at 46 FR 4910. Also, a copy of the Court injunction is available for review in OSM's Administrative Record. *See* Administrative Record No. OK-304.]

On February 12, 1981, under the provisions of the Oklahoma Administrative Procedures Act, the Oklahoma Legislature rescinded the State's permanent program regulations. By letter dated February 23, 1981, the Oklahoma Department of Mines informed OSM of the Legislature's action (*See* Administrative Record No. OK-300). On July 20, 1981, the Oklahoma County District Court lifted the injunction restraining the Department of Mines from implementing its program and dismissed the case on the grounds that as a result of the action of the State Legislature the basis for the suit was moot.

The Director now has reason to believe that Oklahoma may no longer be able to implement its permanent program due to the State Legislature's rescission of Oklahoma's surface mining regulations. The Director also has reason to believe that with the vacating of the injunction, Section 503(d) of SMCRA which prohibits the imposition of a Federal program by OSM is no longer applicable. Thus, the Director now wishes to discuss with Oklahoma how the State plans to implement, enforce or maintain its program, as required by Section 504(a)(3) of SMCRA.

In situations where a State may not be able to implement its approved program, the procedures set forth in 30 CFR 733.12(b) apply. This provision requires the Director to notify the State regulatory authority in writing and to indicate which portions of the program the Director believes are not being effectively implemented, administered, maintained or enforced, to state the reasons for such belief, and to specify a time period for the State regulatory authority to accomplish remedial actions. As mentioned earlier, the Director made his written notification to the Oklahoma Department of Mines on September 10, 1981 (*See* Administrative Record No. OK-317).

Section 733.12(c) of 30 CFR requires, in part, that the Director provide the State regulatory authority an opportunity for an informal conference within 15 days of receipt of the Director's written notification. On September 25, 1981, the Oklahoma Department of Mines requested the Director to hold such an informal conference (*See* Administrative Record No. OK-318).

The Director has agreed to Oklahoma's request, and hereby gives public notice of the informal conference for all persons wishing to attend. The date, time and location of the informal conference are identified above under the "Dates" and "Addresses" sections of this notice. The Director is notifying Oklahoma on the details of the informal conference by letter. A copy of the letter will be placed in the Administrative Record shortly.

Conference Rules

The informal conference is an opportunity for the Director to discuss the status of the implementation of Oklahoma's program with Oklahoma officials.

Because the conference will be informal, no testimony from the public will be taken nor will any transcript of the meeting be kept. However, persons wishing to attend the informal conference will be permitted to do so. Additionally, OSM will place notes of the informal conference in the Administrative Record for public review.

Other Information

In Oklahoma's letter requesting the informal conference, the Oklahoma Department of Mines also requested that the Secretary extend the deadlines for Oklahoma to meet the four conditions of the Secretary's approval. OSM is acting on Oklahoma's request by proposing a rule to provide such an extension. This action will be announced in a separate Federal Register notice.

Dated: October 5, 1981.

Dean Hunt,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 162

[CGD 77-028]

Anchorage Grounds, Mississippi River Below Baton Rouge, La., Including South and Southwest Passes

AGENCY: Coast Guard, DOT.

ACTION: Final rule/interim final rule.

SUMMARY: This rule amends the anchorage grounds regulations for the Lower Mississippi River. These amendments are needed because the increased use by vessels has resulted in overcrowding. These changes incorporate anchorages previously established on a temporary basis, reduce restrictions on the use of

anchorages, and should facilitate vessel operation in the area.

The regulations in § 110.195 are all final rules except for paragraphs (a)(24) through (a)(26). The exceptions deal with the Lower, Middle and Upper Baton Rouge Anchorage area. They are being issued as interim final rules subject to further comment and changes where necessary.

The regulation in § 162.80 paragraph (b) which deals with mooring on the Mississippi River below Baton Rouge, La., including South and Southwest Passes, is also being issued as an interim final rule subject to further comment and changes where necessary.

DATES: (1) *Effective Date:* These rules become effective on November 9, 1981.

(2) *Comment Closing Date.* Comments on the Interim final rules may be submitted on or before November 23, 1981.

ADDRESSES: Comments should be mailed to Commandant (G–CMC/44) (CGD 77–028), U.S. Coast Guard, Washington, D.C. 20593. The comments will be available for inspection and copying between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays, at the Marine Safety Council (G–CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Environment and Systems (G–WWM/TP11), Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 755–6146.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Coast Guard published a notice of proposed rulemaking (43 FR 59521) concerning these amendments. Subsequently, two correction documents were published, one on January 12, 1979 (44 FR 2606), and another on February 5, 1979 (44 FR 6956). Due to the comment period extending over the Christmas Holidays, the comment period was initially extended until March 5, 1979 (44 FR 8902). During the extended comment period, two individuals requested that a public hearing be held on the proposal. Accordingly, a supplemental notice on July 16, 1979, (44 FR 41245) scheduled a public hearing for August 15, 1979 at New Orleans, LA and reopened the comment period until August 30, 1979.

Drafting Information

The principal persons involved in drafting this rule are: Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Lieutenant Collin LAU, Project Attorney, Office of the Chief Counsel.

Discussion of Comments Received

Thirty-six comments were received in response to: the notice of proposed rulemaking; the subsequent corrections to this notice; and the public hearing which was held.

Two commenters encouraged the use of more visible markings to assist mariners in fixing their position within a designated anchorage. Additional funds have been requested to upgrade the markings of all anchorage grounds on the Lower Mississippi River.

A comment recommended that all cardinal references to the side of the river be deleted. The cardinal references have been deleted and replaced by the terms "left descending bank" or "right descending bank." These terms are the only side differentiation terms normally used by industry or government on the Lower Mississippi River.

Three commenters requested that the Coast Guard prohibit vessels from anchoring or conducting cargo transfer operations near populated areas to eliminate the possibility of air and noise pollution. It would be inappropriate to attempt to regulate these matters in conjunction with anchorage regulations. Air and noise pollution are subject to other federal, state, and local regulations. The statutory authority, 33 U.S.C. 471, under which the Coast Guard establishes anchorages is primarily concerned with the safety of navigation. Accordingly, the Coast Guard cannot accommodate these requests. However, a note has been added to paragraph (c)(6) pointing out the possibility of independent restrictions pertaining to the use of anchorage areas.

Four comments requested clarification of the anchorage grounds description. In response, a clause has been added in the final rule stating that all anchorage widths are measured from the average low water plane (ALWP).

Several commenters requested that vessels carrying cargoes of particular hazard, as defined in 33 CFR 126.10 or cargoes of petroleum products in bulk, be prohibited from entering various anchorage areas. At present, there are no incidents on record which warrant this type of restriction. The Captain of the Port will monitor movement of this cargo to ensure the continued safety of vessels in these anchorages. As stated in paragraph (c)(8), the New Orleans General Anchorage and Quarantine Anchorage will remain areas where permission from the Captain of the Port must be obtained before vessels carrying these cargoes may enter.

Two commenters felt that elimination of the anchorage in the Destrehan area, 121.1 A.H.P. to 121.4 A.H.P. was unjustified. The Destrehan anchorage was eliminated due to its immediate proximity to the new I–410 bridge over the Mississippi River. Ships anchored or maneuvering within this anchorage area would present an unacceptable hazard to the bridge and to vessels planning to navigate the eastbank secondary span of the bridge.

Specific Comments on § 110.195:

1. (a)(2) [same in Final Rule]:

Two comments concerned Boothville Anchorage (a)(2). One requested that the original size of the anchorage, which had its upper limit at mile 18.5 A.H.P., be maintained. In response to this comment, the Coast Guard has expanded the upper limit of the proposed anchorage one-tenth of a mile. This still retains a distance of one-tenth of a mile between the anchorage area and a pipeline. The other comment requested that this area be made a temporary anchorage only to be used when the Pilottown Anchorage (a)(1) is filled to capacity, and only if enlargement and deeping of the Pilottown Anchorage occurs. Since the Pilottown Anchorage has not been enlarged at this time, it is felt that this request cannot be accommodated.

2. (a)(9) [deleted in Final Rule]:

The Augusta Anchorage was deleted because vessels anchored conventionally in this anchorage frequently "tailed-out" into the navigation channel. This created a significant physical obstruction and visibility hazard. Further, the primary user is in the final stages of obtaining permits for mid-stream moorings.

3. (a)(15) [(a)(14) in Final Rule]:

One commenter requested that Kenner Bend Anchorage, which is suitable for cargo transfer, be enlarged to extend from mile 115.1 to mile 115.6 A.H.P. The Coast Guard has agreed to this; thus, the anchorage area has been enlarged 0.2 miles.

4. (a)(17) [deleted in Final Rule]:

Three comments were received objecting to the establishment of the St. Rose Anchorage (a)(17). These comments stated that vessels using this anchorage would seriously reduce the visibility of vessels transiting the point of a bend in an area which is highly congested. Further, there are two existing docks and one existing barge dock within the proposed anchorage. In view of the comments received, this proposed anchorage has been deleted.

5. (a)(18) [(a)(16) in Final Rule]:

One commenter recommended changing the title of this anchorage from "Cargo Transfer" to "Bonnet Carre Anchorage." Since "Bonnet Carre" is the customary title utilized by the mariner, the Coast Guard has adopted this recommendation.

6. (a)(19) [(a)(17) in Final Rule]:

The title of this anchorage has been revised by deleting "Special Purpose" since the anchorage restrictions in the proposed rule have been deleted (See DISCUSSION OF COMMENTS, item 10).

One commenter recommended that the La Place anchorage be shortened by 0.4 miles to extend only from mile 134.7 to mile 135.0 above Head of Passes. A permit for a barge fleet which overlaps the previous temporary La Place anchorage between miles 134.3 and 134.7 was approved without objection. The Captain of the Port has subsequently determined that during certain conditions, such as low water, the concurrent location of the barge fleet and anchorage would be unsafe. That portion of the anchorage (134.3 to 134.7) mile has therefore not been made permanent, however it may be established as a temporary anchorage by the District Commander, conditions permitting, with the recommendation of the Captain of the Port (COTP).

7. (a)(26), (27), (28) [(a)(24), (25), (26) in Final Rule]:

Two commenters reported a problem with the proposed Lower Baton Rouge Anchorage (a)(26), contending that vessels in this anchorage represent a hazard to vessels turning upstream from the Port Allen Locks. Two commenters objected to the proposed location of the Upper Baton Rouge Anchorage (a)(28) between mile 230.6 and 231.4 A.H.P. because of its close proximity to the Exxon Terminal. The Lower, Middle and Upper Baton Rouge Anchorages were incorrectly described in the notice of proposed rulemaking of December 21, 1978 (43 FR 59521). In the NPRM, they were described as areas off the left descending bank. They should have been described as areas off the right descending bank. Because it is desirable to have these anchorages established as part of this rulemaking, these anchorages are being published as interim final rules subject to additional comments. Thus, new comments regarding these anchorages are requested and should be sent to the above address.

8. (c)(6)[same in Final Rule]:

Twenty-five commenters addressed the provisions of proposed paragraph (c)(6) that would have prohibited the transfer of cargo in anchorages unless permission was obtained from the Captain of the Port. The commenters stated that this provision would effectively eliminate mid-stream transfers of cargo on the lower Mississippi. The commenters were primarily concerned with the lack of criteria to guide the COTP, the problems involved with scheduling transfers on short notice, and the potential overcrowding of the Cargo Transfer Anchorage (Bonnet Carre). Numerous commenters also pointed out the lack of any navigational accidents attributable to the mid-stream handling of cargo. The intent of the provision was to insure that the COTP is aware of operations conducted within the anchorages, not to prohibit all mid-stream transfers per se. The paragraph has been revised to require only notification to the COTP prior to and upon completion of cargo transfer operations in the anchorages. Within the General and Quarantine Anchorages, transfer operations are prohibited due to their proximity to New Orleans where anchorage space is in particular demand.

9. (c)(8) [deleted in Final Rule]:

One commenter objected to paragraph (c)(8), stating that a limit on the length of time a vessel may anchor in the Wills Point Anchorage or the Belle Chasse Anchorage would be counterproductive. The commenter stated that such a restriction will result in vessels avoiding use of these two anchorages, thus causing overcrowding in the others. Since this is contrary to the purpose of these regulations, the Coast Guard has deleted this paragraph.

10. (c)(12) [deleted in Final Rule]:

One commenter expressed concerns relating to the restrictions proposed for the La Place Anchorage. The commenter indicated that with the increase in the number of vessels calling in this reach of the river and the reduction in size of two anchorages above this area, the La Place Anchorage should be available for use by all vessels. The commenter felt that the provision requiring a pilot to remain on board an anchored vessel would make use of the anchorage economically impractical and result in vessels avoiding use of the area. In response to these comments, the Coast Guard has deleted this paragraph to insure that this prime anchorage area is utilized to the maximum extent possible.

11. After publication of these proposed rules, it was noted that an existing regulation (33 CFR 110.195(b)(2), which addresses mooring requirements on the Mississippi, was inadvertently excluded from the proposal. Since breakaway barges due to improper mooring constitutes a severe hazard to Mississippi River navigation, it is considered necessary to retain that regulation specifially addressing mooring. The Coast Guard also considers it appropriate to relocate the existing regulation in 33 CFR 110.195(b)(2) to 33 CFR 162.80(b). However, because the notice of proposed rulemaking of December 21, 1978 (43 FR 5921) stated that 33 CFR 110.195(b)(2) was to be deleted, the Coast Guard is publishing the new 33 CFR 162.80(b) and interim final rule subject to additional comments. New comments regarding this rule are requested and should be sent to the above address.

The Corps of Engineers in 1979 constructed the Bel Air Revetment from mile 60.0 to 65.5 LDB, LMR, AHOP. The Bel Air Revetment overlaps the proposed Will's Point Anchorage by one-tenth of a mile. Proposed paragraph (c)(5) of this rule prohibits vessels anchoring over revetted banks. Therefore, for the sake of consistency, the Coast Guard has shifted Will's Point Anchorage upriver one-tenth of a mile.

12. Minor editorial changes have been made to the New Orleans General Anchorage and paragraph (c)(5) of the proposed rule for the sake of clarity.

Regulatory Impact Analysis

The proposed regulations have been evaluated under Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980, and have been determined to be neither significant or major.

In the Lower Mississippi River Area, there are approximately 8,450 vessel arrivals and 22,120 vessel movements yearly. That is, approximately 23 vessels arrive in port and approximately 60 vessels leave or move to different areas to transport cargo daily.

About 60 vessel anchorage spaces are required daily to accommodate the flux of vessel traffic. Currently, there are only 23 permanently established anchorage spaces. Since 1971, the Coast Guard has coped with the excess demand of anchorage spaces by the temporary establishment of 37 anchorage spaces in various anchorages. This rule will make permanent anchorages already established as temporary anchorages. The permanency of these anchorages will aid users of the Lower Mississippi in planning voyages. There will be no cost or price increases and the rules will not affect employment, investment, productivity, or innovations.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations is amended as follows:

PART 110—ANCHORAGE REGULATIONS

1. By revising § 110.195 to read as follows:

§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The Anchorage Grounds.* Unless otherwise specified, all anchorage widths are measured from the average low water plane (ALWP).

(1) *Pilottown Anchorage.* An area 5.2 miles in length along the right descending bank of the river, 1,600 feet wide, extending from mile 1.5 to mile 6.7 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(2) *Boothville Anchorage.* An area 6.3 miles in length along the right descending bank of the river, 1,000 feet wide extending from mile 12.2 to mile 18.5 above Head of Passes.

(3) *Ostrica Anchorage.* An area 0.9 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 23.5 to mile 24.4 above Head of Passes.

(4) *Port Sulphur Anchorage.* An area 2.2 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 37.5 to mile 39.7 above Head of Passes.

(5) *Davant Anchorage.* An area one mile in length along the left descending bank of the river, 800 feet wide, extending from mile 53.5 to mile 54.5 above Head of Passes.

(6) *Alliance Anchorage.* An area 2.2 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 63.6 to mile 65.8 above Head of Passes.

(7) *Wills Point Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 66.5 to mile 67.6 above Head of Passes.

(8) *Cedar Grove Anchorage.* An area 0.6 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 70.6 to mile 71.2 above Head of Passes.

(9) *Belle Chasse Anchorage.* An area 2.1 miles in length along the right descending bank of the river, 1,000 feet wide, extending from mile 73.1 to mile 75.2 above Head of Passes.

(10) *Lower 12 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 78.5 to mile 80.8 above Head of Passes.

(11) *Lower 9 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 82.7 to mile 85.0 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(12) *New Orleans General Anchorage.* An area 1.6 miles in length along the right descending bank of the river extending from mile 89.3 to mile 90.9 above Head of Passes. From mile 89.3 to mile 90.5 above Head of Passes, the area has a width of 550 feet measured from the riverward edge of the Cutoff Revetment. The riverward edge of the Cutoff Revetement is 400 feet from the average low water plane. From mile 90.5 to mile 90.9 above Head of Passes, the area has width of 800 feet measured from the shore.

(13) *Quarantine Anchorage.* An area 0.7 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 90.9 to mile 91.6 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(14) *Kenner Bend Anchorage.* An area 0.5 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 115.1 to mile 115.6 above Head of Passes.

(15) *Ama Anchorage.* An area 1.5 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 115.7 to mile 117.2 above Head of Passes.

(16) *Bonnet Carre Anchorage.* An area 1.5 miles in length along the left descending bank of the river, 600 feet wide, extending from mile 127.3 to mile 128.8 above Head of Passes. This area is located adjacent to the river end of the Bonnet Carre Spillway.

(17) *La Place Anchorage.* An area 0.3 mile in length along the left descending bank of the river, 600 feet wide, extending from mile 134.7 to mile 135.0 above Head of Passes.

(18) *Reserve Anchorage.* An area 0.5 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 137.0 to mile 137.5 above Head of Passes.

(19) *Lower Grand View Reach Anchorage.* An area 0.6 mile in length along the left descending bank of the river, 700 feet wide, extending from mile 146.5 to mile 147.1 above Head of Passes.

(20) *Upper Grand View Reach Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 147.7 to mile 148.8 above Head of Passes.

(21) *Lower Sunshine Anchorage.* An area 0.9 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 165.0 to mile 165.9 above Head of Passes.

(22) *Upper Sunshine Anchorage.* An area 0.7 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 166.3 to mile 167.0 above Head of Passes.

(23) *Baton Rouge General Anchorage.* An area 1.5 miles in length along the right descending bank of the river, 1,400 feet wide, extending from mile 225.8 to mile 227.3 above Head of Passes.

Caution: There are two wrecks located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(24) *Lower Baton Rouge Anchorage.* An area 0.5 mile in length near mid-channel between mile 228.5 to mile 229.0 above Head of Passes with the west limit 1100 feet off the right descending bank and having the width of 700 feet at both upper and lower limits.

(25) *Middle Baton Rouge Anchorage.* An area 0.2 mile in length near mid-channel between mile 229.6 to mile 229.8 above Head of Passes with the west limit 1100 feet off the right descending bank and having a width of 700 feet at both upper and lower limits.

(26) *Upper Baton Rouge Anchorage.* An area 0.4 mile in length near mid-channel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1100 feet off the right descending bank of the Mississippi River and having a width of 1075 feet at its upper limit and 1200 at its lower limit.

(b) *Temporary Anchorages.* (1) Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorages is based on recommendations by the Captain of the Port.

(2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(3) Establishment of each temporary anchorage and any requirement for the temporary anchorage will be published in the Local Notice to Mariners.

(4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(c) *The Regulations.* (1) Anchoring is prohibited outside of established anchorages except in cases of emergency. In an emergency, if it becomes necessary to anchor a vessel outside an established anchorage, the vessels shall be anchored so that it does not interfere with or endanger any

facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of winds, currents and the suction of passing vessels.

(5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, LA.

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

Note.—Activities conducted within a designated anchorage (e.g. cargo transfer, tank cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and/or environmental regulations prior to engaging in any activity within designated anchorages.

(7) Nothing in this section relieves the owner or person in charge of any vessel from the penalties for obstructing or interfering with navigation or navigational aids or for failing to comply with the navigation laws for lights, day shapes, or fog signals and any other applicable laws and regulations.

(8) Vessels carrying cargoes of particular hazard as defined in 33 CFR 126.10 or cargoes of petroleum products in bulk may not be anchored in the New Orleans General Anchorage (a)(12) or Quarantine Anchorage (a)(13) without permission from the Captain of the Port.

(9) Except when required by the United States Public Health Service for quarantine inspection, the Quarantine Anchorage, (a)(13), may be used as a general anchorage.

(10) When the Bonnet Carre Spillway is open, no vessel may be anchored in the Bonnet Carre Anchorage (a)(16).

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

2. By adding § 162.80(b) to read as follows:

§ 162.80 Mississippi River Below Mouth of Ohio River, Including South and Southwest Passes.

* * * * *

(b) *Mooring on Mississippi River below Baton Rouge, La., including South and Southwest Passes.* (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1)(A) 80 Stat 937, (49 U.S.C. 1655(g)(1)(A); Sec. 12, 92 Stat. 1471, (33 U.S.C. 1231); 49 CFR 1.46 (c)(1) and (n)(4))

Dated: September 14, 1981.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-29361 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5 80-20R]

Drawbridge Operation Regulations; Cambridge Harbor, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland State Highway Administration, the Coast Guard is changing the regulations governing operation of the drawbridge on Maryland State Highway 342 across Cambridge Harbor, mile 0.1, at Cambridge, Maryland, by extending the midday period when the draw need not be opened for the passage of vessels, and deleting that portion of the regulations providing for the departure of passenger trains on the Pennsylvania Railroad at Cambridge. These changes are being made because of an increase in vehicular traffic congestion during the period of change and the fact that passenger trains no longer serve Cambridge. This action will accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation. Additionally, several other changes are being made which are editorial in nature.

EFFECTIVE DATE: This amendment becomes effective on November 7, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, telephone (804) 398-6222.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the Coast Guard published a proposed rule (46 FR 2652) concerning this amendment. The Commander, Fifth Coast Guard District, also published these proposals in Public Notice (5-476) dated January 22, 1981, which was included in Local Notice to Mariners No. 4 dated January 27, 1981. Interested persons were given until February 11, 1981, and February 23, 1981, respectively, to submit comments.

This regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation was not conducted because the expected economic impact is so minimal as to not warrant an evaluation. Anticipated benefits to be derived are mainly intangible and include savings in time and increased convenience for motorists, and less wear and tear on the draw machinery of the bridge. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation will not have a significant economic impact on a substantial number of small entities. These conclusions are supported below in the Discussion.

Drafting Information

The principal persons involved in drafting this rule are Ann B. Deaton, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch, and LCDR Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion

No comments were received in response to the proposed rule published in the Federal Register on January 12, 1981, or to these proposals published in Coast Guard Public Notice (5-476) on January 22, 1981.

There are no known businesses that will be significantly impacted by the

change, since those commercial marine interests operating in the area do not normally require a bridge opening between 12 noon and 1 p.m. The only boats that may be affected by the hour-long closure period are pleasure boats; however, the time delay would be of short duration, and any resultant fuel consumption would not be considered significant.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.270 to read as follows:

§ 117.270 Cambridge Harbor, MD; bridge.

(a) The draw shall be opened on signal except that:

(1) From 8 p.m. to 6 a.m., every day, and from 12 noon to 1 p.m., Monday through Friday, the draw need not be opened for the passage of vessels.

(b) A copy of the regulations in this section shall be posted in a conspicuous place on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655)(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: August 27, 1981.

John D. Costello,

Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81-29316 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1928-7]

Air Programs; Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of a revision of the Maryland State Implementation Plan resulting from actions by the Maryland Legislature to establish consistency between the State ambient air standards and the National Ambient Air Quality Standards. The revision also includes a new ambient air quality standard for lead.

EFFECTIVE DATE: November 9, 1981.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices.

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION: On October 24, 1979, the State of Maryland submitted amendments to its State Implementation Plan (SIP) for Total Suspended Particulate Matter, Sulfur Dioxide, Nitrogen Dioxide, and other miscellaneous changes. The amendments are a result of action by the Maryland Legislature removing the authority of the Secretary of Health and Mental Hygiene to establish more restrictive standards for pollutants for which National Ambient Air Quality Standards already exist. In addition, existing regulations were required to be amended to be no more restrictive than necessary to attain and maintain ambient air quality standards, provided that there is no conflict with Federal requirements. Also, a new ambient air quality standard for lead was established, and the air quality episode criteria for the ozone alert stage has been changed to be consistent with the current Federal ozone standard.

EPA proposed approval of this revision and solicited comments on May 29, 1981, 46 FR 28871, and on June 16, 1981, 46 FR 31446. The Connecticut Department of Environmental Protection expressed concern for the proposed revision and its impact on the Prevention of Significant Air Quality Deterioration (PSD) increments in its state. However, the demonstration of air quality impacts resulting from this revision indicates that the revised emission limitations will not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS) and will not cause substantial degradation of air quality in any other state. All major sources with a potential for impact are required under this SIP revision to remain at present emission levels. Furthermore, the State of Connecticut is approximately 130 miles from the nearest Maryland border, and EPA's approved reference models are only valid out to 50 kilometers from a source. No reference techniques have yet been established for accurately evaluating impacts beyond 50 km. All remaining comments were in favor of the revision.

This revision meets the criteria of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51. In view of this evaluation, the Administrator approves the revision to the Maryland State Implementation Plan as proposed in 46 FR 28871 (1981), and 46 FR 31446 (1981).

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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

(42 U.S.C. 7401-642)

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070 *Identification of Plan*, (c)(50) is added as follows:

§ 52.1070 [Amended]

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(50) A revision submitted by the State of Maryland on October 24, 1979 consisting of amendments to the following regulations:

COMAR 10.18.01 as recodified in 40 CFR 52.1070(c)(45), 10.18.02 as recodified in 40 CFR 52.1070(c)(45), 10.18.03 as recodified in 40 CFR 52.1070(c)(45), 10.18.04 as recodified in 40 CFR 52.1070(c)(45), 10.18.05 as recodified in 40 CFR 52.1070(c)(45), 10.18.06 as recodified in 40 CFR 52.1070(c)(45), 10.18.07 as recodified in 40 CFR 52.1070(c)(45).

[FR Doc. 81-29305 Filed 10-7-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 60 and 61

[A-9-FRL-1875-2]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The Environmental Protection Agency is amending its regulations on Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The rules delegate authority to implement and enforce the NSPS and NESHAPS programs to 19 state and local air pollution control agencies in California. These delegations are being issued under the Clean Air Act which requires the Administrator to delegate this type of authority to any State or local agency that submits adequate procedures for implementation and enforcement.

DATES: The amendments to the list of addresses of Air Pollution Control Districts in 40 CFR 60.4(b)(F) and 61.04(b)(F) are effective October 8, 1981. Delegation of pollutant categories to each Air Pollution Control District is effective as of the date of delegation shown in the table in §§ 60.4(b)(F)(1) and 61.04(F)(1).

FOR FURTHER INFORMATION CONTACT: David Solomon, Permits Branch, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105; Attn: E-4-2 (415) 556-8005.

SUPPLEMENTARY INFORMATION: Sections 111(c) (NSPS) and 112(d) (NESHAPS) of the Clean Air Act require the Administrator of EPA to delegate authority to implement and enforce NSPS and NESHAPS to any state or local agency that submits adequate procedures. Pursuant to Sections 111(c) and 112(d), EPA, Region 9, has delegated authority to implement and enforce the NSPS and NESHAPS programs to various state and local agencies in California.

The NSPS and NESHAPS programs are delegated by each category of pollutant, not by the total program. A request for delegation of authority for each pollutant category is submitted by a state or local agency to EPA where it is reviewed and delegated if it meets the proper standards.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), EPA has, in the past, in addition to informing the state or local agency, published notices of delegation in the Federal Register. However, these notices did not specify which particular pollutant category had been delegated.

The primary purpose of this action is to rectify any ambiguities that might exist concerning which agencies have previously been delegated the authority to administer a particular pollutant category and to rectify any omissions EPA has made in publishing past notices of delegation in the Federal Register.

This notice lists, in tabular form, only Air Pollution Control Districts that are affected by this notice. The table lists the specific category or categories of pollutant that the District has been delegated authority over. In addition, a list of addresses which revises and adds new addresses of Air Pollution Control Districts to the list found in 40 CFR 60.4(b)(F) and 61.04(b)(F).

Pursuant to NSPS and NESHAPS regulations, sources are required to submit all required reports to the state or local agency that has jurisdiction over the source, and to EPA.

The Administrator finds good cause to forego prior public notice and to make this rulemaking effective immediately. It is an administrative change, not one of substantive content, and imposes no additional burdens on the parties affected.

The delegation actions reflected in this administrative amendment were effective on the dates of delegation, which appear in the table. No useful purpose would be served by delaying the technical changes included herein.

Regulatory Impact: Pursuant to Executive Order 12291, EPA must determine whether a newly promulgated regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not a major regulation because it neither creates new responsibilities nor adversely affects the economy in any significant way. Nor is this regulation a new rule *per se*. It is merely a rule providing public notice of past delegations that previously were not published in the Federal Register and listing the specific pollutant categories that have been so delegated.

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

(Secs. 111 and 112 of the Clean Air Act, as amended, (42 U.S.C. 1857C-6 and 1857C-7))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subparts A of Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. Sections 60.4(b)(F) and 61.04(b)(F) are each amended by revising the addresses of the following Air Pollution Control Districts.

§ 60.4 Address.

§ 61.04 Address.

* * * * *

(b) * * *

(F) California.

Del Norte County Air Pollution Control District, 909 Highway 101 North, Crescent City, CA 95531

Fresno County Air Pollution Control District, P.O. Box 11867, 1246 L Street, Fresno, CA 93721

Monterey Bay Unified Air Pollution Control District, 1270 Natividad Road, Room 105, Salinas, CA 93906

Northern Sonoma County Air Pollution Control District, 134 "A" Avenue, Auburn, CA 95448

Santa Barbara County Air Pollution Control District, 300 North San Antonio Road, Santa Barbara, CA 93110

Shasta County Air Pollution Control District, 2650 Hospital Lane, Redding, CA 96001

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

Stanislaus County Air Pollution Control District, 1030 Scenic Drive, Modesto, CA 95350

Trinity County Air Pollution Control District, P.O. Box AK, Weaverville, CA 96093

Ventura County Air Pollution Control District, 800 South Victoria Avenue, Ventura, CA 93009

2. Sections 60.4(b)(F) and 61.04(b)(F) are further amended by adding the

addresses of the following Air Pollution Control Districts.

§§ 60.4 and 61.04 [Amended]

* * * * *

(b) * * *

(F) California.

Amador County Air Pollution Control District, P.O. Box 430, 810 Court Street, Jackson, CA 95642
Butte County Air Pollution Control District, P.O. Box 1229, 316 Nelson Avenue, Oroville, CA 95965
Calaveras County Air Pollution Control District, Government Center, El Dorado Road, San Andreas, CA 95249
Colusa County Air Pollution Control District, 751 Fremont Street, Colusa, CA 95952
El Dorado Air Pollution Control District, 330 Fair Lane, Placerville, CA 95667
Glenn County Air Pollution Control District, P.O. Box 351, 720 North Colusa Street, Willows, CA 95988
Great Basin Unified Air Pollution Control District, 863 North Main Street, Suite 213, Bishop, CA 93514
Imperial County Air Pollution Control District, County Services Building, 939 West Main Street, El Centro, CA 92243
Kings County Air Pollution Control District, 330 Campus Drive, Hanford, CA 93230
Lake County Air Pollution Control District, 255 North Forbes Street, Lakeport, CA 95453
Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville, CA 96130
Mariposa County Air Pollution Control District, Box 5, Mariposa, CA 95338
Merced County Air Pollution Control District, P.O. Box 471, 240 East 15th Street, Merced, CA 95340
Modoc County Air Pollution Control District, 202 West 4th Street, Alturas, CA 96101
Nevada County Air Pollution Control District, H.E.W. Complex, Nevada City, CA 95959
Placer County Air Pollution Control District, 11491 "B" Avenue, Auburn, CA 95603
Plumas County Air Pollution Control District, P.O. Box 480, Quincy, CA 95971
San Bernardino County Air Pollution Control District, 15579–8th, Victorville, CA 92392
San Luis Obispo County Air Pollution Control District, P.O. Box 637, San Luis Obispo, CA 93406
Sierra County Air Pollution Control District, P.O. Box 286, Downieville, CA 95936
Siskiyou County Air Pollution Control District, 525 South Foothill Drive, Yreka, CA 96097
Sutter County Air Pollution Control District, Sutter County Office Building, 142 Garden Highway, Yuba City, CA 95991
Tehama County Air Pollution Control District, P.O. Box 38, 1760 Walnut Street, Red Bluff, CA 96080
Tulare County Air Pollution Control District, County Civic Center, Visalia, CA 93277
Tuolumne County Air Pollution Control District, 9 North Washington Street, Sonora, CA 95370
Yolo-Solano Air Pollution Control District, P.O. Box 1006, 323 First Street, #5, Woodland, CA 95695

3. Section 60.4(b)(F) is amended by adding paragraph (b)(F)(1) to read as follows:

§ 60.4 [Amended]

* * * * *

(b) * * *

(F) * * *

(1) This notice lists in tabular form, only Air Pollution Control Districts that are affected by this notice. The table lists each pollutant category by its subpart letter and pollutant source name. A star (*) or cross(†) is used to indicate the specific pollutant category that an Air Pollution Control District has been delegated authority over and the date of that delegation. Delegations effective as of August 30, 1979 are indicated by a star (*) and delegations effective as of November 19, 1976 are indicated by a cross (†).

BILLING CODE 6560-38-M

NEW SOURCE PERFORMANCE STANDARDS (NSPS)

POLLUTION CONTROL DISTRICT	Fossil Fuel Fired Steam Generators Constructed After 8/17/71	Electric Utility Steam Generating Units Constructed After 9/18/78	Incinerators	Portland Cement Plants	Nitric Acid Plants	Sulfuric Acid Plants	Asphalt Concrete Plants	Petroleum Refineries	Storage Vessals For Petroleum Liquids Constructed After 6/11/73 Prior To 5/17/78	Storage Vessals For Petroleum Liquids Constructed After 5/18/78	Secondary Lead Smelters	Secondary Brass And Bronze Ingot Production	Iron And Steel Plants	Sewage Treatment Plants	Primary Copper Smelters	Primary Zinc Smelters	Primary Lead Smelters	Primary Aluminum Reduction Plants	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	Phosphate Fertilizer Industry: Diammonium Phosphate Plant
POLLUTANT CATEGORY	D	Da	E	F	G	H	I	J	K	Ka	L	M	N	O	P	Q	R	S	T	U	V
DEL NORTE								*							*	*	*	*			
FRESNC															*	*	*	*	*	*	*
GREAT BASIN	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
HUMBOLDT								*							*	*	*	*			
KERN																					
KINGS	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
LOS ANGELES	*		*	*	*	*	*	*	*		*	*	*	*					*	*	*
MENDOCINO															*	*	*	*			
MERCED	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
MODOC	*		*	*				*													
MONTEREY BAY																					
NORTHERN SONOMA															*	*	*	*			
SAN BERNARDINO	*		*	*	*	*	*	*	*		*	*	*	*					*	*	*
SAN DIEGO	*																				
SAN JOAQUIN															*	*	*	*	*	*	*
TRINITY															*	*	*	*			
TULARE	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
VENTURA								*											*	*	*
YOLO-SOLANO	+						+		+												

* 8/30/79
\+ 11/19/76

POLLUTION CONTROL DISTRICT	NEW SOURCE PERFORMANCE STANDARDS (NSPS)										NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)				
	Phosphate Fertilizer Industry: Triple Super Phosphate Plant	Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	Coal Preparation Plants	Ferralloy Production Facilities	Steel Plants: Electric Arc Furnaces	Kraft Pulp Mills	Grain Elevators	Stationary Gas Turbines	Lime Manufacturing Plants	Ammonium Sulfate Manufacture	Asbestos	Beryllium	Beryllium Rocket Motor Firing	Mercury	Vinyl Chloride
POLLUTANT CATEGORY	W	X	Y	Z	AA	BB	DD	GG	HH	PP	B	C	D	E	F
DEL NORTE			*	*		*	*		*						*
FRESNO	*	*	*	*	*						*	*	*	*	
GREAT BASIN	*	*	*	*							*	*	*	*	
HUMBOLDT			*	*		*	*		*						*
KERN						*	*		*		*				*
KINGS	*	*	*	*	*						*	*	*	*	
LOS ANGELES	*	*			*		*				*	*	*	*	
MENDOCINO			*	*											*
MERCED	*	*	*	*	*						*	*	*	*	
MODOC											*	*	*	*	
MONTEREY BAY											*	*	*	*	
NORTHERN SONOMA			*	*											
SAN BERNARDINO	*	*			*		*				*	*	*	*	
SAN DIEGO											*				*
SAN JOAQUIN	*	*	*	*	*	*			*		*	*	*	*	*
TRINITY			*	*											*
TULARE	*	*	*	*	*	*			*		*	*	*	*	*
VENTURA	*	*	*	*	*										
YOLO-SOLANO					+						+			+	

* 8/30/79
\+ 11/19/76

[FR Doc. 81-29375 Filed 10-7-81; 8:45 am]
BILLING CODE 6560-33-C

40 CFR Part 81

[A-S-FRL 1932-2]

Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On February 1, 1980, Ohio EPA requested that the total suspended particulate (TSP) designation for Ross County be redesignated from primary nonattainment to unclassifiable. To support their request Ohio EPA provided technical information to show that the monitoring data upon which the original designation was based were not valid. EPA reviewed the data and is changing the air quality attainment designation for Ross County to attainment for TSP. This action will be effective on December 7, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective December 7, 1981.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the Federal Register on March 3, 1978 (43 FR 8962), and made necessary amendments in the Federal Register on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978 and October 5, 1978 (43 FR 9025, 43 FR 46013) EPA designated Ross County as nonattainment of the primary NAAQS for TSP. This designation was based on monitoring data collected from an Ohio EPA monitor located on top of the water treatment plant in Chillicothe, Ohio. This monitor recorded violations of the annual primary and 24-hour secondary TSP NAAQS between 1976 and 1980.

EPA can redesignate an area to unclassifiable only upon a showing that the ambient monitor data upon which the designation was based were invalid. Monitor data are considered invalid when that data are shown to be unduly influenced by a particulate point or area emission source on the same site as the monitor.

On February 1, 1980, Ohio EPA requested that Ross County be redesignated from primary nonattainment to unclassifiable. Ohio EPA provided technical support for its redesignation request by showing that the Chillicothe water treatment plant monitor was unduly influenced by fugitive emissions at the monitor site. Microscopic analyses of hi-vol filters from monitors in the area, dispersion calculations and site surveys by Ohio EPA personnel indicate that fugitive emissions from pneumatic conveyors and from traffic at the treatment plant site have influenced the monitor readings. In addition, in January, 1981, Ohio EPA placed a new monitor, in accordance with EPA monitor siting requirements, approximately 250 meters from the water treatment plant site. Since installation of the new monitor, the TSP readings at the monitor have been lower than corresponding readings at the water treatment plant monitor.

EPA believes that the monitor data upon which the original designation was based were not valid and that Ross County should be redesignated to unclassifiable. Upon collection of two years of valid data at the new monitor site, the attainment status of Ross County will be reevaluated.

Since EPA views this action as a noncontroversial rulemaking, it is today changing the section 107 attainment designation of Ross County from primary nonattainment to unclassifiable for TSP without prior proposal. This action will be effective 60 days from the date of this Federal Register notice. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the designation of one area, and imposes no regulatory requirement on anyone.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Ross County is revised to read as follows:

§ 81.336 Ohio.

OHIO—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties:				
Ross			X	

[FR Doc. 81-29304 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-16

[FPR Amdt. 216]

Procurement Forms; New Editions of Standard Forms 18 and 21

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation prescribes the use of the September 1981 editions of Standard Forms 18 and 21. New editions of these forms were required to incorporate revised provisions and to make desirable design changes. The effect will be to make improved forms available for use.

EFFECTIVE DATE: February 1, 1982, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: It is anticipated that copies of the new editions of the forms will be available for use by February 1, 1982. The forms may be obtained by submitting requisitions in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.2—Forms for Negotiated Supply Contracts

1. Section 1-16.201-1 is revised to read as follows:

§ 1-16.201-1 Form prescribed.

Request for Quotations (Standard Form 18, September 1981 edition) is prescribed for use in obtaining price, delivery, and related information from suppliers in accordance with this section. (See § 1-16.901-18 for an illustration of the form.) Standard Form 36, Continuation Sheet, may be used with the Request for Quotations form when additional space is needed.

Subpart 1-16.4—Forms for Advertised Construction Contracts

2. Section 1-16.401 is amended by revising paragraph (e) to read as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(e) Bid Form (Construction Contract) (Standard Form 21, September 1981 edition).

* * * * *

Subpart 1-16.9—Illustration of Forms

3. Sections 1-16.901-18 and 1-16.901-21 are revised to illustrate the new editions of Standard Forms 18 and 21.

BILLING CODE 6820-61-M

REQUEST FOR QUOTATIONS
(THIS IS NOT AN ORDER)

PAGE OF PAGES

1. REQUEST NO.	2. DATE ISSUED	3. REQUISITION/PURCHASE REQUEST NO.	4. CERT FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1 ▶ RATING
5A. ISSUED BY			6. DELIVER BY *(Date)*
5B. FOR INFORMATION CALL: *(Name and telephone no.) (No collect calls)*			7. DELIVERY ☐ FOB DESTINATION ☐ OTHER *(See Schedule)*
8. TO NAME AND ADDRESS INCLUDING ZIP CODE			9. DESTINATION *(Consignee and address including ZIP code)*

10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE ON OR BEFORE CLOSE OF BUSINESS *(Date)*

IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it. This request does not commit the Government to pay any costs incurred in the preparation of the submission of this quotation or to procure or contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter.

11. SCHEDULE *(Include applicable Federal, state and local taxes)*

ITEM NO (a)	SUPPLIES/SERVICES (b)	QUANTITY (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)

SPECIMEN

12. DISCOUNT FOR PROMPT PAYMENT ▶	10 CALENDAR DAYS %	20 CALENDAR DAYS %	30 CALENDAR DAYS %	CALENDAR DAYS %

NOTE: Reverse must also be completed by the quoter.

13. NAME AND ADDRESS OF QUOTER *(Street, city, county, State and ZIP code)*	14. SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION	15. DATE OF QUOTATION
	16. NAME AND TITLE OF SIGNER *(Type or print)*	17. TELEPHONE NO. *(Include area code)*

STANDARD FORM 18 (REV. 9-81)
Prescribed by GSA
FPR (41 CFR) 1-16.203

REPRESENTATIONS AND CERTIFICATIONS

The Quoter represents and certifies as a part of its quotation that: *(Check or complete all applicable boxes)*

1. SMALL BUSINESS

It ☐ is, ☐ is not, a small business concern. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning numbers of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the quoter is a small business concern and is not the manufacturer of the supplies offered, it also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

2. MINORITY BUSINESS ENTERPRISE

It ☐ is, ☐ is not a minority business enterprise. A minority business enterprise is defined as a "business at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American Indians, American-Eskimos, and American-Aleuts.

3. WOMAN-OWNED BUSINESS (Applicable only to quotations in excess of $10,000.)

Concern ☐ is, ☐ is not a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purpose of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, woman-owned if this information is available.

4. REGULAR DEALER-MANUFACTURER (Applicable only to supply contracts exceeding $10,000.)

It is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.

5. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION (Applicable only to quotations in excess of $10,000.)

(a) By submission of this quotation, the quoter certifies, and in the case of a joint quotation, each party thereto certifies as to its own organization, that in connection with this procurement:

(1) the prices in this quotation have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other quoter or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this quotation have not been knowingly disclosed by the quoter and will not knowingly be disclosed by the quoter prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly, to any other quoter or to any competitor; and

(3) no attempt has been made or will be made by the quoter to induce any other person or firm to submit or not to submit a quotation for the purpose of restricting competition.

(b) Each person signing this quotation certifies that:

(1) He or she is the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein and that he or she has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2)(i) He or she is not the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein but that he or she has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he or she has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) This certification is not applicable to a foreign quoter submitting a quotation for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A quotation will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the quotation will not be considered for award unless the quoter furnishes with its quotation a signed statement which sets forth in detail the circumstances of the disclosure and the head of the Agency, or designee, determines that such disclosure was not made for the purpose of restricting competition.

6. PERCENT OF FOREIGN CONTENT (Applicable only to quotations in excess of $10,000.)

The offeror/contractor will represent (as an estimate), immediately after the award of a contract, the percent of the foreign content of the item or service being procured expressed as a percent of the contract award price (accuracy within plus or minus 5 percent is acceptable.

SPECIMEN

BID FORM (Construction Contract)	1. REFERENCE (Project/Solicitation Number) (Include on correspondence)
2. Read the instructions to Bidders (Standard Form 22). Submit original and _____ signed copies of this form.	3. DATE OF INVITATION
4. NAME AND LOCATION OF PROJECT	5. BIDDER'S NAME AND ADDRESS (Include ZIP Code) (Type or print)
	6. TELEPHONE NO. (Include Area Code) / 7. DATE
8. MAIL BID TO:	

In compliance with the above-dated invitation for bids, the undersigned hereby proposes to perform all work for

in strict accordance with the General Provisions (Standard Form 23-A), Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19-A), specifications, schedules, drawings, and conditions, for the following amount(s):

SPECIMEN

(Continue on other side)

The undersigned agrees that, upon written acceptance of this bid, mailed or otherwise furnished within_____ calendar days* after the date of opening of bids (unless a different period is inserted by the bidder), bidder will, within 15 calendar days after receipt of the prescribed forms (unless a longer period is allowed), execute Standard Form 23, Construction Contract, and give performance and payment bonds, as required**, on Government standard forms with good and sufficient surety. The undersigned further agrees that, when reinsurance agreements are contemplated, all necessary reinsurance agreements will be on Government forms and will be executed and submitted with the bonds. However, when an additional period of_____ days (not to exceed 45 calendar days) is authorized by the procuring activity, reinsurance agreements may be submitted within such period after the execution of the bond.

The undersigned agrees, if awarded the contract, to commence the work within_____ calendar days after the date of receipt of notice to proceed, and to complete the work within_____ calendar days after the date of receipt of notice to proceed.

*Bids acceptance period. Bids offering less than_____ days for acceptance by the Government from the date set for opening will be considered nonresponsive and will be rejected.

**Performance and payment bonds shall be furnished when (1) the contract award resulting from this bid exceeds $25,000, or (2) bonds are specifically required by the Invitation for Bids (Standard Form 20).

SPECIMEN

RECEIPT OF AMENDMENTS. *The undersigned acknowledges receipt of the following amendments of the invitation for bids, drawings, and/or specifications, etc. (Give number and date of each.)*

AMENDMENT NO.						
DATE						
AMENDMENT NO.						
DATE						

The representations and certifications on the accompanying STANDARD FORM 19-B are made a part of this bid.

ENCLOSED IS BID GUARANTEE, CONSISTING OF	IN THE AMOUNT OF $
NAME OF BIDDER *(Type or print)*	FULL NAME OF ALL PARTNERS *(Type or print)*
BUSINESS ADDRESS *(Type or print) (Include ZIP Code)*	
BY *(Signature in ink. Type or print name under signature)*	
TITLE *(Type or print)*	

DIRECTIONS FOR SUBMITTING BIDS. *Envelopes containing bids, guarantee, etc., must be sealed, marked, and addressed as follows:*

CAUTION—*Bids should not be qualified by exceptions to the bidding conditions.*

STANDARD FORM 21 BACK (REV. 9-81)

BILLING CODE 6820-61-C

§ 1-16.901-18 Standard Form 18, Request for Quotations.

(a) Page 1 of Standard Form 18.
(b) Page 2 of Standard Form 18.

§ 1-16.901-21 Standard Form 21, Bid Form (Construction Contract).

(a) Page 1 of Standard Form 21.
(b) Page 2 of Standard Form 21.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-29365 Filed 10-7-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Ch. 14

Procurement Regulations

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rulemaking action revises the Interior Procurement Regulations (IPR) System by (1) establishing new procedures for issuance and maintenance of agency procurement regulations; (2) updating provisions regarding procurement authority, mistakes in bid, bid protests, and small business and related programs, and (3) removing provisions pertaining to internal agency procedures which are not of interest to business concerns and the general public. This action is being taken since these rules were scheduled for review on the Department's Semi-annual Agenda of Rules published in the Federal Register on April 30, 1981 (46 FR 24496). This action will significantly reduce the number of procurement regulations published by the Department since such regulations will now be limited to only those deemed necessary for business concerns and the general public to understand basic and significant policies and procedures of the Department.

EFFECTIVE DATE: This rule is effective on December 15, 1981.

FOR FURTHER INFORMATION CONTACT: William Opdyke, (202) 343-6431.

SUPPLEMENTARY INFORMATION:

Explanation

In response to Secretary Watt's January 28, 1981, request for identification of excessive, burdensome, or counterproductive rules, the Interior Procurement Regulations (IPR) codified under Chapter 14 and Subchapters 14H and 14R of 41 CFR were specifically targeted for review and included on the Department's Semi-annual Agenda of Rules Scheduled for Review or Development.

This rulemaking action is the first of two actions which will revise 41 CFR Chapter 14. This action removes internal procedures from the IPR and provides for elimination or reduction and revision of these procedures for issuance as internal directives consistent with the requirements of Federal Procurement Regulations Section 1-1.008. Copies of these directives are available after December 15, 1981 from the Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240.

A second notice of rulemaking action will be published in the Federal Register at a future date and will propose revisions to the remaining provisions of the IPR not affected by this current rulemaking notice. These remaining provisions consist of rules which are of interest to business concerns and other interested parties and public comment on these revisions will be invited.

Rulemaking actions on Subchapters 14H and 14R of 41 CFR will be made by separate notice in the Federal Register at a future date.

Primary Author

The primary author of this rule is William Opdyke, Office of Acquisition and Property Management, telephone (202) 343-6431.

Waiver

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, since the changes being made under this rulemaking action involve internal rules of agency organization and procedure, public participation in the rulemaking process is waived in this instance in accordance with 5 U.S.C. 553(b).

Impact

The Director, Office of Management and Budget has exempted agency procurement regulations from the requirements of Executive Order 12291 pursuant to a memorandum dated April 8, 1981. The Department of the Interior certifies that this rule will not have significant economic effect on a substantial number of small entities.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), and 5 U.S.C 301)

Dated: September 29, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

PART 14-1 GENERAL

1. The Table of Contents for Part 14-1 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14-1.2—Definition of Terms" (§§ 14-1.205 and 14-1.206); "Subpart 14-1.9—Reporting Possible Antitrust Violations" (§ 14-1.902); "Subpart 14-1.10—Publicizing Procurement Actions" (§§ 14-1.1003 and 14-1.1003-7); "Subpart 14-1.12—Responsible Prospective Contractors" (§§ 14-1.1204 and 14-1.1204-1); "Subpart 14-1.16—Reports on Identical Bids" (§ 14-1.1603); "Subpart 14-1.23—Environmental Protection" (§§ 14-1.2302 through 14-1.2302-5) and "Subpart 14-1.50—Advance Procurement Planning" (§§ 14-1.5000 through 14-1.5005).

2. The Table of Contents for Part 14-1 is also amended to remove §§ 14-1.007-2, 14-1.009, 14-1.009-2, 14-1.010, 14-1.302, 14-1.302-3, 14-1.305, 14-1.305-50, 14-1.305-51, 14-1.305-52, 14-1.352, 14-1.352-1, 14-1.352-2, 14-1.352-3, 14-1.353, 14-1.400, 14-1.401, 14-1.404-1, 14-1.404-2, 14-1.404-3, 14-1.450, 14-1.450-1, 14-1.450-2, 14-1.450-3, 14-1.450-4, 14-1.701, 14-1.701-50, 14-1.702, 14-1.704-2, 14-1.704-3, 14-1.704-4, 14-1.710-4, 14-1.1300, 14-1.1301, 14-1.1302-1, 14-1.1302-2, 14-1.1302-3, 14-1.1302-4, 14-1.1302-5, 14-1.1302-6, 14-1.1302-7, 14-1.1302-8, 14-1.1310, 14-1.1350, and 14-1.1351.

3. The Table of Contents for Part 14-1 is further amended to revise the heading for § 14-1.704-1 and Subpart 14-1.13 and to add new entries §§ 14-1.340, 14-1.710-2, 14-1.850 and Subpart 14-1.8 as follows:

* * * * *

Subpart 14-1.3—General Policies

Sec.

* * * * *

14-1.340 Women-owned business.

Subpart 14-1.7—Small Business Concerns

* * * * *

14-1.704-1 Business utilization and development specialists.

* * * * *

Sec.
14-1.710-2 Small business subcontracting program.

Subpart 14-1.8—Labor Surplus Area Concerns

14-1.850 Department of the Interior program direction and operation.

Subpart 14-1.13—Minority Business Enterprises

4. Section 14-1.000 is revised to read as follows:

§ 14-1.000 Scope of part.

This part describes the methods by which the Department of the Interior implements, supplements, and deviates from the Federal Procurement Regulations (FPR).

5. Subpart 14-1.0 is revised to read as follows:

Subpart 14-1.0—Regulation System

§ 14-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the Department of the Interior Procurement Regulations System.

§ 14-1.002 Purpose.

This subpart establishes the Interior Procurement Regulations (IPR) as Chapter 14 of the Federal Procurement Regulations System (41 CFR Part 14).

§ 14-1.003 Authority.

IPR are issued pursuant to the authority of 5 U.S.C. 301, 40 U.S.C. 486(c), or other authority specifically stated.

§ 14-1.004 Applicability.

The FPR and IPR apply to all procuring activities of the Department except as otherwise specified by law.

§ 14-1.006 Issuance.

§ 14-1.006-1 Code arrangement.

IPR are issued in the Code of Federal Regulations as Chapter 14 of Title 41. Subsidiary procurement regulations issued by bureaus and offices of the Department are identified by alphabetical designations as subchapters of Chapter 14 as follows:

14A—Office of the Secretary
14B—(Reserved)
14C—(Reserved)
14D—Fish and Wildlife Service
14E—Bureau of Mines
14F—Geological Survey
14G—(Reserved)
14H—Bureau of Indian Affairs
14I—(Reserved)
14J—Bureau of Land Management
14K—National Park Service
14L—Office of Territorial Affairs
14M—(Reserved)
14N—(Reserved)
14O—(Reserved)
14P—Office of Surface Mining Reclamation and Enforcement
14Q—(Reserved)
14R—Office of Water Research and Technology
14S—Bureau of Reclamation
14T—(Reserved)
14U—(Reserved)
14V—(Reserved)
14W—(Reserved)
14X—(Reserved)
14Y—(Reserved)
14Z—(Reserved)

§ 14-1.006-2 Publication.

(a) IPR and subsidiary procurement regulations of bureaus and offices are published in the daily issue of the Federal Register and in cumulative form in the Code of Federal Regulations. IPR are also issued in separate loose-leaf volume form.

(b) Interior Procurement Regulation Directives (IPRD) and subsidiary procurement directives of bureaus and offices are not published in the Federal Register or the Code of Federal Regulations since they contain instructions of interest primarily for internal administrative guidance which do not affect the general public.

§ 14-1.007 Arrangement.

§ 14-1.007-1 General plan.

The general plan, numbering system, and nomenclature used in the IPR conform to the FPR, to the extent possible.

§ 14-1.007-2 [Removed]

§ 14-1.007-3 Citation.

IPR shall be cited in accordance with Federal Register Standards approved for the FPR.

§ 14-1.008 Agency implementation.

(a) The Interior Procurement Regulations (IPR) System consists of published Departmental procurement regulations (IPR); published subsidiary procurement regulations of bureaus and offices; unpublished Departmental procurement regulation directives (IPRD), and unpublished procurement directives of bureaus and offices. All regulations and directives issued under the IPR System shall be kept to a minimum and shall not repeat, paraphrase, or restate material already contained in the FPR. All issuances shall conform to the style and arrangement of the FPR, to the extent possible.

(b) In accordance with FPR § 1-1.008, IPR are limited to those regulations deemed necessary for business concerns, and others properly interested, to understand basic and significant Department of the Interior procurement policies and procedures which implement, supplement, or deviate from the FPR. IPR are issued by the Office of Acquisition and Property Management and signed by the Assistant Secretary—Policy, Budget, and Administration or Deputy.

(c) Subsidiary procurement regulations of bureaus and offices are limited to those rules necessary for satisfying special and unique needs of a bureau or office which are not covered under other regulations. Subsidiary procurement regulations are reviewed by the Office of Acquisition and Property Management and approved by the Assistant Secretary—Policy, Budget, and Administration or Deputy prior to publication.

(d) Interior Procurement Regulation Directives (IPRD) are issued by the Office of Acquisition and Property Management and contain Departmentwide instructions of interest primarily for internal administrative guidance which do not affect the general public.

(e) Procurement directives issued by bureaus and offices contain detailed and specific instructions and procedures necessary to provide internal guidance on procurement matters related to the FPR and the IPR System which do not affect the general public. Each bureau and office is required to establish review procedures for exercising oversight of all procurement directives issued to prevent unnecessary duplication of higher-level coverage; ensure consistency and uniformity among issuances, and control the number of directives issued. These review procedures shall be approved by the Office of Acquisition and Property Management prior to implementation.

§ 14-1.009 [Removed]

§ 14-1.009-2 [Removed]

§ 14-1.010 [Removed]

Subpart 14-1.2—[Removed]

6. Subpart 14-1.2 is removed in its entirety.

Subpart 14-1.3—General Policies

§§ 14-1.302, 14-1.302-3, 14-1.305, 14-1.305-50, 14-1.305-51, 14-1.305-52, 14-1.352, 14-1.352-1, 14-1.352-2, 14-1.352-3, and 14-1.353 [Removed]

7. Sections 14-1.302, 14-1.302-3, 14-1.305, 14-1.305-50, 14-1.305-51, 14-1.305-52, 14-1.352, 14-1.352-1, 14-1.352-2, 14-1.352-3, and 14-1.353 are removed.

8. New § 14-1.340 is added to read as follows:

§ 14-1.340 Women-owned business.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's women's business enterprise program in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8).

Subpart 14-1.4—Procurement Responsibility and Authority

9. Subpart 14-1.4 is amended by removing §§ 14-1.400, 14-1.401, 14-1.404-1, 14-1.404-2, 14-1.404-3, 14-1.450, 14-1.450-1, 14-1.450-2, 14-1.450-3, and 14-1.450-4 and revising §§ 14-1.402 and 14-1.404 to read as follows:

§ 14-1.400 [Removed]

§ 14-1.401 [Removed]

§ 14-1.402 Authority of contracting officers.

(a) Redelegation to Assistant Secretaries. The authority of the Secretary with respect to all matters relating to procurement of personal property and nonpersonal services (including construction) has been redelegated to the Assistant Secretaries under Part 205, Chapter 11 of the Departmental Manual (205 DM 11). Each Assistant Secretary is responsible for providing oversight and direction and for ensuring compliance with the provisions of this Subpart 14-1.4.

(b) Redelegation to the heads of bureaus and offices. Assistant Secretaries have redelegated their procurement authority to the heads of bureaus and offices subject to limitations prescribed in Part 200 of the Departmental Manual. Redelegation of authority to individual contracting officers by the heads of the procuring activities is subject to any limitations prescribed in Part 200 of the Departmental Manual, the requirements of FPR Subpart 1-1.4, and the requirements of this Subpart 14-1.4.

§ 14-1.404 Selection, designation and termination of contracting officers.

Contracting officers shall be selected, designated as such, and this designation terminated as provided in FPR § 1-1.404 and the Contracting Officers' Warrant System Manual, copies of which may be obtained from the Office of Acquisition and Property Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. Designation of contracting officers shall be accomplished by delegation of authority to individuals who meet the qualifications set forth in the Contracting Officers' Warrant System Manual.

§ 14-1.404-1 [Removed]

§ 14-1.404-2 [Removed]

§ 14-1.404-3 [Removed]

§ 14-1.450 [Removed]

§ 14-1.450-1 [Removed]

§ 14-1.450-2 [Removed]

§ 14-1.450-3 [Removed]

§ 14-1.450-4 [Removed]

Subpart 14-1.7—Small Business Concerns

§§ 14-1.701, 14-1.701-50, 14-1.702, 14-1.704-2, 14-1.704-3, 14-1.704-4, and 14-1.710-4 [Removed]

10. Sections 14-1.701, 14-701-50, 14-1.702, 14-1.704-2, 14-1.704-3, 14-1.704-4, and 14-1.710-4 are removed.

11. Section 14-1.704 is revised to read as follows:

§ 14-1.704 Department of the Interior program direction and operation.

The Office of Small and Disadvantaged Business Utilization is responsible for developing and monitoring policies, procedures, regulations and guidelines necessary for the effective administration of the Department's small and disadvantaged business programs in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8). Implementation of these programs is accomplished through various Interior Procurement Regulation Directives (See IPR § 14-1.008(d)).

12. Section 14-1.704-1 is recaptioned and revised to read as follows:

§ 14-1.704-1 Business utilization and development specialists.

Business utilization and development specialists (BUDS) are appointed by the heads of procuring activities and are responsible for implementing and monitoring the Department's small and disadvantaged business programs within their organizations. BUDS are also responsible for advising small and disadvantaged firms interested in participating in procurement programs of the Department.

13. Section 14-1.705-50 is amended by removing paragraph (a) and removing the designation of paragraph (b) to read as follows:

§ 14-1.705 Cooperation with the small Business Administration.

§ 14-1.705-50 Surety bond guarantee assistance.

Invitations for bids or requests for proposals where the cost of the procurement is not expected to exceed $1,000,000 shall include the following provision:

Surety Bond Guarantee Assistance

As provided in 13 CFR Part 115, the Small Business Administration may, under certain circumstances, provide assistance to small businesses on surety bonds required hereunder. Further information may be obtained from the contracting officer or the nearest office of the Small Business Administration.

14. Section 14-1.706-2 is revised to read as follows:

§ 14-1.706-2 Review of SBA set-aside proposals.

The Assistant Secretary—Policy, Budget, and Administration will take all required actions on any appeals made by the Administrator of SBA to the head of the agency under FPR § 1-1.706-2. When SBA has appealed to the head of the agency, the head of the procuring activity disapproving a set-aside shall promptly forward the justification for the decision for sequential review, through the Director, Office of Small and Disadvantaged Business Utilization, and the Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, in order for action to be taken by the Assistant Secretary—Policy, Budget, and Administration.

15. Section 14-1.706-5 is revised to read as follows:

§ 14-1.706-5 Total set-asides.

(a) To implement the requirements of FPR §§ 1-1.703-2(g), 1-1.706-5 (d) and (e) and 1-1.706-6(c), a statement substantially as follows shall be included in each solicitation in excess of $10,000 and in each solicitation of $10,000 or less which is a small business set-aside:

The following product or service classification code(s) and small business size standard(s) apply to this procurement: (Item or Schedule) No. Classification Code Size Standard. (Insert appropriate information from FPR § 1-1.701-1.)

(b) The statement should be inserted only once for each classification code and size standard applicable to the procurement.

(c) If the articles or services to be procured cannot be identified with an industry for which a classification code and size standard have been specifically established, then it shall be assumed that the size standard is 500 employees or less. (See FPR § 1-1.701-1(a)(2)).

16. Section 14-1.706-6 is revised to read as follows:

§ 14-1.706-6 Partial set-asides.

The instructions set forth in IPR § 14-1.706-5 shall be observed to implement the requirements of FPR §§ 1-1.703-2(g) and 1-1.706(c) that the product or service classification code and the small business size standard shall be set forth in the solicitation.

17. New § 14-1.710-2 is added as follows:

§ 14-1.710 Subcontracting with small business concerns.

§ 14-1.710-2 Small business subcontracting program.

Subcontracting reports under contracts subject to a Small Business and Small Disadvantaged Business Subcontracting Plan shall be submitted on Standard Form 294, Subcontracting Report for Individual Contracts and Standard Form 295, Summary Subcontract Report. Standard Form 294 shall be submitted semiannually to the contracting officer. Standard Form 295 shall be submitted quarterly to the Office of Small and Disadvantaged Business Utilization, Room 2527, Department of the Interior, Washington, D.C. 20240.

18. Subpart 14-1.8 and § 14-1.850 are added as follows:

Subpart 14-1.8—Labor Surplus Area Concerns

§ 14-1.850 Department of the Interior program direction and operation.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's labor surplus area procurement program in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8).

Subpart 14-1.9 [Removed]

19. Subpart 14-1.9 is removed in its entirety.

Subpart 14-1.10 [Removed]

20. Subpart 14-1.10 is removed in its entirety.

Subpart 14-1.12 [Removed]

21. Subpart 14-1.12 is removed in its entirety.

Subpart 14-1.13 Small and Disadvantaged Business Program.

22. Subpart 14-1.13 is recaptioned as follows:

Subpart 14-1.13 Minority Business Enterprises

23. Section 14-1.1302 is revised to read as follows:

§ 14-1.1302 Agency programs.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's minority business enterprise program and the Historically Black Colleges program. Implementation of these programs is accomplished through various Interior Procurement Regulation Directives (see IPR § 14-1.008(d)).

Subpart 14-1.16 [Removed]

24. Subpart 14-1.16 is removed in its entirety.

Subpart 14-1.23 [Removed]

25. Subpart 14-1.23 is removed in its entirety.

Subpart 14-1.50 [Removed]

26. Subpart 14-1.50 is removed in its entirety.

PART 14-2—PROCUREMENT BY FORMAL ADVERTISING

1. The Table of Contents for Part 14-2 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14-2.1—Use of Formal Advertising" (§§ 14-2.104 and 14-2.104-1) and "Subpart 14-2.2—Solicitation of Bids" (§§ 14-2.201 through 14-2.207-50).

2. The Table of Contents for Part 14-2 is further amended to remove §§ 14-2.405, 14-2.405-50, 14-2.406-50, and 14-2.407-1.

Subpart 14-2.1 [Removed]

3. Subpart 14-2.1 is removed in its entirety.

Subpart 14-2.2 [Removed]

4. Subpart 14-2.2 is removed in its entirety.

Subpart 14-2.4—Opening of Bids and Award of Contract

5. Subpart 14-2.4 is amended by removing §§ 14-2.405, 14-2.405-50, 14-2.406-50, 14-2.407-1, and revising §§ 14-2.406-3, 14-2.406-4, and 14-2.407-8 to read as follows:

§ 14-2.405 [Removed]

§ 14-2.405-50 [Removed]

§ 14-2.406 Mistakes in bids.

§ 14-2.406-3 Other mistakes disclosed before award.

(a) The Director, Office of Acquisition and Property Management is delegated authority to make the administrative determinations under FPR § 1-2.406-3(a) pursuant to FPR § 1-2.406-3(b).

(b) Each administrative determination shall be approved by the Associate or Assistant Solicitor, Division of General Law, prior to submission to the Director, Office of Acquisition and Property Management.

(c) In addition to the requirements of FPR § 1-2.406-3(d)(2), the bidder alleging the mistake shall furnish in support of original worksheets a certification of authenticity in the form of a statement of identification by the bidder signed before a notary public.

§ 14-2.406-4 Disclosure of mistakes after award.

(a) Contracting officers are authorized to make the determinations under FPR § 1-2.406-4(b) after review of the proposed determination is obtained from the appropriate Office of the Solicitor.

(b) Copies of each approved determination made under FPR § 1-2.406-4(b) shall be forwarded to the Office of Acquisition and Property Management.

§ 14-2.406-50 [Removed]

§ 14-2.407 Award.

§ 14-2.407-1 [Removed]

§ 14-2.407-8 Protests against award.

(a) Responsibility. The Office of the Solicitor shall be responsible for handling bid protests filed with the General Accounting Office (GAO). All communications relative to protests at the GAO shall be coordinated with the Assistant Solicitor for Procurement.

(b) Determination to Make Award. (1) If a written protest before award has been lodged with the procuring activity only, the procedures of FPR § 1-2.407-8(b) shall be followed. Prior to making an award of a contract under the circumstances set forth in FPR § 1-2.407-8(b)(4), the contracting officer shall obtain the advice of the Assistant Solicitor for Procurement.

(2) If a protest before award has been lodged directly with the GAO and the contracting officer determines in writing that it is necessary to make an award under FPR § 1-2.407-8(b)(4), such determination must be approved by the

head of the procuring activity concerned and by the Director, Office of Acquisition and Property Management, before award.

PART 14-3—PROCUREMENT BY NEGOTIATION

1. The Table of Contents for Part 14-3 is amended to remove the following subparts, headings and all entries applicable to them: "Subpart 14-3.1—Use of Negotiation" (§§ 14-3.103, 14-3.150, 14-3.151, 14-3.151-1, and 14-3.152); "Subpart 14-3.2—Circumstances Permitting Negotiation" (§§ 14-3.201 through 14-3.214); "Subpart 14-3.3—Determinations, Findings and Authorities" (§§ 14-3.303 through 14-3.305-51, Appendices A, B, C, and D); "Subpart 14-3.4—Types of Contracts (§§ 14-3.408, 14-3.410, 14-3.410-2); and "Subpart 14-3.12—Cost Accounting Standards" (§§ 14-3.1203 through 14-3.1211).

2. The Table of Contents for Part 14-3 is further amended to remove § 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2.

Subpart 14-3.1 [Removed]

3. Subpart 14-3.1 is removed in its entirety.

Subpart 14-3.2 [Removed]

4. Subpart 14-3.2 is removed in its entirety.

Subpart 14-3.3 [Removed]

5. Subpart 14-3.3 is removed in its entirety.

Subpart 14-3.4 [Removed]

6. Subpart 14-3.4 is removed in its entirety.

Subpart 14-3.6—Small Purchases

§§ 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2 [Removed]

7. Sections 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2 are removed.

Subpart 14-3.12 [Removed]

8. Subpart 14-3.12 is removed in its entirety.

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The Table of Contents for Part 14-4 is amended to remove "Subpart 14-4.11—Procurement and Contracting for Government-Wide Automated Data Processing Equipment, Software, Maintenance Services and Supplies" and § 14-4.1150 and "Subpart 14-4.53—Aircraft Services" and § 14-4.5300.

2. The Table of Contents for Part 14-4 is further amended to remove §§ 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, 14-4.1005-1, 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205.

Subpart 14-4.10—Architect-Engineer Services

§§ 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, and 14-4.1005-1 [Removed]

3. Sections 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, and 14-4.1005-1 are removed.

Subpart 14-4.11 [Removed]

4. Subpart 14-4.11 is removed in its entirety.

Subpart 14-4.52—Appraisal Services (Real Property)

§§ 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205 [Removed]

5. Sections 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205 are removed.

Subpart 14-4.53 [Removed]

6. Subpart 14-4.53 is removed in its entirety.

PART 14-8 [REMOVED]

1. The Table of Contents for Part 14-8 is removed.

2. Part 14-8 is removed in its entirety.

PART 14-10—BONDS AND INSURANCE

1. The Table of Contents for Part 14-10 is amended to remove "Subpart 14.10.2—Sureties on Bonds" and § 14-10.201 and "Subpart 14-10.5—Insurance Under Cost—Reimbursement Type Contracts" and § 14-10.501.

Subpart 14-10.2 [Removed]

2. Subpart 14-10.2 is removed in its entirety.

Subpart 14-10.5 [Removed]

3. Subpart 14-10.5 is removed in its entirety.

PART 14-12 [REMOVED]

1. The Table of Contents for Part 14-12 is removed.

2. Part 14-12 is removed in its entirety.

PART 14-16—PROCUREMENT FORMS

1. The Table of Contents for Part 14-16 is amended to remove §§ 14-16.804 and 14-16.804-3.

Subpart 14-16.8—Miscellaneous Forms

§§ 14-16.804 and 14-16.804-3 [Removed]

2. Sections 14-16.804 and 14-16.804-3 are removed.

PART 14-18—PROCUREMENT OF CONSTRUCTION

1. The Table of Contents for Part 14-18 is amended to remove "Subpart 14-18.2—Formal Advertising" and § 14-18.208, "Subpart 14-18.7—Labor Standards for Contracts Involving Construction" and §§ 14-18.704 through 14-18.705-10, and "Subpart 14-18.8—Termination of Construction Contracts" and §§14-18.803 and 14-18.803-5.

Subpart 14-18.2 [Removed]

2. Subpart 14-18.2 is removed in its entirety.

Subpart 14-18.7 [Removed]

3. Subpart 14-18.7 is removed in its entirety.

Subpart 14-18.8 [Removed]

4. Subpart 14-18.8 is removed in its entirety.

PART 14-26—CONTRACT MODIFICATIONS

1. The Table of Contents for Part 14-26 is amended to remove § 14-26.404.

Subpart 14-26.4—Novation and Change of Name Agreements

§ 14-26.404 [Removed]

2. Section 14-26.404 is removed.

PART 14-30—CONTRACT FINANCING

1. The Table of Contents for Part 14-30 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14-30.2—Basic Policies" (§§ 14-30.201 and 14-30.250), and "Subpart 14-30.5—Progress Payments Based on Costs" (§§ 14-30.501 and 14-30.505).

2. The Table of Contents for Part 14-30 is further amended to remove §§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410 and 14-30.413.

Subpart 14-30.2 [Removed]

3. Subpart 14-30.2 is removed in its entirety.

Subpart 14-30.4—Advance Payments

§§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410, and 14-30.413 [Removed]

4. Sections §§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410, and 14-30.413 are removed.

Subpart 14-30.5 [Removed]

5. Subpart 14-30.5 is removed in its entirety.

PART 14-55 [REMOVED]

1. The Table of Contents for Part 14-55 is removed.
2. Part 14-55 is removed in its entirety.

PART 14-63—AUDIT

1. The Table of Contents for Part 14-63 is amended to remove §§ 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3.

Subpart 14-63.1—Audit of Contractor's Records

§§ 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3 [Removed]

Sections 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3 are removed.

[FR Doc. 81-29136 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 6034

[A-13379]

Arizona; Revocation of Townsite Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke the withdrawal made by Departmental Order of April 8, 1946, reserving public lands for the San Luis Townsite. The lands have been patented under the Townside laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

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

1. The Departmental Order of April 8, 1946, which reserved the following described lands for townsite purposes, is hereby revoked:

Gila and Salt River Meridian

T. 11 S., R. 25 W.,
Sec. 12, E½E½SW¼NW¼, SE¼NW¼.

The area described contains 50 acres in Yuma County.

2. The lands described in paragraph 1 have been patented under the townsite laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29335 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6037

[A-13385]

Arizona; Revocation of Executive Order No. 5438

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke the withdrawal made by Executive Order No. 5438 of September 5, 1930, which withdrew lands in aid of legislation to include the lands within the Petrified Forest National Monument. The lands are now a part of the Petrified Forest National Park, and remain segregated from operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

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

1. Executive Order No. 5438 of September 5, 1930, which withdrew the following lands for classification and in aid of legislation, is hereby revoked in its entirety:

Gila and Salt River Meridian

T. 18 N., R. 24 E.,
Sec. 10, SW¼;
Secs. 14, 22, 24, 26, 28, and 34.

The areas described aggregate approximately 4,000 acres in Apache County.

2. The lands described in this order were established as part of the Petrified Forest National Park on December 2, 1962, pursuant to the Act of March 28, 1958, 72 Stat. 69, and remain closed to location, settlement or entry under the public land laws, including the mining and mineral leasing laws. The lands will continue to be administered by the National Park Service, Department of the Interior, in accordance with the provisions of the above cited Act.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29330 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6041

[A-12667]

Arizona; Powersite Restoration No. 760; Revocation of Powersite Reserve No. 602; Partial Revocation of Water Power Designation No. 5 (AR-2)

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order totally revokes an Executive order and partially revokes a Secretarial order affecting powersite withdrawls of public lands in the Aravaipa Canyon Primitive Area in Arizona. The lands described herein remain closed to location, sale, settlement, or entry under the general land laws, including the mining, but not the mineral leasing laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-156-Arizona, it is ordered as follows:

1. The Executive Order of April 14, 1917, creating Powersite Reserve No. 602, and the Secretarial Order of February 9, 1917, creating Water Power Designation No. 5 (AR-2), are hereby revoked so far as they affect the following described lands:

Gila and Salt River Meridian

T. 6 S., R. 17 E.,
Sec. 13, lots 1 to 8, inclusive.
T. 6 S., R. 18 E.,
Sec. 7, SE¼SE¼;
Sec. 8, S½S½;
Sec. 9, SW¼SW¼;
Sec. 13, S½SW¼, SW¼SE¼;
Sec. 14, W½, S½SE¼;

Sec. 15, N½, S½;
Sec. 16, N½, NW¼SW¼, NE¼SE¼;
Sec. 17, NE¼, N½NW¼, NW¼SW¼, NE¼SE¼;
Sec. 18, lots 1 to 4, inclusive NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 23, N½NE¼, NE¼NW¼;
Sec. 24, NE¼, N½NW¼.
T. 6 S., R. 19 E.,
Sec. 19, lots 1, 2, 3, E½.

The areas described aggregate approximately 3,484 acres in Pinal and Graham Counties.

The subject lands are classified for multiple use management and are segregated from sale, exchange, selection, agricultural land laws, and mining location and entry. They are included in the Aravaipa Canyon Wilderness Study Area which has been recommended for inclusion in the National Wilderness Preservation System.

The lands will not be subject to location, entry, or selection under the public land laws, including the mining laws, unless and until an appropriate opening order is issued by the authorized officer.

The lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

October 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-29337 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6044

[A-10342]

Arizona; Withdrawal of Lands for Havasu National Wildlife Refuge; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 2,781 acres of public lands for enlargement of the Bill Williams Unit of the Havasu National Wildlife Refuge, and, simultaneously, partially revokes the existing reclamation withdrawals on approximately 2,091 acres.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

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

1. Subject to valid existing rights, the following described lands lying outside of the present boundary of the Havasu National Wildlife Refuge, as established by Executive Order No. 8647 of January 22, 1941, and as enlarged by Public Land Order No. 559 of February 11, 1949, are hereby withdrawn from settlement, sale, location, or entry under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to the Bill Williams Unit of the Havasu National Wildlife Refuge:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 17 W.,
Sec. 19, those portions of Lot 1, SW¼NE¼, E½NW¼, and N½SE¼ lying south of Havasu National Wildlife Refuge boundry;
Sec. 20, E½, E½W½, SW¼SW¼;
Sec. 25, S½SE¼;
Sec. 26, SE¼SW¼, S½SE¼;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 34, N½N½, SE¼NE¼;
Sec. 36, N½SE¼NE¼.
T. 11 N., R. 18 W.,
Sec. 12, that portion of the SW¼SW¼ lying between Havasu National Wildlife Refuge boundary and State Highway 95;
Sec. 13, those portions of the E½NE¼ SW¼, N½S½SE¼, and SE¼SE¼ lying south of the Havasu National Wildlife Refuge boundary;
Sec. 24, NE¼NE¼.

The areas described aggregate approximately 1,693 acres in Yuma and Mohave Counties.

2. Subject to valid existing rights, the surface estate in the following described lands was acquired under exchange made pursuant to Section 8 of the Taylor Grazing Act of June 28, 1934, as amended, 43 U.S.C. 315g. These lands are hereby reserved as a part of and added to the Havasu National Wildlife Refuge:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 17 W.,
Sec. 19, Lot 2, NE¼SW¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 25, S½SW¼;
Sec. 27, SW¼NE¼, S½NW¼;
Sec. 29, E½NW¼;
Sec. 33, S½NE¼, SE¼NW¼;
Sec. 35, N½NE¼, S½NE¼SW¼, NW¼SW¼, S½NW¼SE¼.
T. 11 N., R. 18 W.,
Sec. 11, that portion lying between Havasu National Wildlife Refuge and State Highway 95;
Sec. 13, W½E½SW¼, NW¼SW¼, and those portions of the E½SW¼SW¼, S½SW¼SE¼, and SW¼SE¼SE¼, lying south of the Havasu National Wildlife boundary.

The areas described aggregate approximately 1,088 acres in Yuma and Mohave Counties.

3. Subject to valid existing rights, the above described lands, to the extent that the ownership thereof is vested in the United States, shall hereafter be administered by the U.S. Fish and Wildlife Service, Department of the Interior, as a wildlife refuge, in cooperation with the Bureau of Reclamation.

4. The Departmental Orders of January 31, 1903, September 8, 1903, July 8, 1919, June 4, 1930, and October 16, 1931, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the lands described in this order, excepting, however, the Order of July 8, 1919, as to the SW¼SW¼, W½SE¼SW¼ Section 20 and the NW¼NE¼NW¼ Section 29, T. 11 N., R. 17 W. This 70 acres will remain withdrawn for so long as needed by the Bureau of Reclamation as a material source.

5. This order shall remain in effect for a period of 40 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29338 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6025

[SAC-077399]

California; Powersite Restoration Nos. 608 and 709, Revoking Powersite Reserve Nos. 299 and 431; Partially Revoking Powersite Reserve Nos. 231, 320, 364, 396, and 484

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order totally and partially revokes several Executive orders which withdrew lands for powersite purposes. The lands affected total 7,949 acres of public and privately owned lands. This action opens approximately 3,994 acres of public lands to operation of the public land laws generally. The remaining 3,955 acres are privately owned.

EFFECTIVE DATE: November 6, 1981.

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

By virtue of the authority contained in Section 204 of the Federal Land Policy

and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-1106 and DA-1108 California, it is ordered as follows:

1. Executive Orders of December 1, 1911, October 18, 1912, November 27, 1912, May 27, 1913, August 1, 1913, April 3, 1914, and March 16, 1915, creating Powersite Reserve Nos. 231, 299, 320, 364, 396, 431 and 484, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian, California

Power Site Reserve No. 231

T. 29 N., R. 1 W.
Sec. 2, NE¼SW¼, and N½SE¼;
Sec. 4, Lot 1.

T. 30 N., R. 1 W.,
Sec. 30, E½NW¼;
Sec. 31, Lot 1.

T. 30 N., R. 2 W.,
Sec. 28, SW¼SE¼;
Sec. 32, S½NE¼, NE¼NW¼, and NW¼SW¼;
Sec. 34, S½NW¼, and S½
Sec. 36, N½.

Power Site Reserve No. 364

T. 29 N., R. 1 E.,
Sec. 2, NW¼SW¼;
Sec. 6, Lots 7, 8, 13, 14, 15, 16 and 17;
Sec. 11, Lots 1 and 2;
Sec. 12, Lots 4, 5, and 8.

T. 33 N., R. 1 E.,
Sec. 26, S½SE¼;
Sec. 28, SE¼SW¼;
Sec. 32, SW¼SW¼;
Sec. 33, N½NW¼;
Sec. 34, NW¼NE¼, S½NW¼, and NW¼SW¼.

T. 29 N., R. 2 E.,
Sec. 18, Lots 1, 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, N½;
Sec. 22, N½, and N½S½.

T. 32 N., R. 2 E.,
Sec. 19, Lots 3 and 4, NE¼SW¼, and SE¼.

T. 29 N., R. 3 E.,
Sec. 19, Lot 1, NE¼SW¼, and N½SE¼;
Sec. 20, NW¼SW¼, and NE¼SE¼;
Sec. 29, N½NW¼;
Sec. 30, NE¼NE¼.

T. 30 N., R. 1 W.,
Sec. 26, SE¼SE¼;
Sec. 30, NE¼;
Sec. 34, SE¼SE¼.

T. 31 N., R. 1 W.,
Sec. 14, NE¼SW¼, and S½SW¼;
Sec. 20, S½N½;
Sec. 22, N½NE¼, and NW¼.

T. 32 N., R 1 W.,
Sec. 6, NE¼, and N½SE¼;
Sec. 32, SE¼NE¼, and SW¼SW¼.

T. 33 N., R. 1 W.,
Sec. 32, N½NW¼, and SE¼NW¼.

T. 31 N., R. 2 W.,
Sec. 22, S½SW¼;
Sec. 24, NE¼SW¼;
Sec. 26, N½;
Sec. 28, N½NE¼, and SE¼NE¼.

T. 33 N., R. 2 W.,
Sec. 22, W½W½;
Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼,
Sec. 32, N½N½.

Power Site Reserve No. 484

T. 31 N., R. 2 W.,
Sec. 8, NE¼SE¼, and S½SE¼.

Power Site Reserve No. 299

T. 26 N., R. 1 W.,
Sec. 24, SE¼SE¼;
Sec. 26, SE¼NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 32, S½SW¼.

Power Site Reserve No 320

T. 25 N., R. 1 E.,
Sec. 8, NE¼, and NE¼NW¼;
Sec. 12, Lot 1.

Power Site Reserve No. 396

T. 25 N., R. 1 E.,
Sec. 14, S½NW¼;
Sec. 20, S½N½;
Sec. 22, SW¼NW¼, and NW¼SW¼.

T. 25 N., R. 1 W.,
Sec. 23, Lot 1 and 8;
Sec. 24, Lots 3, 4, 7, and 8, and N½S½.

Power Site Reserve No. 431

T. 25 N., R. 1 W.,
Sec. 24, Lots 1, 2, 5, and 6.

The area aggregates approximately 7,949.42 acres in Tehama and Shasta Counties, California.

2. Of the lands listed in Paragraph 1, the following are privately owned and are not subject to disposition under the public land laws. The effect of this order is to revoke Power Site Reserves Nos. 231, 320, 364, 396, and 484 insofar as they pertain to these lands:

T. 25 N., R. 1 W.,
Sec. 23, Lots 1 and 8.

T. 29 N., R. 1 W.,
Sec. 2, NE¼SW¼, and N½SE¼.

T. 30 N., R. 1 W.,
Sec. 30, NE¼, and E½NW¼;
Sec. 31, Lot 1;
Sec. 34, SE¼SE¼.

T. 32 N., R. 1 W.,
Sec. 6, NE¼, and N½SE¼;
Sec. 32, SE¼NE¼, and SW¼SW¼.

T. 33 N., R. 1 W.,
Sec. 32, N½NW¼, and SE¼NW¼.

T. 30 N., R. 2 W.,
Sec. 32, S½NE¼, NE¼NW¼, and NW¼SW¼;
Sec. 36, N½.

T. 31 N., R. 2 W.,
Sec. 8, NE¼SE¼, and S½SE¼;
Sec. 22, SW¼SW¼;
Sec. 24, NE¼SW¼.

T. 33 N., R. 2 W.,
Sec. 28, SE¼.

T. 25 N., R. 1 E.,
Sec. 8, NE¼, and NE¼NW¼;
Sec. 12, Lot 1;
Sec. 22, SW¼NW¼, and NW¼SW¼.

T. 29 N., R. 1 E.,
Sec. 2, NW¼SW¼;
Sec. 6, Lots 7, 8, 13, 14, 15, 16, and 17.

T. 33 N., R. 1 E.,
Sec. 26, S½SE¼;
Sec. 28, SE¼SW¼;
Sec. 32, SW¼SW¼;
Sec. 33, N½NW¼;
Sec. 34, NW¼NE¼, S½NW¼, and NW¼SW¼.

T. 29 N., R. 2 E.,
Sec. 18, Lot 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 22, NE¼; NW¼, N½SW¼, and N½SE¼.

T. 32 N., R. 2 E.,
Sec. 19, Lots 3 and 4, NE¼SW¼, and SE¼.

T. 29 N., R. 3 E.,
Sec. 20, NE¼SE¼;
Sec. 29, N½NW¼;
Sec. 30, NE¼NE¼.

The area aggregates approximately 3,954.89 acres in Tehama and Shasta Counties, California.

3. Of the lands described in Paragraph 1, the following are vacant public lands. The effect of this order is to revoke Power Site Reserves Nos. 231, 299, 364, 396, and 431 insofar as they pertain to these lands.

T. 25 N., R. 1 W.,
Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, and 8, and N½S½.

T. 26 N., R. 1 W.,
Sec. 24, SE¼SE¼;
Sec. 26, SE¼NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 32, S½SW¼.

T. 29 N., R. 1 W.,
Sec. 4, Lot 1.

T. 30 N., R. 1 W.,
Sec. 26, SE¼SE¼.

T. 31 N., R. 1 W.,
Sec. 14, NE¼SW¼, and S½SW¼;
Sec. 20, S½N½;
Sec. 22, N½NE¼, and NW¼.

T. 25 N., R. 1 E.,
Sec. 14, S½NW¼;
Sec. 20, S½N½.

T. 29 N., R. 1 E.,
Sec. 11, Lots 1 and 2;
Sec. 12, Lots 4, 5, and 8.

T. 30 N., R. 2 W.,
Sec. 28, SW¼SE¼;
Sec. 34, S½NW¼, and S½.

T. 31 N., R. 2 W.,
Sec. 22, SE¼SW¼;
Sec. 26, N¼;
Sec. 28, N½NE¼, and SE¼NE¼.

T. 33 N., R. 2 W.,
Sec. 22, W½W½;
Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, and S½SW¼;
Sec. 32, N½N½.

T. 29 N., R. 2 E.,
Sec. 18, Lots 1, 3, 4, SE¼SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 20, N½.

T. 29 N., R. 3 E.,

Sec. 19; Lot 1, NE¼SW¼, and N½SE¼;
Sec. 20; NW¼SW¼.

The area aggregates approximately 3,994.53 acres in Tehama and Shasta Counties.

The State of California has waived its preference right of application for highway right-of-way or material sites as provided by Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands described above have been and will continue to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.
[FR Doc. 81-29340 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6040

[CA-599]

California; Partial Revocation of Public Land Order No. 80, as Amended

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a military withdrawal which withdrew public lands for use by the War Department as a civilian housing project in connection with the operation of the Sierra Ordnance Depot. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

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

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

1. Public Land Order No. 80 of January 16, 1943, as amended by Executive Order No. 9526 of February 28, 1945, and Public Land Order No. 611 of October 12, 1949, which withdrew the following described public lands for use in connecton with the operation of the Sierra Ordnance Depot, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 26 N., R. 16 E.,
Sec. 2, all that portion of land within the SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼ lying southeasterly of the southerly right-of-way line of the Western Pacific Railroad Company.

The area described aggregates approximately 56 acres in Lassen County.

The lands lie adjacent to Herlong, California. The topography is generally level. The vegetative cover consists of sagebrush and bitterbrush with an undercover of native grasses.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m. on November 6, 1981.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.
[FR Doc. 81-29331 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6042

[CA 7389; CA 7390]

California; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order and two Secretarial orders affecting 240 acres of public land withdrawn for public watering purposes. This action will restore the lands to location for nonmetalliferous minerals under the United States mining laws. The lands will remain segregated from operation of the public land laws generally, for the National Cooperative Land and Wildlife Management Area by Public Land Order No. 2693 of June 7, 1962.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916-484-4431.

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

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Orders of April 4, 1933 and November 24, 1933, as Interpretation Nos. 182 and 192, is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

Interpretation No. 182 of April 4, 1933 (CA 7389)
T. 18 S., R. 1 E.,
Sec. 14, NE¼.
The area described contains 160 acres in San Diego County.

Interpretation No. 192 of November 24, 1933 (CA 7390)
T. 18 S., R. 1 E.,
Sec. 34, NE¼NW¼, SW¼NW¼.

The areas described aggregate 80 acres in San Diego County.

3. The above described public lands remain segregated from operation of the public land laws generally, for the Otay National Cooperative Land and Wildlife Management Area, LA 0140244, by Public Land Order No. 2693 of June 7, 1962.

4. The above described public lands will be open to location for nonmetalliferous minerals under the United States mining laws at 10 a.m. on November 6, 1981. The lands have been and shall continue to be open to location for metalliferous minerals under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

October 1, 1981.
Garrey E. Carruthers,
Assistant Secretary of the Interior.
[FR Doc. 81-29330 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6033

[M-41835]

Montana; Revocation of Stock Driveway Withdrawal No. 257; Montana No. 17

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew public lands for use as a stock driveway. Subsequent to this withdrawal, the lands were added to the Helena National Forest by Public Land Order No. 3938. This action will open the lands to national forest status.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

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

1. The Secretarial Order of November 30, 1939, which withdrew the following described public lands for a stock driveway, is hereby revoked:

Principal Meridian

T. 14 N., R. 8 W.,
Sec. 14, S½SE¼.

The area described contains 80 acres in Lewis and Clark County.

2. At 8 a.m. on November 6, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981

[FR Doc. 81-29341 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6027

[OR-19044]

Oregon; Powersite Restoration No. 695; Partial Revocation of Powersite Reserve No. 125

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 360 acres of land withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws, generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 125 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 125

T. 3 S., R. 14 E.,
Sec. 13, SE¼SW¼;
Sec. 23, E½NW¼ and NW¼SW¼;
Sec. 26, SW¼SW¼ and E½SE¼;
Sec. 35, SE¼NE¼ and SW¼NW¼.

The area described contains 360 acres in Wasco and Sherman Counties.

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. At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands 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 land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29346 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6028

[OR-19020]

Oregon; Powersite Restoration No. 695; Partial Revocation of Indian Powersite Reserve No. 2

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order in part as to 759.90 acres of lands withdrawn for an Indian powersite reserve. The lands remain withdrawn for the Warm Springs Indian Reservation.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION, CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Secretarial Order of November 1, 1910, which created Indian Powersite Reserve No. 2 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Indian Powersite Reserve No. 2

T. 11 S., R. 11 E.,
Sec. 29, NW¼NE¼.
T. 10 S., R. 12 E.,
Sec. 1, SE¼NW¼;
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼.
T. 11 S., R. 12 E.,
Sec. 10, SE¼NW¼.
T. 9 S., R. 13 E.,
Sec. 10, lot 8 and SW¼SE¼;
Sec. 11, S½S½;
Sec. 16, SW¼NW¼;
Sec. 19, SE¼SW¼ and SW¼SE¼;
Sec. 20, W½NW¼ and NW¼SW¼;
Sec. 31, lot 2 (West of River).
T. 7 S., R. 14 E.,
Sec. 8, NW¼SW¼.

The areas described aggregate 759.90 acres in Jefferson and Wasco Counties.

2. The lands described above are included in the Warm Springs Indian Reservation and are not open to operation of the public land laws, including the mining and mineral leasing laws.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29343 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6029

[OR-19035]

Oregon; Powersite Restoration No. 695; Partial Revocation of Powersite Reserve No. 68

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 390.86 acres of lands withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 68 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 68

T. 16 S., R. 12 E.,
Sec. 3, NE¼SE¼.
T. 17 S., R. 12 E.,
Sec. 7, lots 3 and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 20, W½SE¼;
Sec. 29, NW¼NE¼.

The areas described aggregate 390.86 acres in Deschutes County.

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. At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands 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.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29345 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6030

[OR-19342]

Oregon; Revocation of Secretarial Order of November 8, 1946

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action revokes a Secretarial order which withdrew 462.05 acres of land for timber preservation areas. This action will restore 179.31 acres to operation of the public land laws generally. The remaining 282.74 acres continue to be withdrawn for powersite and water power designation purposes. Accordingly, these lands remain segregated from operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Oregon State Office, 503-231-6905.

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

1. Secretarial Order of November 8, 1946, which withdrew the following described lands for timber preservation purposes, is hereby revoked:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 27 S., R. 10 W.,
Sec. 5, S½S½NE¼, N½SW¼, and N½N½SE¼.
T. 27 S., R. 11 W.,
Sec. 14, lots 5, 6, and S½ of lot 3;
Sec. 15, S½ of lot 7, S½ of lot 8, N½ of lot 9, and N½ of lot 10.

Reconveyed Coos Bay Wagon Road Land

T. 28 S., R. 10 W.,
Sec. 3, lot 2, S½NE¼, and NE¼NW¼ SE¼.

The areas described aggregate 462.05 acres in Coos County.

2. The following described lands are withdrawn for Water Power Designation No. 17 of January 12, 1921, Water Power Designation No. 14 of December 12, 1917, and Powersite Reserve No. 659 of December 12, 1917, and remain segregated from operation of the public land laws generally:

Willamette Meridian

T. 28 S., R. 10 W.,
Sec. 3, lot 2, S½NE¼, and NE¼NW¼SE¼.
T. 27 S., R. 11 W.,
Sec. 14, lots 5 and 6;
Sec. 15, S½ of lot 7, S½ of lot 8, N½ of lot 9, and N½ of lot 10.

The areas described aggregate 282.74 acres.

3. At 10 a.m. on November 6, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands in paragraph 1, except as described in paragraph 2, will be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant Land and Reconveyed Coos Bay Wagon Road Land.

4. The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-29347 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6031

[OR-19070]

Oregon; Powersite Restoration No. 695; Revocation of Powersite Reserve No. 412

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order as to 1,080 acres of lands withdrawn for a powersite reserve. This action will restore the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of January 21, 1914, which created Powersite Reserve No. 412 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 412

Deschutes National Forest

T. 24 S., R. 7 E.,
Sec. 14, NE¼ and N½SE¼.
T. 24 S., R. 8 E.,
Sec. 32, S½SE¼;
Sec. 33, NE¼SE¼;
Sec. 34, N½SW¼ and NW¼SE¼.
T. 24 S., R. 9 E.,
Sec. 8, NE¼, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 17, NW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 19, W½SE¼.

The areas described aggregate 1,080 acres in Klamath County.

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. At 10 a.m. on November 6, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29344 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6038

[OR-19168]

Oregon; Powersite Restoration No. 347; Partial Revocation of Powersite Classification No. 311

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order in part as to 1,459.56 acres of lands withdrawn for a powersite classification. This action will restore the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-565-Oregon, it is ordered as follows:

1. The Secretarial Order of November 18, 1938, as modified by a Bureau of Land Management Order of April 18, 1952, which created Powersite Classification No. 311 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Classification No. 311

Mt. Hood National Forest

T. 1 S., R. 8 E.,
Sec. 12, lots 1, 2, 7, 8, 9, 10, 15 and 16;
Sec. 13, lot 4;
Sec. 23, NE¼SE¼ and S½SE¼;
Sec. 24, E½NW¼.
T. 1 S., R. 8½ E.,
Sec. 1, lots 2 through 6, inclusive, S½NW¼ and W½SW¼;
Sec. 2, lots 1, 3 through 7, inclusive, SE¼NE¼ and E½SE¼;
Sec. 11, lots 1, 2, and 3, E½NE¼ and NE¼SE¼;
Sec. 12, NW¼NW¼.

The areas described aggregate 1,459.56 acres in Hood River County.

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 NW¼NE¼NW¼ of Section 24, T. 1 S., R. 8 E., W.M., is included in a recreation area and remains withdrawn from operation of the public lands laws, including the mining laws.

4. At 10 a.m., on November 6, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands, except as provided in paragraph 3 of the order.

5. The lands have been open to applications and offers under the mineral leasing laws and, except as provided in Paragraph 3, 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).

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29342 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6045

[OR-20223-A]

Oregon; Partial Revocation of Public Water Reserve No. 64

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 150 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 5, 1919, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 64

T. 31 S., R. 37 E.,
Sec. 25, N½N½SE¼, SW¼NW¼SE¼, and W½SW¼SE¼.
T. 31 S., R. 38 E.,
Sec. 28, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 150 acres in Malheur County.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on November 6, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to nonmetalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29332 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6046

[OR-20408]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 187.46 acres of land for use as a stock driveway. This action will restore 120 acres of public land to operation of the public land laws generally, The balance of 67.46 acres remains withdrawn by Powersite Reserve No. 323.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

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

1. The Secretarial Order of January 18, 1927, which withdrew the following described public lands for a stock driveway, is hereby revoked:

Willamette Meridian

T. 34 S., R. 18 E.,
Sec. 4, lots 1, 6, 7, and E½SE¼.

The area described contains 187.46 acres in Lake County.

2. Lots 1 and 6 are included in Powersite Reserve No. 323 of December 14, 1912, and remain withdrawn from operation of the public land laws generally.

3. At 10 a.m on November 6, 1981, the public lands described in paragraph one, except as provided in paragraph two, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29348 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6032

[U-28339]

Utah; Partial Revocation of Camp Williams Military Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an order which withdrew and reserved public lands for use of the Utah National Guard as a target range. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

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

1. Executive Order No. 1922 of April 24, 1914, which withdrew and reserved public lands as a National Guard target range, is hereby revoked insofar as it affects the following described lands:

Salt Lake Meridian

T. 4 S., R. 2 W.,
Sec. 6, portion of lots 3 and 4, and lots 5, 6, 7, 8, and 9.
Sec. 7, lot 1.

The area described contains 226.979 acres in Salt Lake County.

2. At 10 a.m., on November 6, 1981, the lands shall be open to operation of the public lands generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m., on November 6, 1981, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m., on November 6, 1981.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 E. South Temple, University Club Building, Salt Lake City, Utah 84111.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29349 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6039

[OR-19838 (WASH)]

Washington; Powersite Restoration No. 719; Partial Revocation of Powersite Reserve No. 742

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of land withdrawn for a powersite reserve. This action will restore the public land involved to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-214-Washington, it is ordered as follows:

1. The Executive Order of June 2, 1920, which created Powersite Reserve No. 742, is hereby revoked insofar as it affects the following described land:

Willamette Meridian
Powersite Reserve No. 742

T. 6 N., R. 30 E.,
Sec. 28, NE¼SE¼.

The area described contains 40 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. At 10 a.m. on November 6, 1981, the public land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands 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 land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29350 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6047

[OR 22151 (WASH)]

Washington; Revocation of Executive Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew approximately 5.5 acres of land for lighthouse purposes. This action will restore the land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

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

1. The Executive Order of March 26, 1901, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked:

Willamette Meridian

T. 36 N., R. 2 E.,

Sec. 5, Unsurveyed portion of Eliza Island.

The area described contains approximately 5.5 acres in Whatcom County, Washington.

2. At 10 a.m., on November 6, 1981, the land described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on November 6, 1981, the land described above will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29351 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6026

[W-71684]

Wyoming; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

Public land order.

SUMMARY: This order revokes a Departmental order in part as to 77.51 acres of land withdrawn for reclamation purposes. The lands are located within the Wind River Indian Reservation and remain in tribal ownership.

EFFECTIVE DATE: November 6, 1981.

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

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

1. The Departmental Order of September 27, 1918, which withdrew certain lands for the Riverton Unit, Bull Lake Reservoir Site, is hereby revoked insofar as it affects the following described lands:

Wind River Meridian

T. 3 N., R. 2 W.,

Sec. 19, lot 4, and SE¼SW¼.

The area described contains 77.51 acres in Fremont County.

2. The lands remain in tribal ownership, subject to any outstanding rights and interest.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29359 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6035

[W-71803]

Wyoming; Revocation of Secretarial Order of December 29, 1928, Air Navigation Site No. 16.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order affecting 80.13 acres of public land withdrawn for use by the Federal Aviation Administration as a beacon site and an intermediate landing field for maintenance of air navigation facilities. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

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

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

1. Secretarial Order of December 29, 1928, which withdrew the following described public land for use in connection with the Federal Aviation Administration, is hereby revoked:

Sixth Principal Meridian

T. 19 N., R. 99 W.,

Sec. 4, lot 5, SE¼NE¼ (formerly E½NE¼).

The area described contains 80.13 acres in Sweetwater County.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws at 10 a.m. on November 6, 1981.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29360 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6036

[W-71307]

Wyoming; Partial Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes three Secretarial Orders which withdrew land for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

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

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

1. The Secretarial Order of March 18, 1920, creating Stock Driveway Withdrawal No. 128 (Wyoming No. 13), is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 34 N., R. 86 W.,
Sec. 5, S½NW¼, and SW¼;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 8, W½;
Sec. 17, E½, and NW¼;
Sec. 20, NE¼, and W½SE¼;
Sec. 29, S½NE¼, NW¼NE¼, and SE¼;
Sec. 32, E½, and SW¼.

The area described contains 2,199.94 acres in Natrona County, Wyoming.

2. The Secretarial Order of April 20, 1921, creating Stock Driveway Withdrawal No. 144 (Wyoming No. 18), is hereby revoked insofar as it affects the following described land:

T. 34 N., R. 86 W.,
Sec. 20, W½SE¼;
Sec. 29, NW¼NE¼.

The area described contains 120.00 acres in Natrona County, Wyoming.

3. The Secretarial Order of May 16, 1927, enlarging Stock Driveway No. 144 (Wyoming No. 18), is hereby revoked insofar as it affects the following described lands:

T. 35 N., R. 81 W.,
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, and E½SW¼;
Sec. 7, lot 1, NW¼NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 30, lots 1, 2, NE¼ and E½NW¼.
T. 36 N., R. 81 W.,
Sec. 20, E½, E½NW¼, and NE¼SW¼;
Sec. 21, W½W½;
Sec. 29, NE¼, E½NW¼, and S½;
Sec. 30, SE¼;
Sec. 31, lots 1, 2, 3, 4, E½W½, and W½SE¼.
T. 35 N., R. 82 W.,
Sec. 1, lots 1, 2, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 23, N½;
Sec. 24, All;
Sec. 25, N½N½.

The above described area aggregates 5,131.44 acres in Natrona County, Wyoming.

4. At 10:00 a.m., on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29330 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 35, 78, 97, 109, 167, 185, 196, and 426

[CGD 76-170]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Confirmation of effective date and notice of intent.

SUMMARY: On November 24, 1980 (45 FR 77439) the Coast Guard published an Interim Final Rule to amend casualty reporting requirements for vessels. It included the following major changes: The physical damage monetary criteria was increased to 25,000 dollars; some intentional groundings do not need to be reported; losses of main propulsion or primary steering systems or components are a separate reporting criteria; and occurrences which materially affect vessel fitness for service or route must be reported. Those amendments were necessary in order to provide more comprehensive and useful reporting criteria that would be the initial step in a marine investigation. Comments regarding the changes in the Interim Final Rule were to be received on or before January 15, 1981.

The Interim Final Rule noted that in order to be in compliance with the Federal Reports Act of 1946, Forms CG-924e and CG-2692 had to be submitted to and approved by the Office of Management and Budget (OMB). The Interim Final Rule affects the occasions when a report must be submitted and for that reason OMB approval of the action had been sought concurrently with the publication of the Interim Final Rule.

On May 6, 1981 the Office of Management and Budget in accordance with the Paperwork Reduction Act approved both CG-2692 and CG-924e for use through May 31, 1984.

The Coast Guard has received numerous comments regarding the Interim Final Rule. Many of those expressed concern that the broadening of the reporting requirements to include injuries to persons other than crew members and passengers would result in duplicated reporting in that persons employed by shipyards are already subject to reporting requirements of the Occupational Safety and Health Act. The Coast Guard is considering these concerns and all other comments and is presently studying the casualty reports received under the interim requirements with the view that some time in early 1982 a proposal to revise these reporting requirements may be developed. Because the written comments to date adequately state the writer's views, the Coast Guard does not believe that public hearing is necessary at this time. The Coast Guard would appreciate receiving specific comments concerning actual experience of duplicative reporting based on the Interim Final Rule.

DATES: Additional comments concerning the Interim Final Rule must be received on or before January 1, 1982.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24) Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Capt. D. A. Frankenhauser, Office of Merchant Marine Safety (G-MMI/24) Room 2407, U.S. Coast Guard Headquarters, 2100 2nd St., SW.,

Washington, D.C. 20593. Area Code (202) 426-1534.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

October 1, 1981.

[FR Doc. 81-29317 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 6

[OST Docket No. 71]

Department of Transportation Rules Implementing the Equal Access to Justice Act; Request for Comments

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Transportation (DOT) is publishing this interim final regulation to implement the Equal Access to Justice Act (EAJA) (Pub. L. 96-481, 94 Stat. 2325). The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings. It requires agencies conducting proceedings under § 554 of the Administrative Procedure Act (APA) to establish uniform procedures for making awards after consultation with the Chairman of the Administrative Conference of the United States (ACUS).

These interim final regulations, generally, will set uniform procedures under the EAJA for any adversary adjudications conducted pursuant to § 554 by this Department or any of its operating administrations. They will presently, however, apply only to Coast Guard license, certificate or document suspension and revocation proceedings that are conducted by it before DOT administrative law judges.

EFFECTIVE DATE: This interim rule is effective October 1, 1981. Comments should be submitted by December 7, 1981.

ADDRESSES: Comments should be sent to: Docket Clerk (Docket No. 71), 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590. Comments are available for public examination at that address Monday through Friday from 9:00 a.m. to 5:30 p.m. Persons wishing to have receipt of their comments acknowledged must send a stamped, self-addressed post card with their comments. The docket clerk will return those post cards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Lynne Adams-Whitaker, Office of General Counsel, C-50, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION:

Background

The Equal Access to Justice Act (EAJA), authority for these rules, was enacted by the 96th Congress (Pub. L. 96-481, 94 Stat. 2325, 5 U.S.C. 504 *et seq.*). It provides for the award of attorney fees and other expenses to eligible individuals and entities that are parties to certain administrative proceedings (proceedings conducted under § 554 of the APA before government agencies) and prevail over the government. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge of the proceeding finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Under the EAJA, eligible parties include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations, or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with no more than 500 employees regardless of net worth. The Act directs agencies to establish uniform procedures for the submission and consideration of fee and expense applications.

Section 554 of the APA applies in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing. In the Department of Transportation, at this time, the Coast Guard is statutorily required to conduct certain proceedings to which section 554 of the APA applies (46 U.S.C. 239; 46 CFR Part 5). Specifically, the Coast Guard conducts hearings in all cases involving acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service while acting under the authority of that license, document or certificate of service. These hearings are conducted in order to investigate the alleged acts of misconduct or incompetency and to determine if a licensee or certificate holder should have the license or certificate revoked.

Request for Comments

The Department will consider all comments received by December 7, 1981 to determine ways to improve the rule and to ease the burdens of compliance. After a thorough review of the comments, amendments will be proposed by the Department, if deemed necessary or warranted. Of course, comments will be considered and amendments proposed only within the constraints and requirements of the EAJA.

Immediate Effective Date

The APA generally prohibits publication of a substantive rule less than 30 days before its effective date (5 U.S.C. 533(d)(3)). The APA, however, excepts those rules where the agency has good cause for seeking immediate publication and publishes a description of its reasons with the rule.

The EAJA requires that "each agency shall by rule establish uniform procedures for the submission and consideration of fee and expense award applications." The effective date for the Act is October 1 of this year. In order that this Department have implementing rules in place by this date, it is necessary that these regulations be issued and effective by October 1. In addition, it should be noted that these rules impose no burden on the public; they merely provide a mechanism for the public to use if it so desires.

Absence of Prior Notice

Under Section 553(b) of the APA, notice of a proposed rulemaking is required to be published in the Federal Register before a final rule may be issued. This requirement does not apply where the agency for good cause finds (and incorporates the finding and a brief statement of reasons in the rule) that notice is impracticable, unnecessary or contrary to the public interest. The Department found it to be impracticable to provide prior notice for this rulemaking since the effective date for these regulations, under the Act, is October 1 of this year and the model regulations upon which these regulations are based were developed only recently. Implementing regulations, as stated above, must be in place by October 1, and, thus, time is not available for a notice and comment period, and assessment of comments before development of a final rule.

Further, on March 4, 1981, the Chairman of ACUS requested comment from the public on its draft model regulations for Federal implementation of the EAJA. As a result, numerous comments from the public and Federal agencies were used in the development of the ACUS final model rule on the subject [46 FR 32900]. Since this DOT regulation largely follows the ACUS model rule and since public comments

were considered and many are reflected in that rule, the Department does not believe that additional notice is essential before issuing this interim rule. It should be noted, however, that the Department is requesting comment from the public on this interim final rule. Changes to this interim rule will be made if necessary or warranted, and if statutorily feasible.

Regulatory Flexibility Act Determination

Notwithstanding that the Regulatory Flexibility Act (RFA) does not require an analysis of the economic impact on small entities for final rules issued without prior notices, the Department has determined that this final regulation will not have a significant economic effect on a substantial number of small entities for three reasons: (1) These rules have been specially developed to implement an act which has as its primary purpose a reduction in the financial burden of Federal litigation on small partnerships, corporations, associations and public and private organizations as well as individuals; (2) the volume of covered Departmental proceedings is small and, thus, there is no expectation that small entities will have a need to invoke these procedures often, if at all; and (3) the Department expects to be required to reimburse few, if any, small entities under these procedures.

Regulatory Evaluation

This regulation is classified as a "non-major" regulation under Executive Order 12291. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Environmental Impact

This regulation will have no environmental impact.

Issued in Washington, D.C., on September 21, 1981.

Andrew L. Lewis,

Secretary.

Note.—Subsequent to the development of this interim final rule, the Department of Transportation became aware of the preparation by the Department of Justice (DOJ) of a draft rule to implement the EAJA in its programs. The DOJ draft rule differs in certain respects from the interim rule being adopted here and the ACUS model rule upon which the interim rule is based. The Department of Transportation will carefully consider the differences between the DOJ rule and this interim final rule. Changes to the interim rule, based on the DOJ rule, may be adopted after the comment period on this interim rule is closed where this Department believes it best to defer to DOJ's expertise and interpretation of the EAJA's provisions. After it is issued, a copy of the DOJ rule will be placed in the docket for this rulemaking.

Accordingly, 49 CFR is amended by adding Part 6 to read as follows:

PART 6—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart A—General Provisions

Sec.
6.1 Purpose of these rules.
6.3 When the Act applies.
6.5 Proceedings covered.
6.7 Eligibility of applicants.
6.9 Standards for awards.
6.11 Allowable fees and expenses.
6.13 Rulemaking on maximum rates for attorney fees.
6.15 Delegations of authority.
6.17 [Reserved]

Subpart B—Information Required from Applicants

6.19 Contents of application.
6.21 Net worth exhibit.
6.23 Documentation of fees and expenses.
6.25 When an application may be filed.

Subpart C—Procedures for Considering Applications

6.27 Filing and service of documents.
6.29 Answer to application.
6.31 Reply.
6.33 Comments by other parties.
6.35 Settlement.
6.37 Further proceedings.
6.39 Decision.
6.41 Agency review.
6.43 Judicial review.
6.45 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provisions

§6.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before government agencies, such as the Department of Transportation or any of its operating administrations. An eligible party may receive an award when it prevails over the Department of Transportation or any of its operating administrations unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them.

§6.3 When the act applies.

The Act applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

§6.5 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Department of Transportation or any of its operating administrations. These are adjudications under 5 U.S.C. 554 in which the position of the Department of Transportation or any of its operating administrations is represented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the Act begins at designation of a proceeding or issuance of a charge sheet. Any proceeding in which the Department of Transportation or any of its operating administrations may prescribe or establish a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Department of Transportation, the types of proceedings generally covered include: Coast Guard suspension of revocation of licenses, certificates or documents under 46 U.S.C. 239; 46 CFR Part 5.

(b) The Department of Transportation or any of its operating administrations may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. This agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

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

§ 6.7 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to an adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was designated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

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

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

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

(h) An applicant who appears *pro se* in a proceeding is ineligible for award of attorney fees. However, eligibility for other expenses is not affected by *pro se* representation.

§ 6.9 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Department of Transportation, where it has initiated the proceeding, or on the appropriate operating administration, such as Coast Guard, whose representative shall be called "operating administration counsel." The Department of Transportation or operating administration may avoid an award by showing that its position was reasonable in law and fact.

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

§ 6.11 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents or expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest market rate at which the Department of Transportation pays expert witnesses, or $24.09 per hour, whichever is less. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the administrative law judge shall consider the following:

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

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

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

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

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

(d) The reasonable cost of any study, analysis, engineering report, analysis, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after desgination of a proceeding.

§ 6.13 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Department of Transportation may adopt regulations providing that attorney fees may be awarded at a rate higher than $75.00 per hour in some or all of the types of proceedings covered by this part. The Department of Transportation will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553) and 49 CFR Part 5.

(b) Any person may file with the Department of Transportation a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with 49 CFR 5.11 et seq. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition, within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 6.15 Delegations of authority.

The Secretary of Transportation delegates to the head of each operating administration of this Department the authority to take final action on matters pertaining to the Act in actions that require § 554 proceedings. The head of each operating administration may redelegate this authority.

§ 6.17 [Reserved]

Subpart B—Information Required From Applicants

§ 6.19 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if—

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

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

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

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

§ 6.21 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in this part) when the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative law judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the administrative law judge or in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on the counsel representing the Department of Transportation or on the counsel representing the operating administration against which the applicant seeks an award, as appropriate, but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Department of Transportation's or any of its operating administrations' established procedures under the Freedom of Information Act (49 CFR Part 7, Appendices A–H).

§ 6.23 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed. The administrative law judge may, within his or her discretion, make a determination as to whether a study, conducted by an applicant, was necessary to the preparation of the applicant's case.

§ 6.25 When an application may be filed.

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

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

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Department of Transportation's or any of its operating administrations' final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 6.27 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same

manner as other pleadings in the proceeding, except as provided in § 6.21(b) for confidential financial information.

§ 6.29 Answer to application.

(a) Within 30 days after service of an application, counsel representing the operating administration against which an award is sought may file an answer to the application. Where the Department of Transportation has initiated the proceeding and an award is sought, its counsel may file an answer to the application. Unless the operating administration's counsel or the Department of Transportation's counsel, where it has initiated the proceeding, requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Department of Transportation's or the operating administration's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Department of Transportation or the operating administration counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 6.37.

§ 6.31 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 6.37.

§ 6.33 Comments by other parties.

Any party to a proceeding, other than the applicant and Department of Transportation, where applicable, or operating administration, may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application, unless the administrative law judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 6.35 Settlement.

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

§ 6.37 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Department of Transportation counsel, where applicable, or operating administration counsel, or on his or her own initiative, the administrative law judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing.

Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

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

§ 6.39 Decision.

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

§ 6.41 Agency review.

Where Department of Transportation or operating administration review of the underlying decision is permitted, either the applicant or Department of Transportation counsel, where applicable, or operating administration counsel may seek review of the initial decision on the fee application, or the Department of Transportation or operating administration may decide to review the decision on its own initiative. If neither the applicant nor Department of Transportation or operating administration counsel seeks review within 30 days after the decision is issued, it shall become final.

§ 6.43 Judicial review.

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

§ 6.45 Payment of award.

An applicant seeking payment of an award from the Department of Transportation or any of its operating administrations under this Part shall submit a copy of the Department of Transportation's or any of its operating administrations' final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The copy of the decision and the statement should be submitted to the head of the affected operating administration or the Secretary of Transportation, where the Department of Transportation has initiated the proceedings. The operating administration or, where the Department of Transportation has initiated the proceeding, the Department of Transportation will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-29311 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 172, 173, and 179

[Docket No. HM-166H; Amdt. Nos 172-70, 173-150, and 179-29]

Dispersant and Refrigerant Gases; Removal of Obsolete Compliance Reporting Requirements

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

ACTION: Final rule

SUMMARY: This final rule amends the Hazardous Materials Regulations to authorize the shipment of fluorinated hydrocarbons and their numerous mixtures under a group category of Dispersant gas, n.o.s. or Refrigerant, gas, n.o.s. and removes an obsolete reporting requirement (§ 179.105-9) concerning DOT Specification 112 and 114 pressure tank cars bearing the owner's reporting mark.

EFFECTIVE DATE: This amendment is effective July 1, 1982. However, compliance with the regulations as amended herein, is authorized immediately.

ADDRESS: Copies of supporting documents, Regulation Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Room 8426, 400 Seventh Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: On January 8, 1981, the MTB published a notice of proposed rulemaking under Docket HM-166H; Notice No. 80-10 (46 FR 2121), which proposed to amend the Hazardous Materials Regulations to authorize the shipment of fluorinated hydrocarbons and their many mixtures under a group category of Dispersant gas, n.o.s. or Refrigerant gas, n.o.s. Authorizing the use of Dispersant gas, n.o.s. or Refrigerant gas, n.o.s. and the addition of "R" numbers will help make shipping paper entries less complex and simplify the identification of the numerous gases and their mixtures.

Included in this rulemaking, but not included in the notice, is the deletion of § 179.105-9. On September 7, 1978 (43 FR 39792), Docket No. HM-144; Amdt. No. 179-24, added § 179.105-9 which required owners of DOT Specification 112 and 114 pressure tank cars to provide to the Bureau a listing of those cars bearing the owner's reporting mark and plans of the owner to retrofit them with safety devices. Since § 179.105-9 has served its purpose and is no longer applicable, it is being deleted without public notice.

The MTB received three comments on Notice 80-10. Based on the comments received, and upon further review, four changes have been added to the final rule. First, Trifluoromethane and chlorotrifluoromethane mixture (R-503) has been added to the Table in § 172.101. Second, Bromotrifluoromethane (R-13B1) or (H-1301), Dichlorodifluoromethane (R-12), Dichlorodifluoromethane and difluoromethane mixture (constant boiling mixture) (R-500), and Difluoroethane have been added to the Table in § 173.304. Third, proposed Notes 27 and 28 have been changed to read 28 and 29 respectively because Note 27 was added under Docket HM-174 on March 30, 1981. Also, new Note 28 has been changed by deleting the reference to 112A340W and 112A400W tank cars because these particular tank cars do not have bottom outlets. Fourth, Bromotrifluoromethane (R-13B1) or (H-1301) has been added to the Table in § 173.315.

The MTB has determined that this regulation is consistent with Section 2 of Executive Order 12291, and is a non-major rule under the terms of that Order since the effect of the rule is to simplify the identification of the numerous gases and their mixtures and to make the shipping paper entries less complicated. Pursuant to the Regulatory Flexibility Act, this rule will not result in a significant economic impact on a substantial number of small entities because its effect will be to reduce costs and simplify procedures.

In consideraton of the foregoing, 49 CFR Parts 172, 173 and 179 are amended to read as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 [Amended]

1. In § 172.101 the Hazardous Materials Table is amended by deleting or adding as indicated by the entities listed below:

BILLING CODE 4910-60-M

§ 172.101 Hazardous Materials Table.

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	* * * * * (DELETE) * * * * *										
	Dichlorodifluoromethane	Nonflammable gas	UN1028	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture)	Nonflammable gas	UN2602	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	Nonflammable gas	NA1956	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-monochlorodifluoromethane mixture	Nonflammable gas	NA1956	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane mixture	Nonflammable gas	NA1956	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture	Nonflammable gas	NA1956	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichlorotrifluoroethane mixture	Nonflammable gas	NA1956	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1,1-Difluoro-1-chloroethane. See Difluoromonochloroethane										
+/	Difluoroethane	Flammable gas	UN1030	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
+/	Difluoromonochloroethane	Flammable gas	UN2517	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Dispersant gas or Refrigerant gas. See 173.314 NOTE 13 and 173.315 NOTE 9										
	Monobromotrifluoromethane	Nonflammable gas	UN1009	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Monochlorodifluoromethane	Nonflammable gas	UN1018	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Monochloropentafluoroethane	Nonflammable gas	UN1020	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Monochlorotetrafluoroethane	Nonflammable gas	UN1021	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Monochlorotrifluoromethane	Nonflammable gas	UN1022	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas. See Dispersant Gas										
	* * * * *										
	(ADD)										
	* * * * *										
	Bromotrifluoromethane (R-13B1 or H-1301).	Nonflammable gas	UN1009	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1-Chloro-1,1-difluoroethane. See Chlorodifluoroethane (R-142b)										
+/	Chlorodifluoroethane (R-142b) or (1-Chloro-1,1-difluoroethane).	Flammable gas	UN2517	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Chlorodifluoromethane (R-22)	Nonflammable gas	UN1018	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1	
	Chlorodifluoromethane and chlorpentafluoroethane mixture (constant boiling mixture) (R-502). See Refrigerant gas, n.o.s.										
	Chloropentafluoroethane (R-115)	Nonflammable gas	UN1020	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Chlorotetrafluoroethane (R-124)	Nonflammable gas	UN1021	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Chlorotrifluoromethane (R-13)	Nonflammable gas	UN1022	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane (R-12)	Nonflammable gas	UN1028	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (R-500). See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12) and dichlorotetrafluoroethane (R-114) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Dichlorodifluoromethane (R-12) and chlorodifluoromethane (R-22) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane R-12 and trichlorofluoromethane (R-11) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12), trichlorofluoromethane (R-11) and chlorodifluoromethane (R-22) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12) and trichlorotrifluoroethane (R-113) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Difluoroethane (R-152a)	Flammable gas	UN1030	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Dispersant gas, n.o.s. See Refrigerant gas, n.o.s.										
	Refrigerant gas, n.o.s. or Dispersant gas n.o.s.	Nonflammable gas	UN1078	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas, n.o.s or Dispersant gas, n.o.s.	Flammable gas	NA1954	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Trifluoromethane and chlorotrifluoromethane mixture (constant boiling mixture) (R-503). See Refrigerant gas, n.o.s.										
	* * * * *										

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PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.300, paragraph (i) is added to read as follows:

§ 173.300 Definitions.

* * * * *

(i) *Refrigerant gas or Dispersant gas.* The term "Refrigerant gas" or "Dispersant gas" applies to all flammable or nonflammable, nonpoisonous refrigerant gases, dispersant gases (fluorocarbons) listed in §§ 172.101, 173.304(a)(2), 173.314(c), 173.315(a)(1) and 173.315(h), and mixtures thereof, or any other compressed gas meeting one of the following:

(1) A nonflammable mixture containing not less than 50% fluorocarbon content, having a vapor pressure not exceeding 260 psig at 130°F.

(2) A flammable mixture containing not less than 50% fluorocarbon content, not over 40% by weight of a flammable component, having a vapor pressure not exceeding 260 psig at 130°F.

3. In § 173.304, the following named gases listed in the table in paragraph (a)(2) are deleted or added to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (See Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in—[1]
* * *		
(Delete)		
* * *		
Dichlorodifluoromethane (See Note 8).	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Difluoroethane (See Note 8).	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800.
Difluoromonochloroethane (See Note 8).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-3E1800; DOT-39.
Monochlorodifluoromethane (See Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Monochloropentafluoroethane (See Note 8).	110	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Monochlorotrifluoromethane (See Note 8).	100	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
* * *		
(Add)		
* * *		
Bromotrifluoromethane (R-13B1 or H-1301.	124	DOT-3A400; DOT-3AA400; DOT-3B400; DOT-4A400; DOT-4AA480; DOT-4B400; DOT-4BA400; DOT-4BW400; DOT-3E1800; DOT-39.
Chlorodifluoroethane (R-142b) 1-chloro-1, 1-difluoroethane) (See Note 8).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Chlorodifluoromethane (R-22) (See Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Chloropentafluoroethane (R-115) (See Note 8).	110	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800; DOT-39.
Chlorotrifluoromethane, (R-13) (See Note 8).	100	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Dichlorodifluoromethane (R-12) (See Note 8).	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Dichlorodifluoromethane and Difluoroethane mixture (constant boiling mixture) (R-500) (See Note 8).	(2)	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39.
Difluoroethane (R-152a) (See Note 8).	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800.
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (See Note 8).	(2)	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39.
* * *		

[1] § 173.34(a), (b), § 173.301(j) (See notes following table).
[2] Not liquid full at 130° F.

4. In § 173.314, the following named gases listed in the Table in paragraph (c) are deleted or added as indicated; Note 4 is revised; and Notes 28 and 29 are added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
* * *		
(Delete)		
* * *		
Dichlorodifluoromethane; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane and dichloroethane mixture (constant boiling mixture); Note 13.	(1)	DOT-106A500X, 110A500W, Note 25.
		DOT-105A300W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	(2)	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture; Note 13.	(1)	DOT-106A500X, 110A500W, Note 25.
	(1)	DOT-105A300W. DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichloromonofluoromethane monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	(2)123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Difluoroethane	79	DOT-106A500X, 110A500W, Note 25.
	79	DOT-112T400W, 112J400W.
	84	DOT-105A300-W, Note 23.
Difluoromonochloroethane; Note 13.	100	DOT-106A500X, 110A500W, Note 25. DOT-105A100W, Notes 4 and 23.
Monobromotrifluoromethane.	124	DOT-110A800W, Notes 7 and 13.
	140	DOT-105A500W, Note 13.
Monochlorodifluoromethane; Note 13.	105	DOT-106A500X, 110A500W, Note 25.
	110	DOT-105A300W.
	108	DOT-112A400W.
Monochlorotetrafluoroethane; Note 13.	125	DOT-106A500X, 110A500W, Note 25.
	126	DOT-112A400W.

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
* * * * *		
(Add)		
* * * * *		
Bromotrifluoromethane (R-13B1 or H-1301).	124	DOT-110A800W, Notes 7 and 13.
	140	DOT-105A500W, Note 13.
Chlorodifluoroethane (R-142b) 1-Chloro-1,1-difluoroethane; Notes 4, and 13.	100	DOT-106A500X, 110A500W, Note 25.
	.....	DOT-105A100W.
	.....	DOT-114A340, Notes 23, 28 and 29.
Chlorodifluoromethane (R-22).	105	DOT-106A500X, 110A500W, Note 25.
	110	DOT-105A300W.
	108	DOT-112A400W.
	(2)	DOT-114A340W; Notes 28 and 29.
Chlorotetrafluoroethane (R-124); Note 13.	125	DOT-106A500X, 110A500W, Note 25.
	126	DOT-112A400W.
Dichlorodifluoromethane (R-12); Note 13.	119	DOT-106A500X, 110A500W, Note 25.
	123	DOT-112A340W, 114A340W, Notes 28 and 29.
	.....	DOT-105A300W.
Difluoroethane (R-152a); Note 4, Note 13.	79	DOT-106A500X, 110A500W, Note 25.
	79	DOT-112T400W, 112J400W, 114A340W, Notes 23, 28 and 29.
	84	DOT-105A300W, Note 23.
Refrigerant gas, n.o.s. *or* Dispersant gas, n.o.s.	(2)	DOT-106A500X, 110A500W, Note 25.
	.....	DOT-105A300W.
	.....	DOT-112A340W, 114A340W, Notes 23 and 27.
* * * * *		

NOTE 4: For tank cars other than DOT-106A and DOT-110A used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design.

* * * * *

NOTE 28: DOT-114A340W tank cars may be equipped with bottom outlets, except that the bottom outlets must be rendered inoperative and effectively sealed to preclude bottom unloading when transporting flammable gases.

NOTE 29: A maximum safety relief valve setting of 280.6 psig is authorized on DOT Specification 114A340W tank car tanks.

* * * * *

[1] Note 22.
[2] Note 21.

5. In § 173.315, the following named gases listed in the Table in paragraph (a)(1) are deleted or added as indicated; the Table in paragraph (h) is revised by changing the heading in the second column and the named gases are deleted or added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see paragraph (f) of this section)	Type (see note 2)	Minimum design pressure (psig)
* * * * * *				
(Delete)				
* * * * * *				
Dichlorodifluoromethane (see note 9)	119	do	DOT-51, MC-330, MC-331	150
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see note 9).	See par. (c) of this section.	do	MC-330, MC-331	250
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (see note 9).	119	do	DOT-51, MC-330, MC-331	150
Dichlorodifluoromethane-monofluorotrichloromethane mixture (see note 9).	(See par. (c) of this section.	do	DOT-51, MC-330, MC-331	150
Difluoroethane	79	do	MC-330, MC-331	150
Difluoromonochloroethane (see note 9)	100	do	MC-330, MC-331	100
Monobromotrifluoromethane (see note 9)	133	See note 7	DOT-51, MC-330, MC-331	365
Monochlorodifluoromethane (see note 9)	105	do	DOT-51, MC-330, MC-331	250
* * * * * *				
(Add)				
* * * * * *				
Bromotrifluoromethane (R-13B1 or H-1301); (see note 9)	133	do	DOT-51, MC-330, MC-331	365
Chlorodifluoroethane (R-142b) (1-Chloro 1,1-difluoroethane); (see note 9).	100	do	DOT-51, MC-330, MC-331	100
Chlorodifluoromethane (R-22); (see note 9)	105	do	DOT-51, MC-330, MC-331	250
Dichlorodifluoromethane (R-12); (see note 9)	119	do	DOT-51, MC-330, MC-331	150
Difluoroethane (R-152a)	79	do	DOT-51; MC-330, MC-331	150
Refrigerant gas, n.o.s. or dispersant gas, n.o.s	See par. (c) of this section.	do	DOT-51, MC-330, MC-331	See par. (c)(1) of this section.
* * * * * *				

PART 179—SPECIFICATION FOR TANK CARS

6. § 179.105–9 is deleted and reserved.

§ 179.105 Special requirements for Specifications 112 and 114 tank cars. [Reserved]

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034, nor

require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)) a regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C. on September 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-29107 Filed 10-7-81; 8:45 am]

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49 CFR Parts 172, 173, 175, 178 and 179

[Docket HM-166G; Amdt. Nos. 172-69, 173-19, 175-20, 178-67, 179-28]

Shipment of Hazardous Materials; Miscellaneous Amendments

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

ACTION: Final rule.

SUMMARY: This is not a major rule. This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on rulemaking petitions from industry and on petitions from within the Department. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

All of the amendments in this rulemaking are supported by the general public and are designed to reduce government regulation and paper work, clarify existing regulations, and to authorize the use of additional packaging which heretofore has not been authorized for the shipment of certain hazardous materials.

EFFECTIVE DATE: This amendment is effective July 1, 1982. However, compliance with the regulations as amended herein, is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: On January 8, 1981, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket No. HM-166G; Notice No. 80-9 [46 FR 2126], which proposed a number of miscellaneous amendments to the Hazardous Materials Regulations. Notice No. 80-9 included a brief statement regarding each proposal and invited public comments prior to the closing date of February 23, 1981. Based on comments received on this notice, these proposals are being incorporated as final amendments to the Hazardous Materials Regulations.

One of the proposed amendments included in Notice 80-9 was in reference to ammonium hydroxide. Because of the urgent need for ammonium hydroxide by farmers for this important agricultural product, an expedited amendment was made to § 173.245(a)(36) and published in the Federal Register on March 19, 1981 (46 FR 17564). This rulemaking includes the remaining amendments as proposed in Notice 80-9.

Four commenters concurred in the removal of Rosin (*colophony*) *or* Resin from 49 CFR. The National Cargo Bureau, Inc., recommended that this product not be deleted. Based on the limited hazard of Rosin *or* Resin during transportation, the fact that no new information was furnished to support its retention, and the strong support received from other commenters, the MTB hereby removes Rosin *or* Resin from § 171.101 and § 173.1060.

Three comments were received regarding the proposed amendment of paragraph (8), Appendix A, Part 173, regarding the method of testing corrosion to skin. One comment received was just to express their approval of the proposed amendment. One commenter stated that there has been some confusion in his company about the interpretation of this paragraph. It appears that this commenter is confused by the words in paragraph (8) which reads "any of the readings". His main concern appears to be, which reading must show ulceration or necrosis for the corrosive hazard to be required. The MTB believes that the present words are clear and suggests that if this commenter has further questions regarding these tests, he should contact MTB with specific questions. The last commenter on this subject stated that his concurrence was contingent upon their understanding that (a) continued testing is necessary only until at least two rabbits show positive results, and thereafter no additional testing is necessary; and (b) further testing of additional rabbits would be continued until at least five rabbits are tested before the material is determined to be noncorrosive. Although paragraph (1) of Appendix A in Part 173 states that a minimum of six rabbits are to be used in this test, the MTB agrees that it is not necessary to put all six of the rabbits through the test when it is obvious from the results of the first two rabbits tested that the product is corrosive. When the product being tested is a "borderline" situation, then it is necessary to test six or more rabbits to determine whether the material is or is not corrosive to skin.

One commenter recommended that MTB eliminate the requirement in § 173.206(f) for absorbing or neutralizing the gases that may vent from a lithium battery cell. The MTB does not agree with this recommendation because any release of a hazardous material, especially during transportation by air, should be completely absorbed or neutralized. The proposed addition of paragraph (g) of § 173.206 has been withdrawn from this rulemaking. One commenter stated that the test proposed is inadequate to reliably demonstrate all possible hazardous reactions which may occur. Additional tests were recommended which were not included in the notice of proposed rulemaking. Another commenter recommended that the MTB limit the size of the cell to 12 grams of lithium. In view of the comments received, further consideration will be given to this subject in a future notice of proposed rulemaking.

Several changes in this rulemaking are for the addition of Specification 19B wooden boxes. The Specification 19B wooden box has been added to some paragraphs that were not specifically listed in the Notice. After the notice was published, and upon further study, there was no valid reason why the 19B box should not be added to the other paragraphs where the 15A box is authorized. Also, the 19A box has been added to some paragraphs for the same reason. Editorial changes have been made to most of the affected paragraphs in order to eliminate unnecessary words and for clarity.

The MTB has determined that this regulation is consistent with Section 2 of Executive Order 12291, and is a non-major rule under the terms of that Order since the rule will not result in any significant costs or other adverse effects. Pursuant to the Regulatory Flexibility Act, this rule will not result in a significant economic impact on a substantial number of small entities because its effect will be to reduce costs and simplify procedures.

In consideration of the foregoing, 49 CFR Parts 172, 173, 175, 178, and 179 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101 the Hazardous Materials Table is amended by deleting, revising, or adding the entries listed below:

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§ 172.101 Hazardous materials table.

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/E/A/W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	* * * (DELETE) * * *										
W	Rosin (colophony) or Resin	ORM-C		None	173.505	173.1060			1,2	1,2	
	* * * (ADD) * * *										
	Potassium superoxide	Oxidizer	UN2466	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	1	Keep dry. Stow away from powdered metals, permanganates and combustible packagings and cargo
	Sodium superoxide	Oxidizer	UN2547	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	5	Keep dry. Stow away from powdered metals, permanganates and combustible packagings and cargo
	* * * (REVISE) * * *										
E	Allyl alcohol (RQ-100/45.4)	Flammable liquid	UN1098	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
	n-Butyl isocyanate	Flammable liquid	UN2485	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
E	Crotonaldehyde (RQ-100/45.4)	Flammable liquid	UN1143	Flammable liquid and Poison	None	173.119	1 quart	1 gallon	1,2	1	
	Flammable liquid, corrosive, n.o.s.	Flammable liquid	UN2924	Flammable liquid and Corrosive	None	173.119	1 quart	1 quart	1,2	1	
	Flammable liquid, poisonous, n.o.s.	Flammable liquid	UN1992	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
	Potassium peroxide	Oxidizer	UN1491	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	1,2	Keep dry.
	* * *										

BILLING CODE 4910-60-C

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.31, paragraph (a)(5) is revised; paragraph (b)(3) is amended by adding the following two sentences at the end to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(5) After December 31, 1978, each Specification 112 and 114 tank car must be equipped with shelf couplers in accordance with § 179.105-6 of this subchapter.

(b) * * *

(3) * * * All closures of openings in tank cars must be inspected to the extent practical for corrosion of or damage to the gasket seating surface and for serviceability of packing, gaskets, and hold-down bolts. All defective packing, gaskets, bolting or threaded elements must be replaced.

* * * * *

3. In § 173.60, paragraphs (a)(4), (a)(5), (b)(1), (c)(1), (d)(1) and (d)(3) are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph to read as follows:

§ 173.60 Black powder and low explosives.

(a) * * *

(4) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *.

(5) Specification 14, 15A, 16A or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(b) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(d) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(2) * * *

(3) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

* * * * *

4. In § 173.63, paragraphs (a)(2), (c)(1), (c)(2), and (d)(2), are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph; paragraphs (b) and (e)(1) are revised to read as follows:

§ 173.63 High explosive with liquid explosive ingredient.

(a) * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(3) * * *

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 173.61 (d) and (e) may be packed in wooden boxes, Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter), gross weight not to exceed 140 pounds, or fiberboard boxes, Specification 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219 of this subchapter), gross weight not to exceed 65 pounds.

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(d) * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(e) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). Wooden boxes.

* * * * *

(5) § 173.64, paragraph (a)(1) is revised to read as follows:

§ 173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.

(a) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). Wooden boxes.

* * * * *

6. In §173.65, paragraphs (a)(1), (b)(1), (c)(1), (c)(2), and (h)(1) are revised; paragraphs (g), (i)(1), and (i)(2) are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

(b) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with inside strong paper or cloth bags not over 50 pounds capacity each, packed with filling holes up.

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with inside strong paper or cloth bags not over 100 pounds capacity each, packed with filling holes up.

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with strong siftproof liners, Specification 2L (§ 178.30 of this subchapter).

* * * * *

(g) Nitrocellulose must be packed in wooden boxes complying with Specification 14, 15A, 16A, or 19B) (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter), with inside packages which must be: * * *

(h) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 140 pounds.

* * * * *

(i) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

(2) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

* * * * *

7. In § 173.66, paragraph (e)(1) is revised to read as follows:

§ 173.66 Detonators.

(e) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

8. In § 173.68, paragraph (d)(1) is revised to read as follows:

§ 173.68 Detonating primers.

* * * * *

(d) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

9. In § 173.79, paragraph (a)(1) is revised to read as follows:

§ 173.79 Jet thrust units (jato), class A explosives; rocket motors, class A explosives; igniters, jet thrust (jato), class A explosives; and igniters, rocket motor, class A explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden

boxes, or wooden boxes, fiberboard lined.

* * * * *

10. In § 173.91, paragraph (a)(2) is revised; the introductory text of paragraphs (b)(1), (c)(1), (d)(1), (e)(1), and (g)(1), is revised to read as follows:

§ 173.91 Special fireworks.

(a) * * *

(2) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 500 pounds.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter).

* * *

(c) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter).

* * *

* * * * *

(d) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter).

* * *

* * * * *

(e) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter).

* * *

* * * * *

(g) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes, or Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes which must be constructed to comply with § 178.205–30 of this subchapter.

* * *

* * * * *

11. In § 173.92, the heading and paragraph (a)(1) are revised to read as follows:

§ 173.92 Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; igniters, rocket motors, class B explosives; and starter cartridges, jet engine, class B explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes, or wooden boxes, fiberboard lined.

* * * * *

12. In § 173.93, paragraphs (a)(5), (a)(6), (a)(8), (a)(9), (a)(11), (b)(3), (d)(3), the introductory text of paragraph (e)(1), and the first sentence in paragraph (g)(1) are revised to read as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(5) Specification 14, 15A, or 19B (§§ 178.165, 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Spec. 2F (§ 178.25 of this subchapter). Gross weight not to exceed 200 pounds.

(6) Specification 14, 15A, or 19B (§§ 178.165, 178.168, 178.191 of this subchapter). Wooden boxes, or Spec. 23F or 23H (§§ 178.214, 178.219 of this subchapter) fiberboard boxes, with inside cloth or paper bags, not exceeding 25 pounds net weight each and capable of withstanding at least two drops on end from a height of 4 feet, without breakage or sifting of contents. Outside container not to exceed 50 pounds net weight.

* * * * *

(8) Specification 14, 15A, 15B, 15C, or 19B (§§ 178.165, 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes, or Spec. 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219 of this subchapter) fiberboard boxes, with inside fiber or metal containers not exceeding 1½ pounds capacity each. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

(9) Specification 14, 15A, 15B, 15C, or 19B (§§ 178.165, 178.168, 178.169, 179.170, 178.191 of this subchapter). Wooden boxes, or Spec. 23F or 23H (§§ 178.214, 178.219 of this subchapter) fiberboard boxes, with not more than four strong inside tight metal containers of not more than 25 pounds each. The gross weight in fiberboard boxes may not exceed 65 pounds.

* * * * *

(11) Specification 14, 15A, 16A or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes, not lined, authorized only for grains not less than 1-inch in diameter or 3 inches in length, provided such grains are tightly packed and are coated with a protective material. Gross weight not to exceed 200 pounds.

(b) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Specification 2F (§ 178.25 of this subchapter).

(d) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Specification 2F (§ 178.25 of this subchapter).

* * * * *

(e) * * *

(1) Specification 15A, 15B, 15E, or 19B (§§ 178.168, 178.169, 178.172, 178.191 of this subchapter). * * *

* * * * *

(g) * * *

(1) Solids in tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, and liquids in polyethylene bottles compatible with contained liquid, with screw-cap closures taped, not exceeding 1-pound or 16 fluid ounces capacity each, packed in an outside wooden box, Spec. 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter); or outside fiberboard box Spec. 12B, 23F, or 23H (§§ 178.205, 178.214, 178.219 of this subchapter). * * *

13. In § 173.94, paragraph (a)(1) is revised to read as follows:

§ 173.94 Explosive power devices, Class B.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

* * * * *

14. In § 173.95, paragraph (a)(1) is revised to read as follows:

§ 173.95 Rocket engines (liquid), Class B explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

* * * * *

15. In § 173.108, paragraph (a)(2) is revised to read as follows:

§ 173.108 Common fireworks, signal flares, hand signal devices, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.

(a) * * *

(2) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 100 pounds, except gross weight of 500 pounds is authorized for Very signal cartridges only.

* * * * *

16. In § 173.109, paragraph (a)(1) is revised to read as follows:

§ 173.109 Toy caps.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

17. In § 173.111, paragraph (a)(1) is revised to read as follows:

§ 173.111 Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

18. In § 173.112, paragraph (a)(1) is revised to read as follows:

§ 173.112 Oil well cartridges.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

19. In § 173.119, the introductory text of paragraph (m)(2) is revised and paragraph (m)(14) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter).* * *

* * * * *

(14) Specification 112A200W or 114A340W (§§ 179.100, 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide except 112A200W also authorized for acrylonitrile and dichlorobutene.

* * * * *

20. In § 173.121, paragraph (a)(3) is revised to read as follows:

§ 173.121 Carbon bisulfide (disulfide).

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes with strong inside metal containers or with inside glass or earthenware container not over 5 pints capacity each.

* * * * *

21. In § 173.122, paragraphs (a)(2) and (b)(1) are revised to read as follows:

§ 173.122 Acrolein, inhibited.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with strong inside tight metal containers not over 5 gallons capacity each.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes, or Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes having not more than one inside glass container of not over 1-quart capacity, securely cushioned within a metal container.

22. In § 173.123, paragraph (a)(1) is revised to read as follows:

§ 173.123 Ethyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes with glass, earthenware, or metal inside containers not over 1-pound capacity each.

* * * * *

23. In § 173.124, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter) wooden boxes and Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes, with inside metal containers not over 12-ounce capacity each. * * *.

* * * * *

24. In § 173.133, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.133 Spirits of nitroglycerin.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes lined with paraffined paper, Spec. 2L (§ 178.30 of this subchapter), and with inside metal containers, securely closed with rubber stoppers tied in place. The inside containers must be entirely surounded by at least 2 inches of dry, fine sawdust or kieselguhr. Not more than 6 quarts of this mixture may be packed in any outside wooden box.

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart capacity each, cushioned by at least 2 inches of dry, fine sawdust or kieselguhr.

25. In § 173.134, paragraph (a)(2) is revised to read as follows:

§ 173.134 Pyroforic liquids, n.o.s.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes or Spec. 12B (§178.205 of this subchapter) fiberboard boxes enclosing not more than four strong tight metal cans with inside containers of glass or metal, not over 1-quart capacity each, having positive screwcap closures adequately gasketed ahead of the threads. Inside containers must be cushioned on all sides with dry, absorbent, incombustible material in a quantity sufficient to absorb the entire contents. The strong tight metal cans must be closed by positive means, not by friction.

* * * * *

26. In § 173.135, paragraph (a)(1) is revised to read as follows:

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *

(1) Specification 15A, 16B, or 19B (§§ 178.168, 178.186, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

26a. In § 173.136, paragraph (a)(1) is revised to read as follows:

§ 173.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

27. In § 173.137, paragraph (a)(1) is revised to read as follows:

§ 173.137 Lithium aluminum hydride, ethereal.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-quart capacity each, enclosed in air-tight metal cans and cushioned with

sufficient incombustible cushioning material to completely absorb the contents in event of leakage.

* * * * *

28. In § 173.139, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1-pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned with sufficient incombustible cushioning material to completely absorb contents in event of leakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with not more than four inside metal drums, Spec. 37B (§ 178.132 of this subchapter), not over 1-gallon capacity each, or not more than one Spec. 37B metal drum of 5 gallons capacity, in one outside box. Inside drums must be surrounded on all sides with incombustible absorbent cushioning material.

* * * * *

29. In § 173.140, paragraph (a)(1) is revised to read as follows:

§ 173.140 Zirconium, metallic, solutions, or mixtures thereof, liquid.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents in event of leakage.

30. In § 173.141, paragraph (a)(1) is revised to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with securely closed inside metal containers not over 5 gallons capacity each, or in tightly closed glass bottles not exceeding 1-quart capacity each, securely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents in event of leakage.

* * * * *

31. In § 173.143, paragraph (a)(2) is revised to read as follows:

§ 173.143 Methylchloromethyl ether, anhydrous.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers up to 3 gallons each are authorized when only one inside container is packed in each outside box.

* * * * *

32. In § 173.145, paragraph (a)(2) is revised to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

* * * * *

33. In § 173.154, paragraph (a)(8) is revised to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(8) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers.

* * * * *

34. In § 173.155, paragraph (a)(1) is revised to read as follows:

§ 173.155 Bags, nitrate of soda, empty and unwashed.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes.

* * * * *

35. In § 173.156, paragraph (a)(1) is revised to read as follows:

§ 173.156 Barium peroxide and calcium peroxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-pound capacity each; or with inside glass containers not over 5 pounds capacity each, cushioned with incombustible cushioning material; or with inside metal containers or lining, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

36. In § 173.157, paragraph (a)(1) is revised to read as follows:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B, (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers or lining, Specification 2F (§ 178.25 of this subchapter), or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick, or with inside aluminum drums of at least 16 gage metal throughout. Net weight (dry weight) in each inside DOT-2F metal container or in each paper bag may not exceed 1-pound. Gross weight may not exceed 200 pounds.

* * * * *

37. In § 173.158, paragraph (a)(1) is revised to read as follows:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1-pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. The net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, a net weight not over 100 pounds is authorized.

* * * * *

38. In § 173.160, paragraph (a)(1) is revised to read as follows:

§ 173.160 Calcium chlorite and sodium chlorite.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2¼ pounds capacity each or metal not over 5 pounds capacity each.

* * * * *

39. In § 173.161, paragraph (a)(1) is revised to read as follows:

§ 173.161 Calcium phosphide.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, or 178.191 of this subchapter). Wooden boxes, lined, Spec. 2F (§ 178.25 of this subchapter), and with hermetically sealed inside containers.

* * * * *

40. In § 173.163, paragraph (a)(4) is revised to read as follows:

§ 173.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with tightly closed inside containers which must be of metal not over 10 pounds capacity each; or of glass not over 5 pounds each; or of fiber, Spec. 2G (§ 178.26 of this subchapter), not over 6 pounds capacity each.

* * * * *

41. In § 173.164, paragraph (a)(3) is revised to read as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes, with inside glass bottles of not over 5 pounds capacity each, with closures securely fastened, each bottle individually packed in a tight metal container, and cushioned therein with incombustible mineral packing material; or with inside tightly closed metal containers, not over 10 pounds capacity each.

* * * * *

42. In § 173.175, paragraph (a)(1) is revised to read as follows:

§ 173.175 Lacquer base, or lacquer chips, dry.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

43. In § 173.176, paragraph (d)(1) is revised to read as follows:

§ 173.176 Matches.

* * * * *

(d) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, with inside containers. Gross weight must not exceed 100 pounds.

* * * * *

44. In § 173.177, paragraph (a)(2) is revised to read as follows:

§ 173.177 Motion picture film and X-ray film.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with each reel in a tightly closed metal can, or strong cardboard of fiberboard box with cover held in place by adhesive tape or paper. Gross weight must not exceed 200 pounds.

* * * * *

45. In § 173.184, paragraph (a)(2) is revised to read as follows:

§ 173.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

(a) * * *

(2) Specification 14, 15A, 15B, or 19B (§§ 178.165, 178.168, 178.169, 178.191 of this subchapter). Wooden boxes lined, Spec. 2M (§ 178.31 of this subchapter).

* * * * *

46. In § 173.187, the heading, the introductory text of paragraph (a) and paragraph (a)(1) are revised to read as follows:

§ 173.187 Potassium peroxide; potassium superoxide; sodium peroxide or sodium superoxide.

(a) Potassium peroxide, potassium superoxide, sodium peroxide or sodium superoxide must be packed in specification containers as follows:

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside air-tight metal cans.

* * * * *

47. In § 173.188, paragraph (a)(1) is revised to read as follows:

§ 173.188 Phosphoric anhydride.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside tightly stoppered glass bottles not over 1-pound capacity each; or metal cans, not over 3 pounds capacity each, hermetically sealed (soldered) or closed with cork securely held in place by metal strap soldered in position. Inside containers must be cushioned with elastic incombustible packing materials.

* * * * *

48. In § 173.189, paragraph (a)(1) is revised to read as follows:

§ 173.189 Phosphorus, amorphous, red.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside air-tight metal containers.

* * * * *

49. In § 173.190, paragraph (b)(1) and (c)(1) are revised to read as follows:

§ 173.190 Phosphorus, white or yellow.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside hermetically sealed (soldered) metal cans, inclosed in other hermetically sealed (soldered) metal cans, or inside water-tight metal cans containing not over 1-pound with screw-top closures, or Spec. 2F (§ 178.25 of this subchapter).

* * * * *

(c) * * *

(1) Specification 15A, 15B, 19A or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside hermetically sealed (soldered) metal cars, inclosed in other water-tight metal cans containing not over 1-pound with screw-top closures, or with soldered closures.

* * * * *

50. In § 173.191, paragraph (a)(1) is revised to read as follows:

§ 173.191 Phosphorus pentachloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing. When inside containers are packed in the same outside container with other articles, they must be enclosed in tightly closed metal cans. Net weight not to exceed 50 pounds in each outside box.

* * * * *

51. In § 173.193, paragraph (a)(1) is revised to read as follows:

§ 173.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.

(a) * * *

(1) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers, cushioned and tightly closed. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 173.65(e) for shipment of wet picric acid, wet trinitrobenzoic acid and wet urea nitrate in excess of 25 pounds, and § 173.192 for exemption up to 16 ounces.)

* * * * *

52. In § 173.195, paragraphs (a)(1) and (b)(2) are revised to read as follows:

§ 173.195 Pyroxylin plastic scrap.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes lined, Spec. 2F or 2M (§§ 178.25, 178.31 of this subchapter). Gross weight must not exceed 450 pounds each.

* * * * *

(b) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with tightly closed inside metal containers.

53. In § 173.197, paragraph (a)(1) is revised to read as follows:

§ 173.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes.

* * * * *

54. In § 173.201, paragraph (a)(2) is revised to read as follows:

§ 173.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(a) * * *

(2) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes lined, Spec. 2F or 2M (§§ 178.25, 178.31 of this subchapter).

* * * * *

55. In § 173.202, paragraph (a)(1) is revised to read as follows:

§ 173.202 Sodium metal liquid alloy, potassium metal liquid alloy, and sodium potassium liquid alloy.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of a type examined by the Bureau of Explosives and approved by the Associate Director for HMR. Inside containers must be cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside box.

* * * * *

56. In § 173.203, the introductory text of paragraph (a)(1) is amended to read as follows:

§ 173.203 Tetranitromethane.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). * * *.

* * * * *

57. In § 173.204, paragraph (a)(1) is revised to read as follows:

§ 173.204 Sodium hydrosulfite.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not exceeding 5 pounds capacity each, or metal containers.

* * * * *

58. In § 173.205, paragraph (a)(1) is revised to read as follows:

§ 173.205 Sodium picramate, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not exceeding 1-quart capacity each, and cushioned in outside container.

* * * * *

59. In § 173.206, paragraphs (b)(1), (e)(1), and (f) are revised to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal drums, Spec. 37A or 37B (§§ 178.131, 178.132 of this subchapter) having welded side seams, net weight not over 30 pounds, or with inside glass containers, each enclosed in a tin container.

* * * * *

(e) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside air-tight copper cartridges having a minimum wall thickness of 0.02-inch. Cartridges having less than 0.022 inch wall thickness must be separated or securely cushioned in the boxes. Gross weight must not exceed 75 pounds.

(f) Lithium batteries comprised of one or more cells are not subject to the requirements of this subchapter, if they meet the following requirements.

(1) Each cell may contain no more than 0.5 gram of lithium or lithium alloy.

(2) Each battery may contain an aggregate quantity of no more than 1 gram of lithium or lithium alloy.

(3) Each cell must be hermetically sealed.

(4) Cells must be separated so as to prevent short circuits.

(5) Batteries must be packed in strong outside packagings except when installed in electronic devices.

(6) If a battery contains more than 0.5 gram of lithium or lithium alloy, it may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

60. In § 173.207, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside bottles enclosed in tightly closed metal cans, or hermetically sealed (soldered) metal cans.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside bottles of not more than 5 pounds capacity each, or tightly sealed metal cans.

* * * * *

61. In § 173.208, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.208 Titanium metal powder, wet or dry.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal cans not exceeding 1-gallon each, and not more than 12 metal cans in one

outside box; or not more than 1 inside metal can of not less than 22-guage metal and not over 10 gallons capacity. Metal cans must be tightly closed.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers, closed by push-in covers, held in place by soldering at least four points, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net weight each and must be cushioned by an incombustible material. Gross weight not to exceed 75 pounds.

* * * * *

62. In § 173.214, the introductory text of paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

* * * * *

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes or Spec. 6B or 6C (§§ 178.98, 178.99 of this subchapter) metal drums with inside glass or noncarbon polyethylene containers having net weight of not over 10 pounds each. * * *

* * * * *

(c) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes or Spec. 6B or 6C (§§ 178.98, 178.99 of this subchapter) or Spec. 17C or 17H (§§ 178.115, 178.118 of this subchapter) metal drums with inside glass or noncarbon polyethylene containers having net weight of not over 10 pounds each. * * *

* * * * *

63. In § 173.216, paragraph (a)(1) is revised to read as follows:

§ 173.216 Zirconium picramate, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 1-quart capacity each, tightly stoppered and cushioned.

64. In §173.218, paragraph (a)(1) is revised to read as follows:

§ 173.218 Isopropyl percarbonate, unstabilized.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or metal containers, of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

65. §173.221, paragraph (a)(2) is revised to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or metal containers, not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage. Metal containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

* * * * *

66. In § 173.222, paragraph (a)(1) is revised to read as follows:

§ 173.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage.

* * * * *

67. In § 173.223, paragraph (a)(1) is revised to read as follows:

§ 173.223 Peracetic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or polyethylene containers not over 1-gallon capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents. Cushioning material must be in sufficient quantity to absorb any leakage. Boxes with inside polyethylene containers must be marked "Keep This Side Up."

* * * * *

68. In § 173.224, paragraph (a)(1) is revised to read as follows:

§ 173.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, pinane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) * * *

(a) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers, not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage.

* * * * *

69. In § 173.225, paragraphs (a) and (a)(1) are revised to read as follows:

§ 173.225 Phosphorus trisulfide; phosphorus sesquisulfide; phosphorus heptasulfide; and phosphorus pentasulfide.

(a) Phosphorus trisulfide, phosphorus sesquisulfide and phosphorus heptasulfide must be packaged as follows.

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers, hermetically sealed (soldered) or water-tight metal cans with screw-top closures.

* * * * *

70. In § 173.226, paragraph (a)(1) is revised to read as follows:

§ 173.226 Thorium metal, powdered.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers, closed by push-in covers, held in place by soldering at least four points, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net weight each. Gross weight not to exceed 75 pounds.

* * * * *

71. In § 173.230, the introductory text of paragraphs (a)(1) and (a)(4) are revised to read as follows:

§ 173.230 Sodium, metallic, dispersion in organic solvent.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter).* * *

* * * * *

(4) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter).* * *

72. In § 173.231, paragraph (a)(1) is revised to read as follows:

§ 173.231 Calcium, metallic, crystalline.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside airtight metal containers not over 1-gallon capacity each.

* * * * *

73. In § 173.233, paragraph (a)(1) is revised to read as follows:

§ 173.233 Nickel catalyst, finely divided, activated or spent.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside airtight metal containers having closing device fastened by positive means (not friction); or inside airtight glass containers of not over 1-quart capacity each, securely cushioned by an appropriate fire-resistant cushioning material.

* * * * *

74. In § 173.238, paragraphs (a)(1), (2) and (3) are revised to read as follows:

§ 173.238 Aircraft rocket engines (commerical) and/or aircraft rocket engine igniters (commerical).

(a) Aircraft rocket engines (commerical) and their igniters may be offered for tranportation when of a type examined by the Bureau of Explosives and approved by the Associated Director for HMR to be so described and classed, and when packaged as follows:

(1) Specification 15A, 15B, 15E, 16A, or 19B (§§ 178.168, 178.169, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes. Igniters must be packaged in sealed metal containers examined by the Bureau of Explosives and approved by the Associated Director for HMR and packed in wooden boxes as specified above when shipped separately from the aircraft rocket engines.

(2) Aircraft rocket engines (commerical), when examined by the Bureau of Explosives and approved by the Associated Director for HMR may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.

(3) Aircraft rocket engines (commerical) and/or their igniters, packed in any other manner than specified in paragraphs (a) (1) and (2) of this section, must be in containers of a type examined by the Bureau of Explosives and approved by the Associate Director for HMR.

* * * * *

75. In § 173.239, paragraph (a)(1) is revised to read as follows:

§ 173.239 Barium azide—50 percent or more water wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-pound capacity each. Bottles shall have rubber stoppers wire tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing.

* * * * *

76. In § 173.245, paragraph (a)(7) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically proved for.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material (bags are not authorized), not over 1-gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

* * * * *

77. In § 173.247, paragraphs (a)(1), (a)(5), and (a)(6) are revised to read as follows:

§ 173.247 Acetyl bromide; acetyl chloride; acetyl iodide; antimony pentachloride; benzoyl chloride; boron trifluoride- acetic acid complex; chromyl chloride; dichloroacetyl chloride; diphenylmethyl bromide solutions; pyrosulfuryl chloride; silicon chloride; sulfur chloride (mono and di); sulfuryl chloride; thionyl chloride; tin tetrachloride (anhydrous); titanium tetrachloride; trimethyl acetyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside box.

* * * * *

(5) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside aluminum bottles of 99 percent pure aluminum not over 1-gallon capacity each, having aluminum screw caps with gasket resistant to contents. Authorized for chromyl chloride only.

(6) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boses with inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be cushioned on all sides with an appropriate fire-resistant cushioning material. Authorized only for titanium tetrachloride.

* * * * *

78. In § 173.248, paragraph (a)(3) is revised to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in each outside box.

* * * * *

79. In § 173.249, paragraph (a)(2) and (b)(3) are revised to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2 gallons each, or with metal containers, not over 5 gallons each.

* * * * *

(b) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, or with inside metal cans, not over 5 gallons each.

* * * * *

80. In § 173.251, the introductory text of paragraph (b)(1) is revised to read as follows:

§ 173.251 Boron trichloride and boron tribromide.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15P, or 19B (§§ 178.168, 178.169, 178.170, 178.182, 178.191 of this subchapter). * * *

* * * * *

81. In § 173.252, paragraph (a)(1) is revised to read as follows:

§ 173.252 Bromine.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart each; or with stone or earthenware jugs not over 1-gallon each.

* * * * *

82. In § 173.253, the heading and paragraph (a)(1) are revised to read as follows:

§ 173.253 Chloroacetyl chloride.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints capacity each; cushioned by an appropriate fire-resistant cushioning material.

* * * * *

83. In § 173.254, paragraph (a)(2) is revised to read as follows:

§ 173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside box.

* * * * *

84. In § 173.255, paragraph (a)(3) is revised to read as follows:

§ 173.255 Dimethyl sulfate.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with one inside glass container not over 1-quart capacity, closed by ground glass stopper or other equally efficient closure securely fastened in place, and cushioned within a hermetically sealed (soldered) metal can with an appropriate fire-resistant absorbent, cushioning material, the can then being cushioned with an appropriate fire-resistant cushioning material in the outside box.

* * * * *

85. In § 173.257, paragraph (a)(7) and (c) are revised to read as follows:

§ 173.257 Electrolyte (acid) and alkaline corrosive battery fluid.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside polyethylene or other electrolyte acid resistant plastic containers, not over 1-gallon each.

* * * * *

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packaged not more than three containers in Specification 15A, 15B, 15C, 16A, 19A, or 19B wooden box (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter), or packaged as prescribed in paragraph (a)(6) of this section, and bearing a corrosive label, may be securely attached to self-propelled vehicles or mobile agricultural machinery, or securely braced on a railcar floor.

* * * * *

86. In § 173.259, paragraph (a)(1) is revised to read as follows:

§ 173.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment, by a strong solid wooden partition.

* * * * *

87. In § 173.261, paragraph (a)(1) is revised to read as follows:

§ 173.261 Fire-extinguisher charges.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints each, and cushioned with an appropriate cushioning material.

* * * * *

88. In § 173.262, paragraphs (a)(4) and (b)(3) are revised to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers not over 3 gallons are authorized when only one is packed in each outside box.

* * * * *

(b) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with one inside polyethylene bottle, with screw-up closure, not over 1-gallon capacity.

* * * * *

89. In § 173.263, paragraph (a)(1) is revised to read as follows:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, polyethylene or other nonfragile plastic containers resistant to the lading (bags are not authorized), not over 1-gallon each, except that inside containers not over 3 gallons each are authorized when only one is packed in each outside box.

* * * * *

90. In § 173.264, paragraph (a)(1) is revised to read as follows:

§ 173.264 Hydrofluoric acid; White acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers which are hydrofluoric acid resistant. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 70 percent.

* * * * *

91. In § 173.265, the spelling of hydrofluosilicic is corrected to read hydrofluorosilicic in the heading and each time it appears in paragraphs (a), (a)(1), (b), (c) and (d); paragraphs (a)(1) and (c)(3) are revised to read as follows:

§ 173.265 Hydrofluorosilicic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers of natural rubber, ceresine, or other material of equal efficiency resistant to hydrofluorosilicic acid.

* * * * *

(c) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, with rubber or ground-in glass stoppers.

* * * * *

92. In § 173.266, paragraphs (a)(1), (b)(1) and (c)(4) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-quart capacity each; bottles must have vented closure and must be packed in metal container vented at bottom, packed in another metal container vented at top; cushioning material shall be used between glass bottle and inner container and between inner and outer metal containers; cushioning material shall be vermiculite or equivalent in an amount at least 10 times the volume of the solution shipped and shall be wet with at least 10 percent water by volume to which has been added a stabilizing agent.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers of not more than 1-gallon capacity each. Inside containers must be well cushioned with an appropriate fire-resistant cushioning material. Cushioning of inside containers in outside wooden boxes by means of elastic packing, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys in Specification 1A (§ 178.1 of this subchapter).

(c) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1-pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with an appropriate fire-resistant cushioning material.

* * * * *

93. In § 173.267, paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 7 pounds capacity each, individually inclosed in tightly closed metal cans and cushioned therein with incombustible mineral material.

* * * * *

(c) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles with glass stoppers held in place by plaster of Paris covered by strong cloth and securely tied. Glass bottles having necks with molded screw threads must be closed by threaded type acid-resistant plastic caps equipped with an elastic composition cushion and with glass, porcelain or similar liner impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

* * * * *

94. In § 173.268, paragraphs (d)(1), (e)(1), (i)(1) and (j)(1) are revised to read as follows:

§ 173.268 Nitric acid.

* * * * *

(d) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with appropriate fire-resistant cushioning material. (See paragraphs (g) and (h) of this section).

* * * * *

(e) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each. (See paragraphs (g) and (h) of this section).

* * * * *

(i) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles with glass stoppers held in place by plaster of Paris covered by strong cloth and securely tied. Glass bottles having necks with molded screw threads must be closed by threaded-type acid-resistant plastic caps equipped with an elastic composition cushion and with glass, porcelain or similar liner impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

* * * * *

(j) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, 178.205 of this subchapter). Wooden or fiberboard boxes with not over 12 inside glass ampoules having a capacity of not over 4 fluid ounces each. Each ampoule must be well cushioned with incombustible mineral packing material, such as vermiculite or other equally efficient material, and be packed in a cylindrical cardboard tube having wall thickness of at least ⅛ inch, with the inside coated with wax, and be equipped with metal bottom and metal screw-cap top. Inside packages must be separated by efficient means.

95. In § 173.269, paragraph (a)(1) is revised to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each, cushioned with incombustible mineral material in sufficient quantity to absorb any leakage.

* * * * *

96. In § 173.270, paragraph (a)(1) is revised to read as follows:

§ 173.270 Phosphorus tribromide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers up to 3 gallons each

are authorized when only one container is packed in an outside box.

* * * * *

97. In § 173.271, paragraph (a)(4) is revised to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box.

* * * * *

98. In § 173.272, paragraphs (g) and (i)(1) are revised to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(g) *Sulfuric acid concentration of greater than 95 percent of not over 100.5 percent:* Authorized packaging is described in paragraphs (i)(1)—(4), (6) and (14)—(22), and 29 of paragraph (i) of this section.

(i) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box.

* * * * *

99. In § 173.273, paragraph (a)(1) is revised to read as follows:

§ 173.273 Sulfur trioxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon each.

* * * * *

100. In § 173.274, paragraph (a)(1) is revised to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers not over 1-gallon each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box, as prescribed in Note 1 and 2 to this section.

* * * * *

101. In § 173.275, paragraph (a)(1) is revised to read as follows:

§ 173.275 Difluorophosphoric acid, anhydrous; monofluorophosphoric acid, anhydrous; hexafluorophosphoric acid; and mixtures thereof.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter) wooden boxes, Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes, or Spec. 21C (§ 178.224 of this subchapter) fiber drums with inside polyethylene or other nonfragile plastic bottles resistant to the lading, not over 2 gallons capacity each, closed by means of threaded acid-resistant caps; caps must have at least one complete continuous thread and be additionally sealed to the bottle to prevent turning of cap after bottle is closed.

* * * * *

102. In § 173.276, paragraph (a)(2) is revised to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(2) Specification 15A, 15B, 15C, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191, of this subchapter). Wooden boxes with inside glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed.

* * * * *

103. In § 173.277, paragraph (a)(1) is revised to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(1) Specification 15A, 15B, 15C, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.190, 178.191, 178.205 of this subchapter). Wooden or fiberboard boxes with inside glass, earthenware, or polyethylene containers of not more than 1-gallon capacity each. Gross weight must not exceed 65 pounds nor contain more than 4 glass or earthenware inside containers if their capacity is greater than 5 pints each, or more than six such inside polyethylene containers.

* * * * *

104. In § 173.278, paragraph (a)(1) and (b)(1) are revised to read as follows:

§ 173.278 Nitrohydrochloric acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

* * * * *

105. In § 173.280, paragraph (a)(1) is revised to read as follows:

§ 173.280 Trichlorosilanes.

(a) * * *

(1) Specification 15A, 16B or 19B (§§ 178.168, 178.186, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

106. In § 173.281, paragraph (a)(1) is revised to read as follows:

§ 173.281 Benzyl bromide (bromotoluene, alpha).

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-gallon capacity each, closed by means of screw caps which are resistant to action of the contents. Bottles must be packed in metal cans having slip-on or friction closures and cushioned in outside boxes with incombustible material.

* * * * *

107. In § 173.282, paragraph (a)(1) is revised to read as follows:

§ 173.282 Isopropyl percarbonate, stabilized.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2 gallons capacity each which must be maintained at a temperature below 75°F. Shipments are authorized only by private or contract motor vehicle.

108. In § 173.288, paragraph (a)(1) is revised to read as follows:

§ 173.288 Chloroformates.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of

this subchapter). Wooden boxes with inside glass containers of not over 1-pint capacity each, cushioned with incombustible mineral material.

* * * * *

109. In § 173.291, paragraph (a)(6) is revised to read as follows:

§ 173.291 Flame retardant compound, liquid.

(a) * * *

(6) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that containers not over 3 gallons are authorized when only one is packed in an outside box.

* * * * *

110. In § 173.293, paragraph (a)(1) is revised to read as follows:

§ 173.293 Iodine monochloride.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside containers not over 1-quart capacity each; or with stone or earthenware jugs not over 1-gallon capacity each.

* * * * *

111. In § 173.295, paragraph (a)(1) is revised to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one is packed in an outside box.

* * * * *

112. In § 173.298, paragraph (a)(1) is revised to read as follows:

§ 173.298 Memtetrahydro phthalic anhydride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each.

* * * * *

113. In § 173.302, the first sentence of paragraph (a)(2) is revised to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(2) Specification 3HT (§ 178.44 of this subchapter) cylinders for aircraft use only, having a maximum service life of 24 years. * * *.

* * * * *

114. In § 173.304, Note 7 to the table in paragraph (a)(2) is revised; the first two sentences of paragraph (f)(1) are revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Note 7.—Specification 3HT cylinders for aircraft use only, having a maximum service life of 24 years. Authorized only for nonflammable gases. Cylinders must be equipped with pressure relief devices only of the frangible disc type which meet the requirements of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Cylinders may be shipped only when packed in strong outside packagings.

* * * * *

(f) * * *

(1) Inside nonrefillable metal containers having a capacity not over 32 cubic inches. Containers must be packaged in Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on top and bottom of each box, or Spec. 15A, 15B, 15C, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191 of this subchapter) wooden boxes. * * *.

115. Section 173.315 is amended by revising paragraph (m) (5) and (6) and adding (7) to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(m) * * *

(5) Is loaded to a filling density no greater than 56 percent;

(6) Is securely mounted on a farm wagon; and

(7) Is operated in conformance with the requirements of Part 172 of this subchapter except that shipping papers are not required.

116. In § 173.329, paragraph (a)(2) is revised to read as follows:

§ 173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, Spec. 2C (§ 178.22 of this subchapter). Bottles must not contain over 1-pound of liquid each, may not be filled to over 95 percent capacity, must be tightly and securely closed, and be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

* * * * *

117. In § 173.331, the introductory text of paragraph (a) and the fifth sentence of paragraph (a)(1) are revised to read as follows:

§ 173.331 Gas identification sets.

(a) Gas identification sets containing Poison A materials, irritating materials, and chlorine must be packaged in Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, or 178.191 of this subchapter) wooden boxes under the following conditions:

(1) * * * The cans must be packed in Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter) wooden boxes. * * *

* * * * *

118. In § 173.332, the introductory text of paragraph (c)(1) is revised to read as follows:

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid, liquefied.

* * * * *

(c) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *.

* * * * *

119. In § 173.345, paragraph (a)(1) is revised to read as follows:

§ 173.345 Limited quantities of Poison B liquids.

(a) * * *

(1) In glass packagings not over 1-quart capacity each, or in metal containers or polyethylene bottles not over 1-gallon capacity each, packed in outside steel, or wooden boxes, barrels, or drums.

* * * * *

120. In § 173.346, paragraph (a)(9) is revised to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) * * *

(9) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that

inside containers not over 3 gallons are authorized when only one is packed in each outside container; or with inside metal containers not over 10 gallons capacity each.

* * * * *

121. In § 173.347, paragraph (a)(1) is revised to read as follows:

§ 173.347 Aniline oil.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 10 gallons capacity each, or glass bottles not over 1-pound capacity each. Not more than 25 glass bottles shall be packed in one outside box.

* * * * *

122. In § 173.351, paragraph (a)(1) is revised to read as follows:

§ 173.351 Hydrocyanic acid solutions.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Completed package, with glass bottles filled with water, must be capable of withstanding six four-foot drops onto solid concrete in the following order; bottom, four sides, and top, without breakage.

123. In § 173.352, paragraph (a)(3) is revised to read as follows:

§ 173.352 Sodium and potassium cyanide solutions, and cyanide solution, n.o.s.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, or inside metal containers not over 10 gallons capacity each, and without galvanizing.

* * * * *

124. In § 173.353, the introductory text of paragraph (a)(2) is revised to read as follows:

§ 173.353 Methyl bromide and methyl bromide mixtures.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, 178.205 of this subchapter). * * *

* * * * *

125. In § 173.354, paragraph (a)(1) is revised to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers of not over 1-pint capacity each, or metal cans, enclosed in hermetically sealed (soldered) strong metal cans.

* * * * *

126. In § 173.356, paragraph (a)(2) is revised to read as follows:

§ 173.356 Thiophosgene.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-quart capacity each, securely packed in absorbent incombustible cushioning material in sufficient quantity to absorb any leakage.

127. In § 173.357, the introductory text of paragraphs (a)(1) and (c)(1) are revised; paragraph (c)(2) is revised to read as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter).

* * *

* * * * *

(c) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter).

* * *

(2) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal strapped, with chloropicrin absorbed in an efficient absorbing material packed in hermetically sealed metal cans not over 1-quart capacity each.

* * * * *

128. In § 173.358, paragraph (a)(3) is revised to read as follows:

§ 173.358 Hexaethyl tetraphosphate; methyl parathion, organic phosphate compound, organic phosphorous compound, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of not over 5 gallons capacity each.

* * * * *

129. In § 173.359, paragraphs (a)(4) and (b)(3) are revised to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * *

(4) Specification 15A, 15B, 15C, 15E, or 19B (§§ 178.168, 178.169, 178.170, 178.172, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 10 gallons capacity each.

* * * * *

(b) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of not over 5 gallons capacity each.

* * * * *

130. In §173.360, paragraph (a)(2) is revised to read as follows:

§ 173.360 Perchloromethylmercaptan.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not to exceed 100 pounds in one outside box.

* * * * *

131. In § 173.362, paragraph (a)(2) is revised to read as follows:

§ 173.362 4-Chloro-o-toluidine hydrochloride.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass, polyethylene, or equally efficient containers not over 1-quart capacity each. Glass containers must be securely packed in tightly closed metal containers.

* * * * *

132. In § 173.365, paragraphs (a)(8) and (a)(9) are revised to read as follows:

§ 173.365 Poison B solids not specifically provided for.

(a) * * *

(8) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside paper bags, securely closed and packed within a waterproof duplex bag, Spec. 2J (§ 178.28 of this subchapter). Net weight not to exceed 100 pounds in one outside box.

(9) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal cans not over 25 pounds capacity each; glass or earthenware containers not over 1-gallon capacity each; except that inside containers of not over 5 gallons capacity each and containing not over 25 pounds net weight are authorized when only one inside container is packed in each outside box. Fiber cans or boxes, Spec. 2G (§ 178.26 of this subchapter); or sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each. Net weight not to exceed 100 pounds in one outside box.

* * * * *

133. In § 173.369, paragraphs (a)(7) and (a)(8) are revised to read as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon or 5 pounds capacity each, except that inside containers not over 3 gallons or 15 pounds capacity each are authorized when only 1 is packed in each outside box; or with inside metal containers not over 10 gallons capacity each.

(8) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter). Net weight not to exceed 250 pounds in one outside box.

* * * * *

134. In § 173.370, paragraphs (a)(1) and (c)(2) are revised to read as follows:

§ 173.370 Cyanides and cyanide mixtures, dry.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, Spec. 2F (§ 178.25 of this subchapter), or in glass bottles not over 5 pounds capacity each.

* * * * *

(c) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

135. In § 173.372, paragraph (a)(2) is revised to read as follows:

§ 173.372 Mercury Bichloride (mercuric chloride).

(a) * * *

(2) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside strong paper bags in tightly closed inside wooden boxes.

136. In § 173.375, paragraph (a)(1) is revised to read as follows:

§ 173.375 Sodium azide.

(a) * * *

(1) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside paper bags, securely closed and packed within a waterproof duplex bag, Spec. 2J (§ 178.28 of this subchapter). Net weight not to exceed 100 pounds in one outside box.

* * * * *

137. In § 173.377, paragraphs (a)(2) and (b)(2) are revised to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithiopyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal or fiber cans not over 12 pounds capacity each, or paper bags, Spec. 2D (§ 178.23 of this subchapter), not over 20½ pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

* * * * *

(b) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal cans not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraph (c) of this section.

* * * * *

138. In § 173.382, paragraph (a)(3) is revised to read as follows:

§ 173.382 Irritating materials, not specifically provided for.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 1-gallon capacity each. Net weight not to exceed 80 pounds in one outside box.

* * * * *

139. In § 173.384, the introductory text of paragraph (a)(2) is revised to read as follows:

§ 173.384 Monochloroacetone, stabilized.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter).

* * *

140. In § 173.385, paragraph (a)(1) and Note 1 following paragraph (c) are revised to read as follows:

§ 173.385 Tear gas grenades, tear gas candles, or similar devices.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Metal-strapped wooden boxes. Functioning elements not assembled in grenades or devices must be in a separate compartment of these boxes, or in inside or separate outside boxes, Spec. 15A, 15B, 15C, or 19B and must be so packed and cushioned that they may not come in contact with each other or with the walls of box during transportation. Not more than 50 grenades and 50 functioning devices shall be packed in one box and the gross weight of the outside box must not exceed 75 pounds.

* * * * *

Note 1.—Grenades or other similar devices may be shipped completely assembled when offered by or consigned to the U.S. Department of Defense, provided the functioning element is so packed that it cannot accidentally function. The outside containers must be metal-strapped wooden boxes, Spec. 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter).

141. In § 173.500, the introductory text of paragraph (b)(2) is revised to read as follows:

§ 173.500 Definitions.

* * * * *

(b) * * *

(2) An ORM-B material is a material (including a solid when wet with water) capable of causing significant damage to a transport vehicle from leakage during transportation. Materials meeting one or both of the following criteria are ORM-B materials:

* * * * *

142. In § 173.1060, the entire section is deleted and reserved as follows:

§ 173.1060 [Reserved]

143. In § 173.300, paragraph 8 of Appendix A is revised to read as follows:

§ 173.300 Consumer commodity.

* * * * *

Appendix A—Method of Testing Corrosion to Skin.

* * * * *

(8) Corrosion will be considered to have resulted if the substances in contact with the rabbit skin have caused destruction or irreversible alteration of the tissue on at least two out of each six rabbits tested. Tissue destruction is considered to have occurred if, at any of the readings, there is ulceration or necrosis. Tissue destruction does not include merely sloughing of the epidermis, or erythema, edema, or fissuring.

PART 175—CARRIAGE BY AIRCRAFT

144. In § 175.10, the introductory text of paragraph (a)(12) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(12) Hazardous materials which are loaded and carried on or in cargo aircraft only and which are to be dispensed or expended during flight for weather control, forest preservation and protection, flood control, or avalanche control purposes when the following requirements are met: * * *.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

145. In § 178.245-6, the last sentence in paragraph (a) is revised to read as follows:

§ 178.245-6 Name plate.

(a) * * * Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal plate itself the following information in characters at least ⅛-inch high: * * *

* * * * *

146. In § 178.251-7, the second sentence in paragraph (a) is revised to read as follows:

§ 178.251-7 Identification and marking.

(a) * * * The plate must be marked in letters and numerals at least ⅛-inch high by stamping, embossing, or other means of forming letters into or onto the metal plate itself. * * *

* * * * *

147. In § 178.255-14, the introductory text of paragraph (a) is revised to read as follows:

§ 178.255-14 Marking.

(a) In addition to marking required by the American Society of Mechanical Engineers Code, every tank shall bear permanent marks at least ⅛-inch high stamped into the metal near the center of one of the tank heads or stamped into a plate permanently attached to the tank by means of brazing or welding or other suitable means as follows: * * *.

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

148. In § 179.102-1, paragraph (a)(1) is revised; paragraph (a)(6) is added to read as follows:

§ 179.102-1 Liquefied carbon dioxide.

(a) * * *

(1) All plates for tank, manway nozzle and anchorage of tanks must be made of carbon steel complying with ASTM Specification A516-79b, Grades 55, 60, 65, or 70, or AAR Specification TC128-78, Grade B. The ASTM A516 plate must also meet the Charpy V-Notch test requirements of ASTM A20-79b (see Table 15) in the longitudinal direction of rolling. The TC128 plate must also meet the Charpy V-Notch energy absorption requirements of 15 ft-lb minimum average for 3 specimens and 10 ft-lb minimum for one specimen at minus 50° F in the longitudinal direction of rolling in accord with ASTM Specification A370-77. Production-welded test plates prepared as required by W4.00 of AAR Specifications for Tank Cars, Appendix W, must include impact test specimens of weld metal and heat-affected zone. As an alternate, anchor legs may be fabricated of stainless steel, ASTM Specification A240-79 Types 304, 304L, 316 or 316L for which impact tests are not required.

* * * * *

(6) Tank anchor to tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique to determine that such welds do not have internal voids or discontinuities.

149. In § 179.102-4, paragraph (a)(4) is added to read as follows:

§ 179.102-4 Vinyl fluoride, inhibited.

(a) * * *

(4) Tank anchor to tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique to determine that such welds do not have internal voids or discontinuities.

§ 179.200-7 [Amended]

150. In § 179.200-7, paragraph (d) is amended by deleting the bottom line of the table which reads "ASTM A 240-70, Type 430A.....65,000 22" and by deleting the last line of the footnote which reads "Practice C.....Type 430A.... .0060.

* * * * *

151. In § 179.200-14, paragraph (c) is revised to read as follows:

§ 179.200-14 Expansion capacity.

* * * * *

(c) The opening in the tank shell within the dome shall be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening shall be reinforced in an approved manner. This additional reinforcement may be accomplished by the use of a dome opening of the flued-type as shown in Appendix E, Figure E 10C of the AAR Specification for Tank Cars or by the use of reinforcing as outlined in Appendix E, E3.04 and Figures E10K and E10L. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes shall be provided in the tank shell with nipples projecting inside the tank at least 1-inch.

* * * * *

§ 179.220-7 [Amended]

152. In § 179.220-7, paragraph (d) is amended by deleting the bottom line of the table which reads "ASTM A 240-70, Type 430A..... .65,000 22".

* * * * *

153. In § 179.220-15, paragraph (b) is amended by adding the following sentence at the end to read as follows:

§ 179.220-15 Support system for inner container.

* * * * *

(b) * * * The inner container and outer shell must be permanently bonded to each other electrically either by the support system used, piping, or by a separate electrical connection of approved design.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1).

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms Executive Order 12291 or is a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.) A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on September 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-29103 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

Correction

In FR Doc. 81-21180, on page 37509, in the issue of Tuesday, July 21, 1981, correct the CFR Part heading now reading "50 CFR Part 651" to read: 50 CFR Part 652.

BILLING CODE 1505-01-M

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of continued reduction in weekly fishing time.

SUMMARY: This notice continues the allowable fishing time of 12 hours per week for fishing vessels harvesting Atlantic surf clams within the fishery conservation zone. Action is necessary to reduce the harvest of surf clams to a level compatible with revised estimates of resource abundance, and to constrain harvests to protect the continued viability of the resource.

EFFECTIVE DATE: October 4, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097; Telephone 617-281-3600.

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

The Regional Director has consulted at length with spokespersons for the harvesting and processing sectors of the surf clam industry, and with the Mid-Atlantic Fishery Management Council in an effort to develop a course of action which will protect the resource, but which will not cause or contribute to financial hardship for persons involved in the industry.

On July 21, 1981 the Regional Director published notice of a reduction to 12 hours in the fishing week for Atlantic surf clams in the Federal Register (46 FR 37509). The Regional Director has determined that fishing time should continue to be restricted to 12 hours per week. Continuation of the reduction of fishing time will be effective on October 4, 1981.

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because this notice is exempt from the notice and comment requirements of the Administrative Procedure Act. In addition the action does not have a significant economic effect on small businesses for the purposes of Section 609 of the Regulatory Flexibility Act.

This notice does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980.

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

Dated: October 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-29221 Filed 10-5-81; 10:26 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO-374-A6]

Milk in Lake Mead Marketing Area; Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning a proposed amended order for the Lake Mead marketing area. Proponent cooperative association requested additional time to complete an analysis of the decision.

DATE: Exceptions now are due on or before November 4, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 27, 1980, published September 3, 1980 (45 FR 58366).

Recommended Decision: Issued September 9, 1981; published September 15, 1981 (46 FR 45776).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision which was issued on September 9, 1981 (46 FR 45776) is hereby extended to November 4, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: October 2, 1981.

Eddie F. Kimbrell,
Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-29231 Filed 10-7-81; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1960

Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations pertaining to the servicing of delinquent and problem case borrowers. Delinquencies and problem cases are increasing and therefore, creating the need for the proposed servicing tool. The intended effect is to provide a guide letter to be used as a means of notifying delinquent and potential problem case borrowers at the beginning of the production season of conditions that must be met for them to continue receiving FmHA assistance.

DATES: Comments must be received on or before October 19, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn L. Pickinpaugh, Acting Director, Farm Real Estate and Production Loan Division, FmHA, Room 5312, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, (202) 447-5044.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291, and has been determined to be non-major because there is not an annual effect on the economy of $100 million or more, or a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action does not directly affect any FmHA programs or projects that are subject to A-95 clearinghouse review.

CFDA program numbers and titles are listed as follows:

10.404 Emergency Loans
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.416 Soil and Water Loans
10.428 Economic Emergency Loans

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

FmHA believes that a 10 day comment period is adequate. The guide letter and procedure reference are administrative tools which will assist FmHA County Supervisors to better perform their jobs. It will not require any additional input from the public than already exists; neither will any member of the public receive any benefit or detriment by reason of this change other than better servicing of loan accounts. Therefore, a 60 day comment period is unnecessary.

Major Alternative Actions Considered

(1) Continue with present policy in servicing potential problem case and delinquent borrowers.

This alternative allows potential problem case and delinquent borrowers to continue receiving short notice of FmHA intent to discontinue financial assistance when in most cases it is too late for borrowers to make any tpe of management decisions that could improve their financial position.

(2) Develop a servicing guide letter. This proposed action was selected because it provides a servicing tool that can be used for better servicing of loan accounts. The projected cost and savings are undetermined.

PART 1960—GENERAL

The Farmers Home Administration recommends this alternative and therefore, proposes to amend § 1960.12 of Subpart A of Part 1960, Chapter XVIII, Title 7, Code of Federal Regulations by adding a new paragraph (e) to read as follows:

§ 1960.12 Supervision and servicing by the County Supervisor.

* * * * *

(e) The County Supervisor will use Guide Letter 1960-A-1 to notify delinquent and potential problem case borrowers at the beginning of the production season of conditions that must be met for them to continue receiving FmHA assistance.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: September 21, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81-29334 Filed 10-7-81; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205 and 290

[Docket No. ERA-R-81-05]

Change in Public Hearing Date for Proposed Rule Establishing New Administrative Procedures for Import and Export of Natural Gas

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Proposed rule; change in public hearing date.

SUMMARY: On August 26, 1981, the Economic Regulatory Administration (ERA) of the Department of Energy issued a proposed rule establishing the administrative procedures regarding applications to import or export natural gas under Section 3 of the Natural Gas Act. The proposal provided for a public hearing to be held in Washington, D.C., on October 7, 1981, with requests to speak at the hearing being due September 29, 1981. Written comments were not due until November 3, 1981.

Considering the complex nature of the issues raised by the proposed rulemaking and in response to specific request to re-schedule the public hearing after the date on which the written comments are due, ERA has determined to change the date of the hearing from October 7 to November 12. Requests to speak at that hearing will be due on November 3 and should be filed in accordance with the procedures outlined in the proposed rule (46 FR 44701, September 4, 1981). Those persons who requested to speak at the earlier hearing will be listed as speakers at the November 12 hearing, unless they notify ERA to the countrary. Although the written comment period will not be changed, all participants at the hearing will be given an opportunity after the hearing to supplement their written comments on the basis of any new issues raised at the hearing.

Due to the broad scope of this rulemaking and to assist ERA in preparing for the hearing, it would be appreciated if all persons requesting to speak would indicate in their request the particular issues they will be addressing in their oral presentation.

DATES: Written comments are due by November 3, 1981, 4:30 p.m. Requests to speak are due by November 3, 1981, 4:30 p.m.

Hearing to be held on November 12, 1981, at 10:00 a.m., e.s.t. and continued if necessary at the same location on the next business day.

ADDRESS: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Division, Economic Regulatory Administration, Docket No. ERA-R-81-05, Room B-210, RG-33, 2000 M Street, NW., Washington, D.C. 20461.

Hearing location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Cynthia A. Ford (Public Hearing Division), Economic Regulatory Administration, 2000 M Street NW., Room B-210, RG-30, Washington, D.C. 20461 (202) 653-3081

Paula A. Daigneault (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7109, RG-13, Washington, D.C. 20461, (202) 653-3220

Michael T. Skinker (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6E-042, GC-15, Washington, D.C. 20585 (202) 252-6667.

Issued in Washington, D.C., October 2, 1981.

F. Scott Bush,

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

[FR Doc. 81-29265 Filed 10-7-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-69-AD]

Airworthiness Directives: McDonnell Douglas Model DC-10-40 Airplanes Equipped With Pratt and Whitney JT9D-20 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require replacement of the 20 nose cowl attachment bolts and nuts with higher strength parts on each wing-mounted engine installed on Douglas Model DC-10-40 airplanes equipped with Pratt and Whitney JT9D-20 series engines. This AD is needed to minimize the possibility of the nose cowl separating from the engine in the event of a fan blade failure during high power operation.

DATES: Comments must be received not later than December 4, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). Comments may be submitted to and information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Duane Naff, Aerospace Engineer, ANW-140L, Federal Aviation Administration, Northwest Region, Los Angeles Area

Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

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 or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each Federal Aviation Administration public contact concerned with the substance of this proposal will be filed in the Rules 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, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-69-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

During a recent incident involving a DC-10-40 aircraft, the number three engine nose cowl separated from the aircraft as a result of a fan blade failure.

Investigation revealed that several attachment bolts were sheared and/or pulled from the nutplates as a result of the initial impact of the failed blade. The remaining fasteners were unable to retain the nose cowl with the combination of aerodynamic loads and imbalance forces.

The stronger bolts and nuts which would be required under this AD will minimize the possibility of nose cowl separation resulting from similar occurrences.

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:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-40 airplanes equipped with Pratt and Whitney JT9D-20 series engines, certificated in all categories. Compliance required within twelve (12) calendar months from the effective date of this AD, unless already accomplished.

To minimize the possibility of the nose cowl separating from the engine, in the event of fan blade failure, accomplish the following:

A. Replace the nose cowl attaching bolts and nuts on engines 1 and 3 as outlined in the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 71-123 dated June 23, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

B. Alternate means of compliance with the AD which provide an equivalant level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

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 proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way Suoth, Steattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 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 it involves few, if any, such 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 Seattle, Washington, on September 30, 1981.

Robert O. Brown,

Acting Director, Northwest Region.

[FR Doc. 81-29268 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812-3000]

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

Correction

In FR Doc. 81-27812 appearing on page 47088, in the issue of Thursday, September 24, 1981, make the following correction:

On page 47090, middle column, the third line of the fourth complete paragraph, reading "retention of both materials which", should have read "retention of both materials which support the ad claims, as well as those which".

BILLING CODE 1505-01-M

16 CFR Part 13

[File No. 802-3099]

Volkswagen of America, Inc.; Proposed Consent Agreement with Analysis To Aid Public Comment

Correction

In FR Doc. 81-28094 appearing on page 47619, in the issue of Tuesday, September 29, 1981, make the following corrections:

1. On page 47621, third column, the designation *"Exhibit B"* was omitted between the lines reading: "Volkswagen of America, Inc." and "Reimbursement Request Engine Repair Due to Diesel Oil Filter Leak".

2. On page 47622, second column, eighth line under *"Reimbursement Offer"* reading "engine part that had to be repaired or" should have read "engine part that had to be".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-062]

Drawbridge Operation Regulations; Willamette River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of Multnomah County, Oregon, the Coast Guard will consider changing the regulations governing the Morrison, Burnside and Broadway Bridges across the Willamette

River at Portland, Oregon. The proposed change would require that requests for bridge openings be made in advance. This proposal is being made because of limited requests for openings of the draws. This action may relieve the bridge owner of the burden of having persons constantly available to open the draws and may still provide for the reasonable needs of navigation.

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

ADDRESS: Comments should be submitted to, and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, District Bridge Administrator, Aids to Navigation Branch, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174, telephone (206) 442-5864.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: John E. Mikesell, District Bridge Administrator and Lt. B. W. Edwards of the District Legal Officer's Staff.

Discussion of the Proposed Regulations

Under current operating regulations, the four Multnomah County drawbridges across the Willamette River at Portland, Oregon, are under constant attendance and open upon request for the passage of vessels, except during authorized closed periods. During the course of a five week strike by county employees, which included bridge tenders for the Hawthorne, Morrison, Burnside and Broadway Bridges, the bridges were manned during the day shift only, with other hours being handled on a call-back basis. It was determined, by Multnomah County, that this method of operation presented no problems in providing a satisfactory level of service to maritime traffic. During the strike, the Coast Guard received no complaints concerning the operation of the affected bridges.

Based upon experience gained during the strike, Multnomah County has requested that the operating regulations for the Morrison, Burnside and Broadway Bridges be changed to require advance notice be given for bridge openings, except when the water elevation reaches +12 feet and during Rose Festival Week, at which times all bridges would open on call. On weekdays, Monday through Friday, between the hours of 0800 and 1630, one hour advance notice would be required for bridge openings; at all other times two hours advance notice would be required. Advance notification of required openings would be made by contacting the drawtender at the Hawthorne Bridge by marine radio, telephone, or other suitable means. Operation of the advance notice bridges would be accomplished by the use of on-call bridge operators and trained bridge maintenance personnel. The owner of the bridges proposes to install clearance gauges at the drawspan on each of the 4 bridges involved, one on the downstream side of the westerly pier and one on the upstream side of the easterly pier. The bridge owner also proposes to install informational signs upstream of the Hawthorne Bridge and downstream of the Broadway Bridge. In the event of an emergency requiring immediate opening of one of the bridges, it is proposed that the Hawthorne Bridge operator would radio the Coast Guard alerting them of the emergency and that the Hawthorne Bridge would be unmanned for the period of time required to attend to the emergency. A review of bridge openings for the past year indicates that the Morrison, Burnside and Broadway Bridges average less than one opening per day each, with about half of the openings occurring at night. Twenty three companies or organizations, identified as having an interest in navigation on this reach of the Willamette River, were contacted for a preliminary response to the proposal. Six responses were received, four had no objection, one was concerned about safety and one about the convenience of passage.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.750 to read as follows:

§ 117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg., bridges (highway and railroad); signals.

(a) The draws of the Burlington Northern railroad bridges at Vancouver, Wash., and at St. Johns, Oreg., shall open on signal.

(b) The draws of the Interstate Highway Bridge at Vancouver, Wash., the Union Pacific railroad/highway bridge, and Hawthorne Bridge at Portland, Oreg., shall open on signal, except during closed periods (see paragraph (i)(1) of this section, and § 117.758a).

(c) The draws of the Broadway, Burnside and Morrison Bridges at Portland, Oreg., shall:

(1) Open on signal, except during closed periods (see paragraph (i)(1) of this section), on weekdays Monday through Friday, between the hours of 0800 to 1630, if at least one hour notice is given, and at all other times if at least two hours notice is given. Notice shall be given by marine radio, telephone or other means to the drawtender of the Hawthorne Bridge.

(2) Open on signal for the emergency passage of harbor patrol and fireboats if notice is given to drawtender at the Hawthorne Bridge. At such times the Hawthorne Bridge will be unmanned and cannot open for the passage of vessels.

(3) Open on signal, except during closed periods (see paragraph (i)(1) of this section), without advance notice when the water elevation reaches and remains above +12 feet.

(4) Open on signal, except during closed periods (see paragraph (i)(1) of this section), without advance notice during Portland Rose Festival Week.

(d) Call signals for opening of draw. These signals shall be as prescribed for each bridge in paragraph (e) of this section. It is given by vessels as notice to bridge operators to open the draw, or in case the draw is already open, that they intend to pass through. A call signal given twice in rapid succession indicates that vessel has authority to pass bridges during closed periods (see paragraph (i)(1) of this section).

(e) Answering signals—(1) Acknowledging signal. Shall be the same as the call signal for each bridge. Its purpose is to acknowledge the call signal of a vessel and to indicate that the operator intends to open the draw as soon as practicable, or that he will hold it open.

(2) Danger signal. Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary. Its purpose is to answer the call signal of a vessel and to indicate that the draw cannot, or will not, be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open, is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(3) Rescinding signal. Shall be the reverse of the call signal for each bridge. It is given by a vessel to cancel a previous call signal, to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(4) Answer to rescinding signal. (i) Answer by the bridge operator to a rescinding signal shall be the danger signal (see paragraph (e)(2) of this section).

(5) Call signals. The following call signals are prescribed for vessels wishing to have the drawspans opened or held open.

(i) Burlington Northern railroad bridge, at Vancouver, Wash., one long followed by one short blast.

(ii) Interstate Highway Bridge, at Vancouver, Wash., two long followed by one short blast.

(iii) (Reserved)

(iv) Burlington Northern railroad bridge, at St. Johns, Oreg., one long followed by one short blast.

(v) Broadway Bridge, two long followed by one short blast.

(vi) Union Pacific Railroad bridge, one long followed by one short blast.

(vii) Burnside Bridge, one long followed by two short blasts.

(viii) Morrison Bridge, one long followed by three short blasts.

(ix) Hawthorne Bridge, one long followed by four short blasts.

Call signals may be given on any form of whistle, horn, siren, or trumpet with sufficient range or volume to be heard by bridge operators.

(f) To bridge owners. All bridges to which this section applies shall be equipped with suitable air whistles of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream under adverse wind and weather conditions for a distance of 2,500 feet, except for the Burlington Northern Railroad Co. bridges over the Columbia and Willamette Rivers, which shall have a range of at least 5,000 feet under the same conditions.

(g) To navigators. (1) A vessel, desiring at any time (except during closed periods, and except for bridges which require advance notice, see paragraphs (c)(1) and (i)(1) of this section) to pass through any of the above-mentioned bridges, under which it cannot pass with the draw closed, shall sound the call signal for such bridge as prescribed in paragraph (e) of this section, and shall repeat such signal at intervals until it is answered by the operator of the bridge (see paragraphs (d) and (h) of this section). In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream should be considered as having the right of way. When either vessel waits for passage of the other, it shall again give the call signal for the bridge and receive acknowledgement before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(2) Vessels authorized to pass through bridges during closed periods, as provided in paragraph (i)(1) of this section and in the case of the Broadway, Burnside and Morrison Bridges, after contacting the drawtender at the Hawthorne Bridge, shall sound the call signal twice in rapid succession. Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(3) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the harbor of Portland, and all towboats engaged in handling other craft or in towing logs through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(4) Vessels with hinged or adjustable masts or booms projecting above their fixed structures shall lower same and pass under the bridge, if practicable, without signaling for the draw to open.

(h) To bridge operators. (1) If the bridge is already open, when a call signal is given, the operator shall promptly answer the vessel calling by giving the acknowledging signal or hold it open, as the case may be.

(2) In case the draw cannot be opened at once when the call signal is given, the operator shall promptly answer the vessel calling by giving the danger signal and shall repeat same, if necessary. As soon as the exigency which prevented opening has been removed the bridge operator shall promptly sound the regular acknowledging signal for that bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(3) When two vessels arrive at a bridge at or near the same time and blow the call signal, lift spans, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge operator shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not understood by a bridge operator, when the draw is open he shall sound the danger signal as a warning to vessels that he is about to close the draw.

(4) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the bridge operator shall answer with the danger signal (four or more short blasts) and may then close the draw, or need not open it.

(i) Closed periods. (1) The periods from 7 a.m. to 8:30 a.m. and 4 p.m. to 5:30 p.m. are hereby designated closed periods during which the draw spans of bridges carrying street traffic over the Willamette River at Portland shall not be opened to navigation except as below provided, or when necessary to prevent accident.

(2) Closed periods above defined shall not be effective on Saturday, Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, or days observed in lieu of these under State law: Provided, That closed periods shall not apply against harbor patrol or fireboats

answering calls. At the Broadway Bridge only, oceangoing vessels of 750 gross tons or over that are entering the harbor directly from the ocean, and who have given advance notice (see paragraph (c) of this section) may signal and pass through this bridge at any hour. Vessels authorized to pass through bridges during closed periods or in case of emergency when opening of the draw is necessary to prevent accident, shall sound the call signal twice in rapid succession, i.e., with an interval of not over 5 seconds between signals. The Broadway Bridge shall be opened, however, for oceangoing vessels of 750 tons or over under the rule above whether the vessel gives a single or double call signal.

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

Dated: September 2, 1981.

R. I. Copin,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 81-29314 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD5 81-11R]

Drawbridge Operation Regulations; North Landing River (AIWW), Va.; U.S. Government Bridge at Chesapeake

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Norfolk District Engineer, Corps of Engineers, Norfolk, Virginia, the Coast Guard is considering the establishment of regulations that would limit the opening of the drawbridge across the Atlantic Intracoastal Waterway, (North Landing River), mile 20.2 at Chesapeake, Virginia. This proposal is being made in order to reduce the number of draw openings and improve the flow of vehicular traffic across the bridge. This action will reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation.

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

ADDRESS: Comments should be submitted to and are available for review from 8 a.m. to 4:30 p.m., Monday through Friday at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written comments. Persons submitting comments should include their name and address, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement of their comments should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605(b) of the Regulatory Flexibility (Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

These conclusions are supported in the following discussion of the Proposed Regulations.

Drafting Information

The principal persons involved in drafting this proposal are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and LCDR Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulations

The proposed regulations would restrict draw openings to the hour and half-hour for the passage of pleasure craft from 6 a.m. to 7 p.m. every day throughout the year. At all other times the bridge would open on signal for the passage of pleasure craft. Commercial vessel traffic would not be affected by the proposed regulations. It is understood that the proposed regulations would reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation. With this in mind, it is reasonable to assume that the proposed regulations are in the public interest.

There are no known businesses that will be significantly impacted by the proposed regulations. Since the regulations only affect pleasure craft, the only costs will be those of minor time delays and fuel used by these entities. This cost is considered insignificant because the time delays will be one-half hour or less.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.351 to read as follows.

§ 117.351 North Landing River (AIWW), Va.; U.S. Government bridge at Chesapeake.

(a) From 6 a.m. to 7 p.m. the draw will open on the hour and half-hour for the passage of pleasure craft.

(b) from 7 p.m. to 6 a.m. the draw will open on signal for the passage of pleasure craft.

(c) The drawbridge shall open on signal at any time for public vessels of the United States, commercial vessels and any vessel in an emergency involving danger to life or property. The signal to request an emergency opening is four or more short blasts of a whistle or horn.

(d) A copy of the regulations in this section shall be posted on both sides of the bridge.

(Sec. 5. 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655(g) (2)); 49 CFR 1.46 (c)(5), 33 CFR 1.05-1(g)(3))

Dated: August 21, 1981.

John D. Costello,

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

[FR Doc. 81-29315 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291 "Federal

Regulation" dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and currently effective rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, 202-724-0367.

SEMIANNUAL AGENDA OF REGULATIONS:

Regulations to be issued:

Nondiscrimination on the Basis of Handicap;

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from NEH;

Nondiscrimination on the Basis of Sex;

Regulation under review:

Nondiscrimination on the Basis of Race, Color, or National Origin Within NEH-Funded Programs

None of the above regulations is a "major rule" within the meaning of Executive Order 12291, nor would any of the regulations have a significant economic impact on a substantial number of small entities.

Dated: September 30, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-29333 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 33, 75, 94, 160, 180, and 192

[CGD 79-167]

Life Floats and Buoyant Apparatus; Requirements for Painters With Float-Free Links and Other Changes

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: This proposal would require that life floats and buoyant apparatus on tank vessels, passenger vessels, cargo and miscellaneous vessels, small passenger vessels, and oceanographic vessels be secured to the vessel by means of a painter and a float-free link. A new specification regulation would be added for the float-free link, and the specification regulations for life floats and buoyant apparatus would be revised to require that each new life float and buoyant apparatus be equipped with a painter attachment fitting and a float-free link. This proposal is intended to prevent life floats and buoyant apparatus from quickly drifting away from a vessel casualty. The need for this action arises from a vessel casualty in which some loss of life might have been prevented if the buoyant apparatus had not been carried away. In addition, this proposal would revise the specification regulations for life floats and buoyant apparatus to require that each new life float and buoyant apparatus be equipped with retroreflective material in order to make it more visible in night searches. A number of other changes are proposed to the specification regulations to bring construction methods and documents incorporated by reference up to date.

DATES: Comments must be received on or before January 6, 1982.

ADDRESSES: (1) Comments should be mailed to the Commandant (G-CMC/24) (CGD 79-167), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7:00 A.M. and 5:00 P.M. Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/24) Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC.

(2) The Draft Evaluation has been included in the public docket for this rule making, and may be examined at the Marine Safety Council (G-CMC/24) at the address listed above.

(3) Copies of Report No. NTSB-MAR-79-1 are available from the National Technical Information Service, Springfield, VA 22151, or from the National Transportation Safety Board, Washington, DC 20594.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G-MMT-3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426-1444.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Comments should include names and addresses, identify this notice (CGD 79-167) and the specific section of the proposal, and give reasons. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if a written request raises a genuine issue.

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Michael Mervin, Office of the Chief Counsel.

Discussion of the Proposed Regulations

a. Painters and Float-Free Links for Life Floats and Buoyant Apparatus

This proposal would amend the regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, small passenger vessels, and oceanographic vessels to require that life floats and buoyant apparatus, where carried, would have to be equipped with a painter at least 30 m (100 ft.) long. The painter would have to be attached to the vessel at one end and to the apparatus at the other end through a float-free link. (Throughout the rest of this document, the term "apparatus" refers to both life floats and buoyant apparatus.) Operators of affected vessels would have to retrofit the apparatus on board their vessels with painters and float-free links within one year of publication of the final rules.

The float-free link would consist of a wire with a loop secured in each end. For apparatus between 6 and 40 persons capacity, the link would be of a strength approximately 25% to 75% of the buoyancy of the apparatus. For larger apparatus, the percentage is smaller, but the link would have a minimum strength of 1800 N (400 lb.). This would keep the apparatus near a vessel that capsizes or sinks in water that is not as deep as the length of the painter; however, the float-free link would prevent the apparatus from being submerged by a vessel that sinks in deeper waters. The painter would be required to have a strength of 17 kN (3800 lb.). This is about twice the buoyant force of the largest apparatus made, so there is an ample margin of safety on the strength of the painter. It is also equivalent to the strength of the 2 in. circumference manila painter required for life floats and buoyant apparatus in the current regulations, so that it would be necessary only to supply an additional 22 m (72 ft.) length of painter rather than completely replace the painter already on the vessel. To retain this strength, painters must be resistant to deterioration in ultra-violet light.

Some larger existing apparatus have painter attachment fittings which can be used for attaching the float-free link. Smaller apparatus have not been required to be equipped with such fittings, so it will be necessary to secure the float-free link to the apparatus with

a wire or rope wrapped around the body of the device. Since a painter is now required, all apparatus should already have an arrangement of this type.

An alternative approach wold be to allow the use of smaller painters for small apparatus. For the smallest life floats and buoyant apparatus, this could result in a savings of up to an estimated $13 on the full length of painter or $9 for the additional 22 m (72 ft.) of painter that would be be required to meet these proposed regulations. This has not been proposed because it would add complexity to the regulations and their enforcement. Comments are specifically invited on this matter.

This proposal is the result of a recommendation from the National Transportation Safety Board's investigation of the capsizing of the DIXIE LEE II in which 13 of the 27 persons on board drowned (NTSB recommendation M-79-7). The Board concluded that the loss of the buoyant apparatus (it was not tethered to the vessel and floated away) contributed to the loss of life after the capsizing. The complete report of the Board may be found in report no. NTSB-MAR-79-1 (see the Addresses section for information on how to obtain copies of the report).

Althought the casualty involved a small passenger vessel, the rules proposed in this document would apply to all inspected vessels that carry life floats or buoyant apparatus since the same problems that occurred in the DIXIE LEE II incident would occur in any accident involving a life float or buoyant apparatus. There are, however, very few inspected vessels other than small passenger vessels that carry this apparatus. These include tank vessels operating on certain sheltered waters, some offshore supply vessels operating in the Gulf of Mexico, and passenger vessels on international voyages.

b. Float-Free Link Specification Regulation

In addition to the proposed amendments to the vessel regulations, a new specification regulation for a float-free link is proposed in this document. It is identified as Subpart 160.073 and describes a link that can be constructed inexpensively, without the need for Coast Guard approval and inspection. This will enable almost anyone with modest workshop facilities to construct the devices.

c. Revisions to Life Float and Buoyant Apparatus Specification Regulations

Under this proposal, the buoyant apparatus manufacturer would be required to provide a float-free link with each apparatus, so that it will be ready for proper installation when it is received by the vessel operator.

A requirement is also being proposed for a painter attachment fitting on each new apparatus. The existing buoyant apparatus specification regulation requires a painter attachment fitting for all apparatus weighing over 75 lb., so that smaller apparatus must now have a wire or line tied around them in order to attach the painter. The painter attachment fitting would make this unnecessary. The amended requirements also include a strength test for the painter attachment fitting which would require that the fitting withstand twice the buoyant force of the apparatus.

A requirement for each new buoyant apparatus to be equipped with retroreflective material is being proposed. Retroreflective material increases visibility of lifesaving equipment under searchlights, improving the chances of rescue at night. The proposed regulation is consistent with Resolution A.274(VIII) of the Inter-governmental Maritime Consultative Organization (IMCO), "Recommendation on Retro-reflective Tapes on Life-saving Appliances." The Coast Guard intends to eventually require all lifesaving equipment on commercial vessels to be equipped with this material to aid search and rescue at night. The proposed regulations would not require existing devices to be retrofitted with retroreflective material. By limiting the requirement to new apparatus, the retroreflective material can be applied under controlled conditions and should last for the life of the device.

In addition to the proposed requirements for float-free links, painter attachment fittings, and retroreflective material, a number of other revisions to the life float and buoyant apparatus specification regulations are also proposed in this document. These revisions would reorganize the regulations to make them clearer, delete references to obsolete material, include requirements for modern plastic apparatus construction, include requirements for tests and inspections by independent laboratories, and make a number of minor revisions.

It is proposed to shorten the life float specification regulation (Subpart 160.027) by referencing the buoyant apparatus specification regulation (Subpart 160.010) for most of the construction and test requirements. This is possible because the life float is just a special type of buoyant apparatus. This arrangement will shorten the total space required by the two specification regulations and will ensure the uniformity of requirements for the two devices.

Another proposed change is the use of independent laboratories to supervise the tests and inspections that are conducted for approval and production quality control. The independent laboratories replace Coast Guard inspectors in performing these functions. The approval and production inspection and test proecedures were established in a final rule (CGD 76-048) that was published in the Federal Register on December 17, 1979 (44 FR 73038). The revised specification regulations for the life floats and buoyant apparatus would reference these procedures.

The list of documents incorporated by reference into the proposed revised life float and buoyant apparatus specification regulations has been revised to delete outdated documents and to comply with the current requirements of the Office of the Federal Register on incorporations by reference.

Reference to old drawing of life floats and buoyant apparatus has been dropped since these drawings are of obsolete balsa wood types. Important features of these drawings have been extracted and are now part of the proposed revised regulations either as figures or word descriptions.

The revision to the buoyant apparatus specification regulation would delete all reference to construction using balsa wood and metal air tanks. Construction of this sort is obsolete, and no such devices have been approved for new construction for many years. Instead, the specification includes requirements for construction of the apparatus with plastic buoyancy foam. This type of construction is now used exclusively for these devices, although specific requirements have not been proposed until now. The proposed requirements are based on similar requirements for lifeboats and ring life buoys, as well as the existing methods of apparatus construction. All currently approved life floats and buoyant apparatus meet these requirements and will not have to be retested for approval if the amendments are adopted.

A new requirement is being proposed for corrosion resistance of metal parts. All metal parts would be required to have the corrosion resistance of 410 stainless steel and not be in contact with galvanically incompatible metals. This proposed requirement is intended to prevent corrosion of metal in a salt air environment.

The maximum permissible lot size for buoyant apparatus has been increased from 50 to 300. This proposal would

make buoyant apparatus lot sizes consistent with the existing 300 unit lot maximum that applies now only to life floats.

A bean loading test has been described as an alternate strength test for production testing of peripheral body type buoyant apparatus. (A peripheral body type buoyant apparatus is pictured in Figure 160.010-3(p) of this proposal.) This test has been permitted as an alternate in the past, but it was contained in a referenced Navy specification that has been cancelled.

The proposed requirements would also permit manufacturers to discontinue buoyancy and watertight integrity tests as part of the required production tests, provided that controls are maintained on the amount and quality of buoyancy foam used in the construction of the apparatus. This will allow some cost savings with no loss of quality. These tests were necessary on a regular basis for the old types of construction since there would be some variance between different balsa apparatus, and since air leaks were possible in air tank type devices.

In the life float specification regulation, some alternate types of platform design have been described. This proposed change includes requirements for plywood platforms and for net platforms, both of which are currently made by some manufacturers. These requirements are based on current practice and will not cause any changes in currently approved life floats. Tests for accepting platforms of alternative construction are prescribed.

Finally, a number of editorial changes are being proposed to improve the wording of the specification regulations. Measurements are specified in SI (metric) units with customary U.S. units following them parentheses.

Effective Date

The effective date for the new float-free link specification regulation and the revised specification regulations for life floats and buoyant apparatus, would be 6 months after publication of the final rules. The effective date for the other rules requiring apparatus to be equipped with 30 m painters and float-free links would be one year after publication of the final rules. This will give vessel operators, independent laboratories and apparatus manufacturers sufficient time to prepare for and implement the changes that would be required.

Draft Evaluation

A Draft Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Order on Regulatory Policies and Procedures. That order (DOT 2100.5, 5/22/80, 44 FR 11034, 2/26/79 as amended by 44 FR 28126, 5/14/79) requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and federal, state, and local governments, as well as the anticipated benefits and impact of the regulations. The Draft Evaluation also includes the Environmental Assessment required by the National Environmental Policy Act of 1969 (Pub. L. 91-190). This proposed rule making has also been evaluated under Executive Order 12291 ("Federal Regulation," 2/17/81, 46 FR 13193, 2/19/81), and has been determined not to be a "major rule" as defined in that order since the annual effect on the economy would be less than $100 million and no major increase in prices will result.

This proposal is expected to result in an initial cost of about $170,000 and a recurring annual cost of about $35,000. These costs will be imposed directly on the private sector (the manufacturers of life floats and buoyant apparatus, and operators of affected vessels. The manufacturers and operators are expected to pass the costs through to the ultimate consumers of affected maritime services in the form of price increases. However, because of the low overall cost of the proposal, increases in individual prices will be negligible. There is no effect on federal, state, and local governments except in their capacities as users of life floats and buoyant apparatus and as consumers of maritime services. Implementation and enforcement of these rules would be accomplished within the scope of current Coast Guard marine safety activities, so that there will not be any need for additional federal budget commitments. The primary benefit identified for the proposal is improved effectiveness for life floats and buoyant apparatus by preventing them from floating away from the scene of a vessel casualty.

An initial regulatory flexibility analysis is required by the Regulatory Flexibility Act (Pub. L. 96-354) unless the proposed rule will not have a significant impact on a substantial number of small entities. It is hereby certified that an initial regulatory flexibility analysis is not required and that this proposed rule making would not have a significant impact on any affected entity. The small entities that would be affected by the proposed rule are primarily the owner-operators of tour, fishing, and charter boat businesses. The average initial cost of these proposed regulations would be about $17 for each affected boat, with an average annual upkeep or replacement cost of less than $1 for each affected boat. This is not a significant impact on any operator. Many life float and buoyant apparatus manufacturers are small businesses. This proposed rule making would add about $12.50 to the cost of each device produced. The average price of these devices at retail is about $500. The added cost would not be a significant impact on these producers.

In consideration of the foregoing, the Coast Guard proposes to amend Title 46 of the Code of Federal Regulations as follows.

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING EQUIPMENT

1. By adding the following entry for § 33.20-25 to the table of contents of Part 33 as follows:

* * * * *

Subpart 33.20—Stowage of Lifeboats, Liferafts, and Buoyant Apparatus

Sec.

* * * * *

33.20-25 Stowage of buoyant apparatus—TB/LBR.

* * * * *

2. Section 33.15-15(a) is amended by revising Table 33.15-15(a) to read as follows:

§ 33.15-15 Required equipment for rigid type liferafts and buoyant apparatus—TB/LBR.

* * * * *

TABLE 33.15-15 (a)

Letter identification	Item	Liferaft		
		Great Lakes	Lakes, bays, sounds, rivers	Buoyant apparatus—All waters
a	Boathook	1	1	None.
b	Lifeline	[1] 1	[1] 1	[1] 1.
c	Matches (boxes)	1	None	None.
d	Oars (units)	[2] 1	[2] 1	None.
e	Oil, storm (gallons).	1	None	None
f	Painter	1	1	[3] 1.
g	Rowlocks(units)	[2] 1	[2] 1	None.
h	Sea anchor	1	None	None.
i	Signals, distress (units).	[2] 1	None	None.
j	Water tight	1	None	[4] [5] 1.

[1] Not required on Type A liferafts.
[2] For description of unit see Section 33 15-20.
[3] See § 33.20-25(a)(3).
[4] Not required on buoyant apparatus for less than 25 persons.
[5] Applies to ocean, coast wise and Great Lakes routes.

(46 U.S.C. 391a; 49 CFR 1.46)

3. By revising § 33.15-20(f) to read as follows:

§ 33.15-20 Description of equipment for liferafts and buoyant apparatus—TB/LBR.

* * * * *

(f) *Painter.* Liferaft painters must be of manila rope not less than 69 mm (2¾ in.) in circumference and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel. Painters for buoyant apparatus are described in § 33.20–25(a)(3).

* * * * *

(46 U.S.C. 391a; 49 CFR 1.46)

4. By revising § 33.20–20 as follows:

§ 33.20–20 Hydraulic releases—TB/ALL.

(a) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 391a; 49 CFR 1.46)

5. By adding a new § 33.20–25 to read as follows:

§ 33.20–25 Stowage of buoyant apparatus—TB/LBR.

(a) Each buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) The painter must—

(i) Be at least 30 m (100 ft.) long,

(ii) Have a breaking strength of at least 17 kN (3800 lb.),

(iii) If plastic, be of a dark color or be of a type certified to be resistant to deterioration from ultraviolet light,

(iv) Be secured to the vessel at the end opposite the float-free link, and

(v) Be faked in such a way that it runs out freely when the buoyant apparatus floats away from the sinking vessel.

(4) If the buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(46 U.S.C. 391a, 49 CFR 1.46)

SUBCHAPTER H—PASSENGER VESSELS

PART 75—LIFESAVING EQUIPMENT

6. By revising § 75.15–10(d) and –10(e) to read as follows:

§ 75.15–10 Stowage.

* * * * *

(d) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

7. By revising § 75.20–35(d) as follows:

§ 75.20–35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long, but not less than 3 times the distance between the deck on which the life floats and buoyant apparatus are stowed and the light draft of the vessel,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 94—LIFESAVING EQUIPMENT

8. By revising § 94.15–10(d) and –10(e) to read as follows:

§ 94.15–10 Stowage.

* * * * *

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet regulations of Subpart 160.062 of this Chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

9. By revising § 94.20-35(d) as follows:

§ 94.20-35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION AND MATERIALS: SPECIFICATIONS AND APPROVAL

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

10. By revising Subpart 160.010 to read as follows:

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

Sec.

160.010-1 Incorporations by reference.
160.010-2 Definitions.
160.010-3 General requirements for buoyant apparatus.
160.010-4 Buoyant apparatus with plastic foam buoyancy.
160.010-6 Capacity of buoyant apparatus.
160.010-7 Methods of sampling, inspections and tests.
160.010-8 Nameplate and marking.
160.010-9 Procedure for approval.
160.010-11 Independent laboratory.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

§ 160.010-1 Incorporations by reference.

(a) The following National Bureau of Standards publication is incorporated by reference into this subpart:

(1) "The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names,* National Bureau of Standards Special Publication 440.

(b) The following Military Specifications are incorporated by reference into this subpart:

(1) MIL-P-19644 C—Plastic Molding Material (Polystyrene Foam, Expanded Bead).

(2) MIL-P-21607 C—Resins, Polyester, Low Pressure Laminating, Fire Retardant.

(3) MIL-P-21929 B—Plastic Material, Cellular Polyurethane, Foam-In-Place, Rigid (2 and 4 Pounds per Cubic Foot).

(4) MIL-P-40619 A—Plastic Material, Cellular, Polystrene (For Buoyancy Applications).

§ 160.010-2 Definitions.

(a) *Buoyant apparatus.* Buoyant apparatus is flotation equipment (other than lifeboats, liferafts, and personal flotation devices) designed to support a specified number of persons in the water, and of such construction that it retains its shape and properties and requires no adjustment or preparation for use. The types of buoyant apparatus generally in use are the box-float type and the peripheral-body type defined in paragraphs (b) and (c) of this section.

(b) *Box-float.* Box-float is buoyant apparatus of a box-like shape.

(c) *Peripheral-body.* Peripheral body is buoyant apparatus with a continuous body in the shape of either an ellipse or rectangle with a circular, elliptical, or rectangular body cross-section.

§ 160.010-3 General requirements for buoyant apparatus.

(a) Each buoyant apparatus must be capable of passing the tests in S/160.010-7.

(b) Materials not covered in this subpart must be of good quality and suitable for the purpose intended.

(c) Buoyant apparatus must be effective and stable, floating either side up.

(d) Each buoyant apparatus must be of such size and strength that it can be handled without the use of mechanical appliances, and its weight must not exceed 185 kg (400 lb.).

(e) The buoyant material must be as near as possible to the sides of the apparatus.

(f) Each buoyant apparatus must have a life line securely attached around the outside, festooned in bights no longer than 1 m (3 ft.), with a seine float in each bight, unless the line is of an inherently buoyant material and absorbs little or no water. The life line must be at least 10 mm (⅜ in.) diameter and have a breaking strength of at least 5400 N (1215 lb.).

(g) Pendants must be fitted approximately 450 mm (18 in.) apart around the outside of each buoyant apparatus. Each pendant must be at least 6 mm (¼ in.) diameter, at least 3.5 mm (12 ft.) long, secured in the middle, and have a breaking strength of at least 2400 N (540 lb.). Each pendant must be made up in a hank, and the hank secured by not more than two turns of light twine.

(h) Each peripheral body type buoyant apparatus without a net or platform on the inside must also have a life line and pendants around the inside.

(i) Plastic line or webbing must not be used unless it is of a type represented by its manufacturer as ultraviolet light resistant, or it is pigmented in a dark color. A typical method of securing lifelines and pendants to straps of webbing is shown in Figure 160.010-3(i). If webbing is used to secure lifelines and pendants, it must be at least 50 mm (2 in.) wide and must have a breaking strength of at least 3.4 kN (750 lb.) for apparatus of under 25 persons capacity, and 6.8 kN (1,500 lb.) for apparatus of 25 persons capacity and higher.

(j) Buoyant apparatus must have a fitting with an inside diameter of at least 50 mm (2 in.) for the attachment of a float-free link and painter. A float-free link meeting the requirements of Subpart 160.073 of this chapter must be attached to the painter attachment fitting.

(k) Each edge and exposed corner must be well rounded. Buoyant apparatus with a rectangular cross-section must have corners rounded to a radius of at least 75 mm (3 in.).

(l) Buoyant apparatus must not have any evident defects in workmanship.

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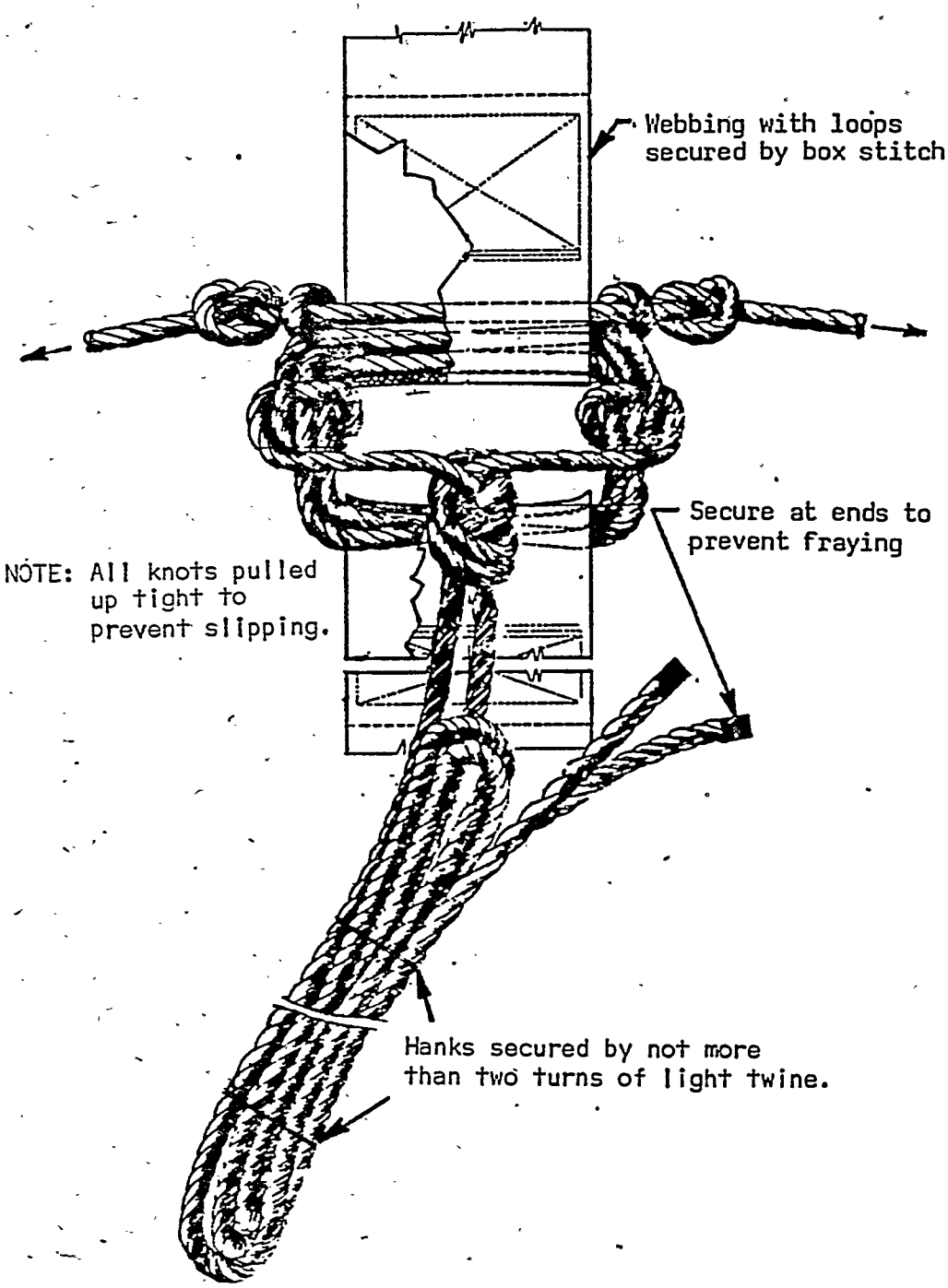

Figure 160.010-3(i)-Acceptable method of rigging a pendant.

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(m) Each metal part of a buoyant apparatus must be—

(1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and

(2) Galvanically compatible with each other metal part in contact with it.

(n) The color of the buoyant apparatus must be primarily vivid reddish orange as defined by Sections 13 and 14 of the "Color Names Dictionary."

(o) When fibrous-glass-reinforced plastic is used in the construction of a buoyant apparatus, each cut edge of laminate must be protected from entry of moisture by resin putty or an equivalent method.

(p) Each buoyant apparatus must have Type II retroreflective material meeting subpart 164.018 of this chapter on each side and end. The material must be in strips at least 50 mm (2 in.) wide extending from top to bottom over the side or end and continuing over the top and bottom surfaces of the apparatus. For peripheral body apparatus, each strip must extend completely over the top and bottom surface of the body. For box type apparatus, the strip must extend at least 300 mm (12 in.) inboard from the edge over the top and bottom surface. Each strip must be positioned near the center of the side or end, but so that it is not obscured by any strap. A typical arrangement is shown in Figure 160.010-3(p).

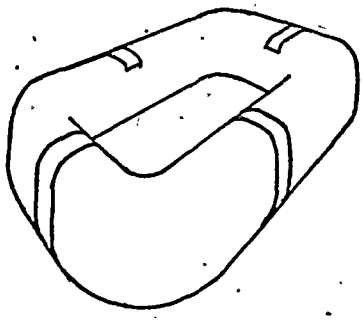


Figure 160.010-3(p)-Typical arrangement of retroreflective material (body fittings omitted).

§ 160.010-4 Buoyant apparatus with plastic foam buoyancy.

(a) Buoyant apparatus with plastic foam buoyancy must have a plastic foam body with an external protective covering. The body may be reinforced as necessary to meet the tests in § 160.010-7.

(b) Plastic foam used in the construction of buoyant apparatus must be a unicellular type accepted by the Commandant as meeting one of the following:

(1) Subpart 164.015 of this chapter.

(2) MIL-P-19644.

(3) MIL-P-21929.

(4) MIL-P-40619.

(c) The external protective covering must be—

(1) Fibrous-glass-reinforced plastic, constructed of a polyester resin listed on the current Qualified Products List for MIL-P-21607, or accepted by the Commandant as meeting MIL-P-21607;

(2) Elastomeric vinyl accepted by the Commandant as meeting § 160.055-3(j) of this Chapter; or

(3) Any other material accepted by the Commandant as providing equivalent protection for the body of the apparatus.

§ 160.010-6 Capacity of buoyant apparatus.

(a) The number of persons for which a buoyant apparatus is approved must be the lowest number determined by the following methods:

(1) Final buoyancy of the buoyant apparatus in Newtons after the watertight integrity test as described in §§ 160.010-7(e) and -7(f), divided by 145 (divided by 32 if buoyancy is measured in pounds). The divisor must be changed to 180 (40 if buoyancy is measured in pounds) if the apparatus is designed so that persons supported are only partially immersed or where facilities are provided for climbing on top of the apparatus.

(2) Number of 300 mm (1 ft.) increments in the outside perimeter of the buoyant apparatus. The inside edge of peripheral-body type buoyant apparatus is not considered in determining the capacity.

§ 160.010-7 Methods of sampling, inspections and tests.

(a) *General.* Production tests must be conducted under the procedures in Subpart 159.007 of this chapter. An inspector from the independent laboratory must inspect the place of manufacture, observe the various operations involved in the construction process and determine that buoyant apparatus are made in accordance with this subpart and of materials and parts conforming strictly with the plans and specifications submitted by the manufacturer and approved by the Commandant.

(b) *Sampling of production lots.* A production lot must consist of not more than 300 buoyant apparatus of the same design and capacity manufactured by one factory. Samples for production tests must be selected at random from each lot. The required sample size for various lot sizes is given in Table 160.010-7(b).

TABLE 160.010-7(b)—SAMPLE SIZE FOR VARIOUS LOT SIZES

Lot size	Sample size
0 to 30	1
31 to 60	2
61 to 90	3
91 to 300	4

(c) *Testing of sample buoyant apparatus from production lots.* Each sample buoyant apparatus selected for test from a production lot must be subjected to the tests described in paragraphs (d) through (g) of this section. The stability test in paragraph (h) must be performed whenever a question of stability arises.

(d) *Strength tests.* The buoyant apparatus tested for approval must be subjected to the drop test. Buoyant apparatus tested for production lot inspections must also be subjected to the drop test except that in the case of peripheral body type apparatus, the beam loading test may be substituted.

(1) *Drop test.* Drop the complete sample buoyant apparatus into still water from a height of 18 m (60 ft.) twice, once flat and once endwise. There must be no damage that would render the apparatus unserviceable.

(2) *Beam loading test.* The buoyant apparatus must be stood on edge on one of its longer sides. A wood block 600 mm (24 in.) long and wide enough to cover the body of the apparatus must be centered on the top edge of the apparatus. A loading beam must be set at right angles to the float at a height so that the beam is in a horizontal position with its center on the center of the wood block. The loading beam must be hinged at one end and a load applied at the other end at a uniform rate of 225 kg (500 lb.) per minute until the load at the end of the beam as shown on Table 160.010-7(d)(2) is reached. The beam is then held stationary for 10 minutes. The device used to apply the load must be a chain fall, hydraulic cylinder or other device that allows the device to unload as the strain on the buoyant apparatus relieves. At the end of the 10 minute

period, the drop in the load on the device must not exceed the maximum permissible drop shown in Table 160.010-7(d)(2). If the buoyant apparatus is not one of the sizes listed in the table, the loads must be determined by linear interpolation.

Note.—Because of the lever ratio of the beam loading apparatus described here, the actual loads applied to the apparatus are twice the loads shown in the Table.

TABLE 160.010-7(d)(2)—BEAM LOADING TEST

Size of buoyant apparatus (persons)	Test load (kg (lb.))	Maximum permissible drop (kg (lb.))
60	2,400 (5,280)	120 (264)
40	1,800 (3,960)	90 (198)
25	1,500 (3300)	75 (165)
15	1,200 (2,640)	60 (132)
10	900 (1,980)	45 (100)

(e) *Buoyancy test.* Known weights are loaded on the sample buoyant apparatus until it is awash. The buoyancy is the downward force exerted by the weights loaded on the apparatus. A raised platform of known weight having two runners on edge spaced so as to bear on the apparatus may be used to support the weights out of water to avoid the necessity for making allowances for the displacement of submerged weights. This test is not a required production test if the manufactuer—

(1) Uses the same plastic buoyancy foam used in previous production lots,

(2) Determines that the density of each batch of foam used is within a range specified on the approved plans, and

(3) Closely controls the amount of foam used in each apparatus.

(f) *Watertight integrity test.* The buoyant apparatus is submerged for 24 hours at a depth of 3 m (10 ft.) or equivalent water pressure. The final buoyancy of the buoyant apparatus is determined in accordance with paragraph (e) of this section. The final buoyancy must be at least 145 N (32 lb.) per person capacity of the buoyant apparatus, or 180 N (40 lb.) per person capacity of the apparatus is designed so that persons supported are only partially immersed or if facilities are provided for climbing on top of the apparatus. The loss of buoyancy must not exeed 5 percent of the initial buoyancy. This test is not a required production test if the manufacturer uses the plastic buoyancy foam controls permitted as an alternative to the buoyancy test in paragraph (e) of this section.

(g) *Painter attachment strength test.* The apparatus must be positioned with its painter attachment fitting at the lowest point of the apparatus, directly below the center of buoyancy. The apparatus must be suspended in this position from the highest edge. A load equal to twice the buoyancy of the apparatus must be suspended from the painter attachment fitting for 10 minutes. The fitting must remain firmly attached to the buoyant apparatus and the apparatus must not sustain any visible damage.

(h) *Stability test.* With the sample buoyant apparatus floating in water, a weight of 22.5 kg of iron per meter of length (15 lb. per foot) must be suspended in the water from the life lines along one of the longer edges. The same test must be performed along one of the shorter edges. The minimum weight along any one edge must be 27 kg (60 lb.). The buoyant apparatus must neither capsize nor become partially awash under either of these tests.

(i) *Weight test.* One buoyant apparatus of the lot submitted for approval must be weighed. The weight of the complete buoyant apparatus must be within the limit required in § 160.010-3(d).

(j) *Lot acceptance or rejection.* Inability of a sample buoyant apparatus to pass any one or more of the tests required in this section causes rejection of the lot. Each buoyant apparatus in a rejected lot must be reworked by the manufacturer to correct the defects found before the lot is resubmitted for inspection and testing.

§ 160.010-8 Nameplate and marking.

(a) A substantial nameplate must be permanently attached to each buoyant apparatus. The nameplate must contain the name of the manufacturer, symbol or serial number, approval number, dimensions, and number of persons capacity. Space must be provided for the date and the identification of the independent laboratory.

(b) The nameplates of buoyant apparatus accepted must be marked with the identification of the independent laboratory and the date.

§ 160.010-9 Procedure for approval.

(a) A buoyant apparatus is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) The tests required for approval are those in § 160.010-7, and must be performed on the first production lot of buoyant apparatus produced by the manufacturer.

§ 160.010-10 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

11. By revising Subpart 160.027 to read as follows:

Subpart 160.027—Life Floats for Merchant Vessels

Sec.

160.027-2 Type.
160.027-3 Additional requirements for life floats.
160.027-7 Pre-approval tests for alternate platform designs.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.027—Life Floats for Merchant Vessels

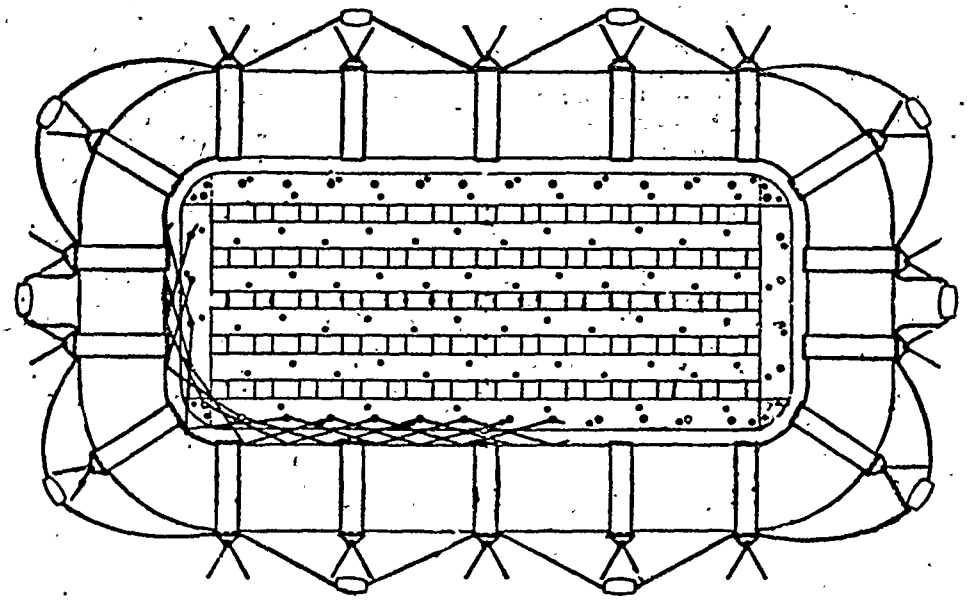
§ 160.027-2 Type.

(a) Each life float must meet the requirements in Subpart 160.010 of this chapter for a peripheral body type buoyant apparatus designed so that persons supported are only partially immersed (180 N (40 lb.) of buoyancy per person required).

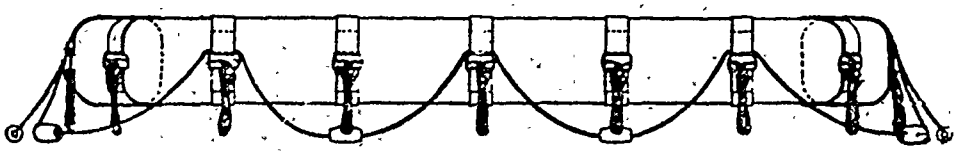
§ 160.027-3 Additional requirements for life floats.

(a) Each life float must have a platform designed to drop through the center of the float, whichever way the life float is floating. A typical arrangement is shown in Figure 160.027-3(a).

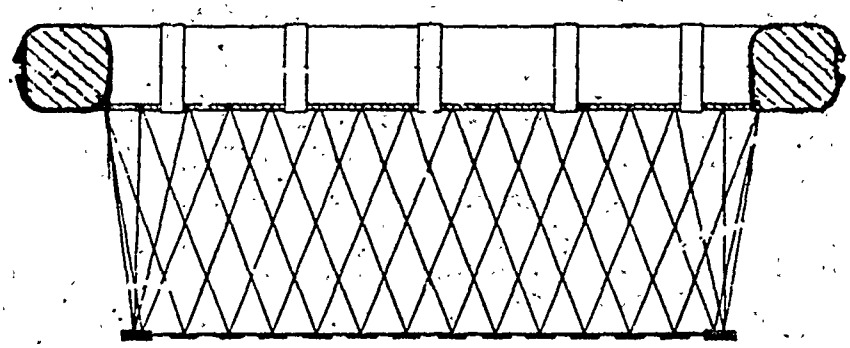
BILLING CODE 4910-14-M



PLAN



PROFILE



SECTION THRU FLOAT

Figure 160.027-3(a) - Typical Life Float.

BILLING CODE 4910-14-C

(b) The platform must meet the requirements of one of the following subparagraphs:

(1) A lattice type platform must be of western red cedar, port orford cedar, sitka spruce, northern white pine, or southern cypress slats constructed on an oak frame. The slats must have nominal cross-section dimensions not less than 90 mm (3⅝ in.) by 9.5 mm (⅜ in.). The frame members must have nominal cross-section dimensions not less than 100 mm (4 in.) by 12.5 mm (½ in.). The space between adjacent slats must not exceed the width of the slats. The space between each frame member and the adjacent slat must not exceed twice the width of the slats. The platform must be riveted together at each intersection of—

(i) Frame members,

(ii) Slats, and

(iii) Frame members and slats.

(2) A plywood platform must be made of exterior or marine type plywood with surfaces that are either "A" or "B" grade as commonly designated in the plywood industry. Holes 35 mm (1⅜ in.) to 50 mm (2 in.) in diameter must be drilled through the platform. The number of holes must be at least the number equal to (L–25) (W–25)/225, where L is the length of the platform in cm and W is the width of the platform in cm. (The formula is (L–10) (W–10)/36 where L and W are measured in inches.) The thickness of the plywood must be at least—

(i) 12.5 mm (½ in.) for life floats of 10 persons capacity and under,

(ii) 16 mm (⅝ in.) for life floats between 11 and 25 persons capacity inclusive, and

(iii) 19 mm (¾ in.) for life floats of 26 persons capacity and over.

(3) A platform of construction differing from that described in either (1) or (2) of this paragraph will be approved if it has holes to permit the passage of water and if it passes the tests in S/160.027–7. The number of holes must be the same as required for a plywood platform. If the platform is netting on a frame, the netting must be constructed of cordage with a breaking strength of at least 1600 N (355 lb.). The netting must be constructed on not more than 5 cm (2 in.) centers and must be knotted together at each point where the lines intersect.

(4) Each platform must have a surface that protects it from deterioration from exposure to weather. For a wood platform, this surface must be at least two coats of water resistant spar varnish, or two coats of marine paint.

(5) Each part of the platform, including surfaces, edges, and rivets must be smooth and must not have cutting edges, points, or splinters which would be dangerous for bare feet.

(6) The platform must be arranged so that under normal stowed conditions, it can be retained in the center of the float and can be readily released from this position for use.

(c) The platform must be suspended from the body of the float by a net or an equivalent arrangement, which when fully extended, holds the top of the platform approximately 900 mm (36 in.) below the center of the float body.

(1) The net must be constructed of cordage with a minimum breaking strength of 1600 N (355 lb.). The net must be attached to the platform through holes on centers that do not exceed 165 mm (6½ in.).

(2) If the platform is suspended from the body of the float by an arrangement other than a net as described in paragraph (c)(1) of this section, the arrangement must be of equivalent to the net in terms of strength, resistance to tangling, and allowing the platform to freely pass through the center of the life float body.

§ 160.027–7 Pre-approval tests for alternate platform designs.

(a) The tests in this section are for life float platforms that do not meet the requirements of either § 160.027–3(b) (1) or (2).

(b) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. The platform must be loaded evenly with a weight equal to 60 percent of the weight of the total number of persons for which the float is to be rated, assuming a weight of 75 kg (165 lb.) per person. The weight must be alowed to remain on the platform for ten minutes after which it is removed. The supporting arrangement and platform must not show any evidence of damage or permanent deformation as a result of this test.

(c) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. A bag of sand, shot or similar granular material weighing 90 kg (200 lb.) must be dropped onto the center of the platform from a height of 3 m (10 ft.). The supporting arrangement and platform must not show any damage that would affect the serviceability of the float or platform.

(d) As part of the buoyancy test required in S/160.010–7(e) of this chapter, the platform must be loaded with weights equal to ½ the rated capacity of the float. There must be no damage to the supporting arrangement or platform as a result of this test.

Note.—Since the weights on the platform will be submerged during this test, allowance must be made for the displacement of the submerged weights. The weight required is calculated by the formula W=(18d)/(d–4895), where W is the required submerged weight per person (in kg) and d is the density of the material (in kg/cu. m). (In customary U.S. units, the formula is W=(40d)/(d–63) where W is in lb. and d is in lb./cu. ft.)

12. By adding a new Subpart 160.073 to read as follows:

Subpart 160.073—Float-free Link for Life Floats and Buoyant Apparatus

Sec.
160.073–1 Scope.
160.073–5 Certification.
160.073–10 Construction and performance.
160.073–15 Tests.
160.073–20 Marking.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.073—Float-Free Link for Life Floats and Buoyant Apparatus

§ 160.073–1 Scope.

(a) This subpart contains requirements for a float-free link used for connecting a life float or buoyant apparatus to a painter on a vessel. The float-free link is designed to be broken by the buoyant force of the life float or buoyant apparatus so that the float or apparatus breaks free of a vessel that sinks in water deeper than the length of the painter.

§ 160.073–5 Certification.

(a) The float-free link is not approved by the Coast Guard. The manufacturer of the link must certify that it meets all of the requirements of this subpart by application of the markings required in § 160.073–20.

(b) If the manufacturer wants the link to be listed in the Coast Guard publication "Equipment Lists," the manufacturer must send a letter requesting the listing to Commandant, U.S. Coast Guard, G–MMT–3/12, Washington, DC 20593.

§ 160.073–10 Construction and performance.

(a) The link must be constructed essentially as shown in figure 160.073–10. The link must be formed from a single salt water corrosion-resistant wire. A loop at least 50 mm (2 in.) in diameter must be provided at each end of the wire. Each loop must be permanently secured.

(b) The breaking strength of each link must be between:

(1) 450 N (100 lb.) and 600 N (134 lb.) for links intended for life floats and buoyant apparatus of 10 persons and less capacity.

(2) 900 N (200 lb.) and 1200 N (268 lb.) for links intended for life floats and buoyant apparatus of 11 to 20 persons capacity,

(3) 1800 N (400 lb.) and 2400 N (536 lb.) for links intended for life floats and buoyant apparatus of 21 persons and more capacity.

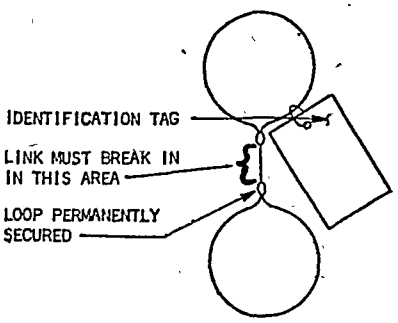


Figure 160.073-10. Typical configuration of float-free link for life floats and buoyant apparatus.

§ 160.073-15 Tests.

(a) The manufacturer shall perform a tensile test on the first three links made from a particular spool of wire. The test must be done by slowly loading the link until it breaks. The link must break between the limits specifed in § 160.073-10(b). The break must occur in the length of wire between the points where the loops are secured (see Figure 160.073-10).

(b) If each of the three links passes the test, each link constructed in the same manner from the same spool of wire may be certified by the manufacturer as meeting the requirements of this subpart.

(c) If one or more of the three links fails the test, no link manufactured in the same manner and from the same spool of wire as the test links may be certified as meeting the requirements of this subpart.

§ 160.073-20 Marking.

(a) Each link certified by the manufacturer to meet the requirements of this subpart must have a corrosion resistant, waterproof tag attached to it that has the following information on it (the manufacturer must make the appropriate entries in the indicated spaces):

FLOAT-FREE LINK FOR LIFE FLOATS AND BUOYANT APPARATUS OF ——— PERSONS CAPACITY. NOMINAL BREAKING STRENGTH———. MEETS U.S. COAST GUARD REQUIREMENTS—46 CFR 160.073. MADE BY: (name and address) (date)

SUBCHAPTER T— SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 180—LIFESAVING EQUIPMENT

13. By revising § 180.15-5(c) as follows:

§ 180.15-5 Description of equipment for life floats and buoyant apparatus.

* * * * *

(c) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life-float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

14. By revising § 180.20-1 to read as follows:

§ 180.20-1 Stowage of lifesaving appliances.

(a) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in tiers more than 1.2 m (4 ft.) high. Tiers of life floats or buoyant apparatus must not interfere with navigation of the vessel. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 192—LIFESAVING EQUIPMENT

15. By revising § 192.15-10(d) and -10(e) to read as follows:

§ 192.15-10 Stowage.

* * * * *

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-feee link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant appartatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,
(ii) Will not slip off,
(iii) Has a breaking strength of at least 17 kN (3800 lb.), and
(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in tiers more than 1.2 m (4 ft.) high. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

16. By revising § 192.20-35(d) as follows:

§ 192.20-35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—
(1) At least 30 m (100 ft.) long,
(2) Of a breaking strength of at least 17 kN (3800 lb.),
(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,
(4) Secured to the vessel at the end opposite the float-free link, and
(5) Faked in such a way that it runs out freely when the life-float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

Clyde T. Lusk, Jr.,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.
September 30, 1981.
[FR Doc. 81-29329 Filed 10-7-81; 8:45 am]
BILLING CODE 4910-14-M

Federal Railroad Administration

49 CFR Ch. II

[Docket No. RSSI-81-1; Notice No. 2]

General Safety Inquiry; Public Hearings

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of additional public hearings.

SUMMARY: The purpose of this notice is to confirm the schedule for the second and third 2-day public hearings that FRA will conduct to obtain information from the public to assist in evaluating and improving the effectiveness of its safety regulatory program as it applies to small railroads.

DATES: (1) The second 2-day public hearing will begin at 10 a.m. on October 15, 1981.

(2) Prepared statements and comments for this hearing should be submitted to the principal program person by October 8, 1981.

(3) Persons desiring to participate in this hearing should notify the principal program person by October 8, 1981.

(4) The third 2-day public hearing will begin at 10 a.m. on November 9, 1981.

(5) Prepared statements and comments for this second hearing should be submitted to the principal program person by November 4, 1981.

(6) Persons desiring to participate in the second hearing should notify the principal program person by November 4, 1981.

ADDRESSES: (1) October 15 hearing location—Mark Building, Auditorium, located at 12th and Spruce Streets, St. Louis, Missouri.

(2) November 9 hearing location—Federal Building, Room 15018, 450 Golden Gate Avenue, San Francisco, California.

(3) Docket Clerk, Office of Chief Counsel, FRA; Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

(1) *Principal Program Person:* Rolf Mowatt-Larssen, Office of Safety (RRS-20), FRA, Washington, D.C. 20590, Phone (202) 426-0924.

(2) *Principal Attorney:* Lawrence I. Wagner, Office of Chief Counsel (RCC-30), FRA, Washington, D.C. 20590, Phone (202) 426-8836.

SUPPLEMENTARY INFORMATION: On August 3, 1981, FRA published in the Federal Register a notice announcing these public hearings (46 FR 39461). Interested persons should refer to that notice for a summary of the issues to be addressed at these hearings. The initial hearing announced in that notice was held in Washington, D.C. as scheduled.

This notice confirms that the dates for the second and third hearings and establishes the locations for these hearings. Additionally, this notice establishes the dates for the submission of written statements and notification to FRA of intent to participate in the additional hearings.

The second 2-day hearing is scheduled to occur on October 15 and 16, 1981, in the Mark Building Auditorium located at 12th and Spruce Streets in St. Louis, Missouri. The third 2-day hearing will occur on November 9 and 10, 1981, in Room 15018 of the Federal Building located at 450 Golden Gate Avenue in San Francisco, California.

Issued in Washington, D.C., on October 2, 1981.

Joseph W. Walsh,
Associate Administrator for Safety.
[FR Doc. 81-29183 Filed 10-7-81; 8:45 am]
BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 22

Permits To Take Golden Eagle Nests; Availability of Draft Environmental Assessment and Reopening of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of draft environmental assessment for public inspection and comment; reopening of the comment period on the proposed rule.

SUMMARY: To comply with the National Environmental Policy Act of 1969, the Fish and Wildlife Service has prepared a draft environmental assessment in conjunction with a proposed rule to permit the destruction or removal of certain golden eagle nests which interfere with resource development or recovery operations. This notice advises the public that the draft environmental assessment is available for public inspection and comment. Also, to allow the public an opportunity to comment on the proposed rule after reviewing the draft environmental assessment, the comment period on the proposed rule is reopened.

DATES: Comments on the draft environmental assessment or the proposed rule are due on or before November 9, 1981.

ADDRESSES: Comments may be mailed to Director (LE), U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, U.S. Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 22-02-2. Both documents and any comments

received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION: On January 3, 1980 (45 FR 809-811), the Service published a proposed rule to permit the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the regional population of golden eagles. For details consult the Federal Register of January 3, 1980.

The Service is giving notice of the availability for inspection and comment of the environmental assessment prepared in conjunction with the Service's proposed rule concerning permits to take golden eagle nests which was published in the Federal Register on January 3, 1980 (45 FR 809). Notice is also given that the comment period on the proposed rule has been reopened. Comments on the draft environmental assessment or the proposed rule must be received on or before the date indicated above under the caption "Dates." Single copies of both documents are available upon request by contacting the person identified above under the caption "For Further Information Contact."

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the proposed rule or the draft environmental assessment. Those comments and any additional information received will be considered by the Department in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this notice.

Determination of Effects

In accordance with Executive Order 12291 "Federal Regulation," the Department of the Interior has determined that the proposed rule is not major. This determination is discussed in more detail in a Determination of Effects prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Because this rule was proposed before January 1, 1981, under the Regulatory Flexibility Act, Pub. L. 96-354, the Department does not have to determine whether this rule will have a significant economic effect on a substantial number of small entities.

Information Collection

The information collection requirements contained in the proposal have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

The primary author of this notice is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service.

Dated: October 1, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-29224 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Rescheduling of Previously Announced Meeting

A notice of September 30, 1981 (46 FR 47803) announced a meeting of the Committee on Judicial Review of the Administrative Conference of the United States to be held on October 15, 1981. That meeting has been rescheduled and will be held at 1:30 p.m. Friday, October 23, 1981 at the Office of Covington & Burling, Main Conference Room (11th Floor), 1201 Pennsylvania Avenue, NW., Washington, D.C.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7065.)

Richard K. Berg,
General Counsel.
October 5, 1981.
[FR Doc. 81-29264 Filed 10-7-81; 8:45 am]
BILLING CODE 6110-01-M

CIVIL RIGHTS COMMISSION

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on October 24, 1981, at the Christopher Inn, 300 E Broad Street, Columbus, OH 43215. The purpose of this meeting is to hear the report from the SAC Conference and to discuss rechartering for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, OH 44703, 216/454-2278, or the Midwestern Regional Office, 230 Dearborn Street, 32nd Floor, Chicago, IL 60604, 312/353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 2, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-29300 Filed 10-7-81; 8:45 am]
BILLING CODE 6335-01-M

Utah Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on October 28, 1981, at the Jewish Community Center, 2416 E. 17th South, Salt Lake City, UT 84108. The purpose of this meeting is to hear a report on the SAC chair-person's conference; discuss the current project; and civil rights issues in the state.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Mr. Fred Oswald, 1827 Princeton Avenue, Salt Lake City, UT 84105, 801/535-6929, or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, CO 80202, 303/327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. October 5, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-29301 Filed 10-7-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Investigation of Imports of Chromium, Manganese and Silicon Ferroalloys and Related Materials

AGENCY: Office of Industrial Resource Administration (formerly Office of Industrial Mobilization), International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an investigation is being conducted under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of chromium, manganese and silicon ferroalloys and related materials. Interested parties are invited to submit written comments, opinions, data, information or advice to the Office of Industrial Resource Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: Comments must be received by December 7, 1981.

ADDRESS: Written comments (11 copies) should be sent to Richard V. Meyers, Compliance Officer, Office of Industrial Resource Administration, International Trade Administration, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Compliance Officer, Office of Industrial Resource Administration, International Trade Administration, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230 (202/377-3634).

SUPPLEMENTARY INFORMATION: In an application received August 18, 1981, the Secretary of Commerce was requested to initiate an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of U.S. imports of chromium, manganese and silicon ferroalloys and related materials provided for in TSUS items 606.2200, 606.2400, 923.18, 606.2600, 606.2800, 606.3000, 606.35, 606.3600, 606.3700, 606.3900, 606.4000, 606.4200, and 606.4400. Accordingly, such an investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR 359.

Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this question to the Office of Industrial Resource Administration,

International Trade Administration, Department of Commerce, by December 7, 1981.

While all relevant material will be helpful, the Department is especially interested in information relative to the criteria listed in § 359.4 of the Regulation (15 CFR 359.4) as follows:

(a) The effect on the national security of the quantity of imports of the article in question or other circumstances related to its import;

(b) The requirements of national security with regard to:

(1) Domestic production of the article in question needed for projected national defense requirements;

(2) The capacity of domestic industries to meet projected national defense requirements of the article in question;

(3) The existing and anticipated availabilities of human resources, products, raw materials, production equipment and facilities, and other supplies and services with respect to the article in question that are essential to the national defense;

(4) The growth requirements of domestic industries to meet national defense requirements of the article in question and the supplies and services including the investment, exploration and development necessary to assure such growth; and

(5) Any other relevant factors.

(c) The quantity, availability, character and uses of the article in question with regard to:

(1) The impact of foreign competition on the economic welfare of any domestic industry essential to our national security;

(2) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects; and

(3) Any other relevant factors that are causing or will cause a weakening of our national economy.

All material should be submitted with eleven copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be confidential as provided in § 359.6 of the Regulation (15 CFR 359.6). Additionally, communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

If deemed appropriate by the Department, a public hearing may be held to elicit further information as provided in § 359.8 (15 CFR 359.8) of the Regulation. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate.

The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding the imports of chromium, manganese and silicon ferroalloys and related materials shall be made to the President no later than August 17, 1982.

Dated: October 5, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-29249 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: October 13, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C. The meeting will continue to its conclusion on October 14, in Room 6802, Main Commerce Building.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Charter of the Committee was signed on September 18, 1981, but because the Notice of Determination to close meetings to the public was not signed until September 29, 1981, the meeting is called on short notice. This meeting is required because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral list soon to be discussed in formal COCOM sessions in Paris, France.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: October 2, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-29250 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Trigger Price Mechanism Procedures Manual

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Publication of steel trigger price mechanism (TPM) procedures manual.

SUMMARY: The Department of Commerce is publishing its steel trigger price mechanism (TPM) procedures manual, which describes the manner in

which the Department monitors the importation of basic steel mill products into the United States.

FOR FURTHER INFORMATION CONTACT: Thomas A. Ehrgood, Jr., Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

In the Federal Register of April 20, 1981 (46 FR 22738), the Department of Commerce published a proposed steel trigger price mechanism (TPM) procedures manual. Subsequent to that publication, and in response to the Department's request, numerous comments were submitted by the public regarding many aspects of TPM administration. Most of the comments focused on related party monitoring procedures and on the manner in which the Department adjusts resale prices in the United States before comparing them with applicable trigger prices.

The final procedures manual published today includes an ex-mill price monitoring policy, to be implemented by the Department of Commerce, that will be effective as to shipments exported in the fourth quarter of 1981. The manual also includes new procedures to be followed by the Department in evaluating unrelated resale prices in the United States. Those procedures will be followed by the Department beginning on January 1, 1982, and will thus apply to shipments exported on or after that date.

The TPM was originally adopted in early 1978 as an administrative mechanism designed to permit the Department of the Treasury, then the agency administering the U.S. antidumping and countervailing duty laws, to administer the U.S. antidumping law by means other than sole reliance on the prosecution of multiple, concurrent antidumping investigations initiated by representatives of the domestic steel industry. In March 1980, the TPM was suspended as a result of the filing of antidumping petitions against exports of certain carbon steel products by producers in seven European countries. Those antidumping petitions were subsequently withdrawn, and the TPM reinstated, effective October 1980, when it was concluded that the TPM represented the most satisfactory means of balancing the interests of domestic and foreign steel producers within the statutory framework of the U.S. antidumping and countervailing duty laws.

The TPM is an administrative mechanism that does not prescribe market behavior. Information, both that provided by importers at the time of entry summary and that provided by certain importer/resellers following entry, is the linchpin of the TPM's operation. In order for the TPM to achieve its objective of administering the U.S. unfair trade laws through the monitoring of import transactions, it is essential that two conditions prevail. First, the information provided to the U.S. government must be accurate. Second, parties must refrain from willful distortion of trading and distribution channels such that information regarding international import transactions becomes meaningless as an indication of whether unfairly traded foreign steel may be entering the domestic steel market. The Department has become aware of increasing changes in patterns of behavior that may seriously undermine both of these essential conditions.

With regard to the first condition—that accurate information be provided—the Department understands that some importers, either acting alone or in conjunction with other U.S. parties, may be acting in disregard of the legal obligation to report full and accurate information on Special Summary Steel Invoices that are presented to the U.S. Customs Service at the time of entry summary. Those importers and other parties should be aware of the substantial criminal and civil penalties attaching to the commission of Customs fraud. See 18 U.S.C. 542 and 19 U.S.C. 1592, respectively. The Department refers any information that it receives concerning possible violations of the Customs statues to the Customs Service for investigation and possible action. Also, importers and other parties should be aware of their general obligation to report accurate information to U.S. government agencies. See 18 U.S.C. 1001.

Of no less serious concern to the Department is the submission of inaccurate information regarding prices charged, and costs incurred, in resales following entry of imported products by related-party importers to unrelated U.S. purchasers. Although Customs sanctions are sometimes not directly applicable, related importers who are discovered to have sold imported steel in the United States at prices that do not include the trigger price and full costs run the substantial risk that antidumping or countervailing duty investigations will be initiated by the Department based on those sales. The information that may lead the Department to initiate such investigations may be obtained through an audit program that has recently been implemented for the purpose of reviewing resale practices in the United States or from interested parties who may provide relevant information.

To the extent that the reporting of incomplete or inaccurate information has been hitherto attributable to a lack of understanding by the public of the TPM and the procedures thereunder, this publication of the procedures manual should reduce the incidence of unintentional inaccuracies.

The undermining of the second essential condition of the TPM—that trading and distribution channels not be so distorted as to make information about the import transaction meaningless as an indication of whether steel is being fairly traded—is at least as critical to the maintenance of the TPM system. Misuse of offshore buying offices undermines the central premise upon which the TPM was adopted in 1978, namely, that prices charged to U.S. importers, or by related importers to unrelated purchasers in resales, are reliable indicators of whether steel entering U.S. commerce has been fairly priced by the foreign producer. Consistent with this premise, CIF landed trigger prices were established as benchmarks to be applied to steel as priced to buyers positioned at entry points to the U.S. market. The increasing willingness of foreign producers to redirect their U.S. sales to customers positioned at points outside the United States threatens to create an artificial condition in which the effective entry points to the U.S. market are outside the country. If this condition materializes, port of entry monitoring under the TPM will have lost its usefulness.

The ex-mill price monitoring policy proposed in the April 20 notice reflected the Department's decision that, despite the fundamental landed price character of the TPM, the desire to maintain the TPM does not permit the Department to be indifferent toward offshore procurement practices. The proposed policy would have addressed the offshore procurement problem by applying in all cases when a producer sold to an independent middleman whose U.S. importer affiliate had not made a resale to an unrelated U.S. purchaser prior to entry summary. Numerous comments were received by the Department opposing the proposed policy on the ground that the policy would seriously disadvantage non-mill-related middlemen relative to their mill-related competitors and on the ground that the monitoring of ex-mill prices is not a proper concern of the Department and is inconsistent with the fundamental

character of the TPM as a landed price monitoring system.

The ex-mill price monitoring policy that the Department is adopting here reflects the Department's concern that an across-the-board policy of monitoring ex-mill prices whenever a non-mill-related middleman has not resold some or all of the merchandise prior to entry summary might have unacceptably adverse consequences for independent middlemen as a class. The policy also reflects, however, the Department's conclusion that misuse of offshore procurement opportunities may also occur when merchandise has been resold prior to entry. Most important, though, the policy adopted reflects the Department's decision that, as much as it would prefer to adopt a policy of indifference toward offshore procurement practices, such a policy would be inconsistent with the Department's intention to preserve the integrity of the TPM.

The TPM is solely a guide for the Department to use in deciding to investigate whether sales into the United States have been made at less than fair value or with the benefit of countervailable subsidies. Since such investigations focus on ex-mill prices, the TPM monitoring system cannot be limited to methods that do not accurately reflect the transactions upon which those investigations would be based. The policy adopted today is intended to provide the Department with the degree of flexibility required to address the various types of transactions that certain foreign producers and their customers have employed in order to disguise the entry into the United States of steel initially sold by the producer at prices that neither the producer nor the customer would want to appear on an SSSI. Under the new policy, the Department will seek ex-mill price information whenever it concludes that transactions have been structured in such a way that the landed prices normally monitored under the TPM are not reliable indicators of how the steel entering the United States was priced in the initial sale by the producer. If it discovers that the ex-mill price appears to be a price below fair value or that the production of the product benefited from unfair subsidization, the Department will consider whether the initiation of an antidumping or a countervailing duty investigation is warranted.

The new ex-mill price monitoring policy is consistent with a general policy of the Department regarding its monitoring of steel imports under the TPM. The policy is that formal adherence by foreign sellers and their customers to the procedures as described in this procedures manual does not guarantee that unfair trade practices will not be detected and, when detected, addressed by the Department in accordance with its self-initiation authority under the U.S. antidumping and countervailing duty laws. The Department is determined that the objective of detecting potentially injurious unfair trade practices will not be frustrated by parties' adoption of business practices intended to create only the appearance, and not the reality, of conformance with TPM procedures.

Contents

1. TPM product coverage
2. Collection and review of import data
3. Determination of applicable trigger prices for specific steel product imports
4. The relevant invoice price: related and unrelated party transactions
5. Adjustments made to the invoice price in order to determine the comparison price
6. Foreign Trade Zone, warehouse, and Temporary Importation Bond entries
7. SSSI instructions

1. TPM Product Coverage

For TPM monitoring purposes, the Department of Commerce has adopted the steel mill products categorization system of the American Iron and Steel Institute (AISI). All imported steel products falling within the first thirty-two AISI import product categories, shown below, are covered by the TPM. With the exception of steel entered under a Temporary Importation Bond; certain steel imports into Foreign Trade Zones (see Section 6 below), and defense shipments, all imports of steel products falling within these categories require presentation of a Special Summary Steel Invoice (SSSI) to the U.S. Customs Service at the time of entry summary.

AISI Category and Product

1. Ingots, blooms, billets, slabs, etc.
2. Wire rods
3. Structural shapes, plain, 3 inches and over
4. Sheet piling
5. Plates
6. Rail and track accessories
7. Wheels and axles
8. Concrete reinforcing bars
9. Bar shapes under 3 inches
10. Bars, hot rolled, carbon
11. Bars, hot rolled, alloy
12. Bars, cold finished
13. Hollow drill steel
14. Welded pipe and tubing
15. Other pipe and tubing
16. Round and shaped wire
17. Flat wire
18. Bale ties
19. Galvanized wire fencing
20. Wire nails
21. Barbed wire
22. Black plate
23. Tin plate
24. Terne plate
25. Sheets, hot rolled
26. Sheets, cold rolled
27. Sheets, coated (including galvanized)
28. Sheets, coated, alloy
29. Strip, hot rolled
30. Strip, cold rolled
31. Strip, hot and cold rolled, alloy
32. Sheets, other, electric coated

Second quality steel is included under the TPM but is monitored separately from prime quality steel.[1] The Department's monitoring of second quality steel consists of maintaining records, classified by importer, of all importations of steel designated as being of second quality. Thus the Department is aware at all times of who is importing second quality steel. The monitoring objective is, through the maintenance of complete records and the monitoring of individual importers' trade patterns, to identify transactions or series of transactions in which importers may be seeking to circumvent TPM monitoring by misdesignating prime quality steel. Such misdesignation on a SSSI may, of course, constitute a violation of Customs or other statutory provisions.

Although Customs regulations require that SSSIs be presented with respect to imports of all products falling within the first thirty-two AISI import product categories, neither all categories nor all products within a category are covered by trigger prices. From time to time, the Department will add products to, or delete products from, the group of products that are currently covered by trigger prices.

The current TPM Price Manual sets forth product coverage with explanatory notes to aid in interpretation.

Any written submission requesting a product coverage change will be considered a request that will initiate the following procedure; Notice of such request will ordinarily be published in the Federal Register. Such notice will invite interested parties to submit comments within thirty days from the date of Federal Register publication. Requests and comments should be submitted in duplicate for each product coverage issue addressed. Both requests

[1] Second quality steel is defined as steel that does not meet the industry standard for prime quality product. Overrollings or odd-lot shipments are not treated as second quality steel if the steel is in prime condition. Customs Service import specialists determine whether merchandise is of prime or second quality.

and comments (in non-confidential versions when appropriate) will be maintained in a public file. Notice of the Department's final decisions will also be published in the Federal Register.

The Department requests that all written submissions, both original requests and comments on such requests, be specific with respect to the products involved and provide detailed information with respect to domestic market structure, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request. Failure to provide supporting data may cause the rejection of the request and will lead to delays in considering the request. A failure to provide such information substantially reduces the likelihood that the Department will have a sufficient basis to act favorably upon the request or to give full weight to the comment.

2. Collection and Review of Import Data

United States Customs Service import specialists obtain steel price data from documents filed by importers at the time the entry summary is filed. The principal entry summary document for TPM purposes is the Special Summary Steel Invoice (C.F. 5520) (SSSI),[2] which contains basic information with respect to individual international transactions. On the basis of information contained in an SSSI, a Customs Service import specialist adjusts the invoice price, if necessary, and then compares the adjusted invoice price with the trigger price that he has determined to be applicable to the steel product involved. The SSSI and the import specialist's analysis are then forwarded to the Department of Commerce in Washington, D.C.

The Department reviews the information and the import specialist's analysis and may request additional information from the importer, particularly when the imported steel appears to be priced below the applicable trigger price or when the international transaction is between related parties. If the Department concludes, after review of all available information with respect to both this and other transactions, that the price of the imported steel product is below the applicable trigger price, the Department will consider whether the initiation of a formal antidumping or countervailing duty investigation is warranted.

[2]Generally, unless otherwise requested by the District Director of the U.S. Customs Service, the SSSI is presented in lieu of, and not in addition to, the Special Customs Invoice (C.F. 5515).

3. Determination of Applicable Trigger Prices for Specific Steel Product Imports

The TPM Price Manual sets forth trigger prices for basic steel mill products by AISI import product category. Prior to the first quarter 1981 edition of the TPM Price Manual, Tariff Schedule (TSUSA) item numbers were included as interpretative aids. Because TSUSA item numbers do not directly correlate with AISI product categories, the inclusion of such numbers was often misunderstood. Beginning with the first quarter 1981 TPM Price Manual, TSUSA item numbers are no longer being included.

The trigger prices set forth in the TPM Price Manual comprise base prices, extras, ocean freight, insurance, interest, and handling components. Base prices apply to given types, grades and sizes of steel products. The TPM Price Manual includes extras that expand the base coverage to other sizes, grades, qualities, and special conditions.

A product will be considered to fall within a grade listed in the TPM Price Manual if (1) its grade is identical to a listed grade; (2) its grade represents a modification of a listed grade that does not reduce the cost of producing the product; or (3) regardless of how it is identified, it meets the specifications of a listed grade.

If the grade of steel is covered, then size is the next criterion to consider. If the size of the imported steel falls within the range of sizes covered, then that product is covered. If a product has a size specification that falls between two size specifications listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted in the TPM Price Manual. If the size of the imported steel is smaller than the smallest size listed in the Manual, or if it is larger than the largest size listed in the Manual, then that imported steel product is not covered by a trigger price. In the case of certain products, such as pipe and tube and stainless steel wire, the base prices are combined with the size and/or grade extras so that one individual price is published for each grade/size. The rules described in this paragraph apply in such cases.

If an imported steel product includes extras other than grade or size that are not listed in the TPM Price Manual, then, assuming that such product without such extras would be covered by a trigger price, that imported steel product is covered by a trigger price. In such a case the applicable trigger price includes only the listed extras.

The ocean freight component of trigger prices is based on shipping costs, to four geographic areas: Atlantic Coast, Pacific Coast, Gulf Coast and Great Lakes. The Atlantic Coast freight applies to shipments arriving at Atlantic Coast ports, including Puerto Rico. The Pacific Coast freight applies to shipments arriving at Pacific Coast ports, including Alaska and Hawaii, as well as to shipments arriving at those border ports in California that border Mexico, plus shipments arriving at those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada. The Gulf Coast freight applies to shipments arriving at Gulf Coast ports as well as to shipments arriving at those border ports in Arizona, New Mexico and Texas that border Mexico. The Great Lakes freight applies to all shipments arriving at ports on the northern border of the United States, with the exception of those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada.

The applicable trigger price freight component for a given shipment is determined by reference to the first port of arrival into the United States. For example, a shipment arriving at New Orleans, and then transported inland to Chicago where Customs entry is made, would have a Gulf Coast freight component.

The insurance component of a trigger price is equal to one percent of the sum of the base price extras and ocean freight components.

The interest and handling trigger price components vary according to the same four geographic areas that determine the ocean freight trigger price component. Interest represents the seller's financing costs, at current interest rates, from the time of export through thirty days after arrival into the United States. The TPM interest component is based on the average shipping times from Japan to each of the four geographic areas. The handling charge component represents the cost of unloading the steel from the importing conveyance (if not included in the ocean freight charge), any wharfage and port charges, and the cost of loading the steel onto the conveyance that will remove it from the pier area in the first port of arrival. The handling charge component is intended to represent all handling costs normally incurred in unloading the steel product from the vessel and removing it from the pier area in the first port of arrival.

For the purpose of determining which quarterly trigger price will apply to an individual importation, the date of exportation from the country of exportation, as defined by Customs regulations, controls.

4. The Relevant Transaction Price: Related and Unrelated Party Transactions

In the process of moving from a foreign producing mill to an ultimate U.S. consumer, a steel product may be the subject of several different sales transactions. Insofar as the prices in the transactions will vary, and insofar as TPM monitoring consists of price-to-price comparisons, the decision as to which transaction or transactions will be monitored is the key to the reliability of the Department's monitoring efforts.

This section describes which transactions will be monitored depending primarily on whether the international, *i.e.* import, transaction is between related or unrelated parties.[3]

The U.S. Customs Service, for its purposes, applies section 402(g) of the Tariff Act of 1930, as amended.

A. The International Transaction Is Between Unrelated Parties

If the foreign seller is unrelated to the U.S. importer,[4] the Customs import specialist will compare the price in the transaction between those parties with the applicable trigger price, and the Department generally monitors only that transaction. Adjustments as described in Section 5 are made by Customs import specialists to that transaction price before comparison with the applicable trigger price. Only in exceptional situations, when the Department has reason to believe that an unrelated transaction price does not reflect the actual price at which the U.S. buyer has acquired the steel product, will the Department monitor any other transaction. Some of those situations are described below under "C. *The monitoring of the ex-mill price.*"

B. The International Transaction Is Between Related Parties

If the international transaction is between related parties and the imported steel has been resold to an unrelated U.S. purchaser prior to the presentation of entry summary documents to the U.S. Customs Service, the importer will report on the SSSI information regarding the resale transaction price. Customs import specialists compare the resale price to the unrelated party with the applicable trigger price. Although the related party price is reported on the SSSI, the price between the related parties will not be monitored. Except when the Department deems it necessary to monitor the ex-mill price, the resale transaction between the importer and the unrelated U.S. purchaser will be the only transaction monitored by the Department.

If a resale of the steel product has not been made to an unrelated party prior to the presentation of entry summary documents to the U.S. Customs Service, the foreign seller will report on the SSSI information regarding the related party intracompany price. Customs import specialists compare the related party price with the applicable trigger price. If the related party price is below the applicable trigger price, it is treated by the Department as a basis for considering the initiation of an antidumping investigation. If, following the identification of below trigger related party transactions, the importer provides the Department with information showing a resale at trigger price plus full costs, including profit,[5] the Department will disregard the below trigger related party price. If an antidumping investigation is initiated on the basis of a below trigger related party price when no resale price is available, respondents will be required to show, where appropriate, that resales are at or above fair value—not trigger price.

When the related party international transaction price is at or above trigger price, the Department may continue to seek eventual resale price and cost data.

In addition to the monitoring of related party and resale prices as described above, the Department may monitor ex-mill prices in situations described below under "C. *The monitoring of the ex-mill price.*"

C. The Monitoring of the Ex-Mill Price

The Department will obtain and monitor the ex-mill price[6] whenever it believes, based on its evaluation of all the circumstances of a transaction, that such monitoring is required to realize the objectives of the TPM. The objectives of the TPM, which relate to the promotion of fair trade by means of an administrative mechanism that monitors transaction prices to or in the United States, are achievable only if and to the extent that those prices remain reliable indicators of the prices at which foreign steel is entering U.S. commerce. If parties structure their transactions in such ways that, by use of artificially-contrived distribution channels, effective entry into U.S. domestic commerce no longer occurs in the United States itself, then the Department will be forced to go beyond its reliance on C.I.F. landed prices to seek information about the prices at which the product initially entered the stream of commerce with eventual destination in the United States. The price, the ex-mill price, will be evaluated to determine whether it appears that the producing mill has sold at less than fair value or has received unfair subsidies in connection with the production of the product.

The following list of criteria is offered as illustrative of the types of situations in which the Department may seek to monitor the ex-mill price.

1. The related seller is a mere agent for the importer, whose business, independent of TPM-related considerations, is the domestic distribution or consumption of steel rather than the performance of an international trading function;

2. The import transaction is the last in a chain of transactions that, based on all known circumstances, appears to be of a length and complexity designed to circumvent TPM monitoring rather than to achieve traditional commercial objectives. This would include a situation where the Department has reason to believe that a foreign producer has sold to a middleman with knowledge that the middleman would insert additional parties between it and a related importer in the United States; or

3. The Department finds significant increases in imports of certain producers' products, which increases appear to be attributable to the use of related party selling operations or cooperative unrelated party selling operations rather than to an increase in market demand.

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[3] For purposes of determining whether one party is related to another, the Department will in general apply the following criteria set forth in section 771(13) of the Tariff Act of 1930, as amended:

(A) Such person is the agent or principal of the exporter, manufacturer, or producers;

(B) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer;

(C) The exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(D) Any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 percent or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 percent or more of such power or control in the business of the exporter, manufacturer, or producer.

[4] The importer is the person by whom or for whose account the product is being imported. (See SSSI instruction number 8.) The importer is not necessarily the importer of record.

[5] See Section 5 below.

[6] The ex-mill price is the price paid to the producer for its product. In situations where the producer receives payment from an agent or a related party, the Department may determine the actual price received in light of individual circumstances.

In interpreting and applying the above criteria, the Department will be guided by the fundamental objective of preserving the integrity of the TPM.

5. Adjustments Made to the Invoice Price in Order To Determine the Comparison Price

A. Adjustments Made to International Transaction Prices

If the invoice price of the imported steel product is C.I.F. (cost, insurance and freight), duty unpaid, landed at the first port of arrival, with payment thirty days after arrival, and is a metric ton price, then the Customs Service import specialist makes no adjustment to the invoice price for comparison with the applicable trigger price. If the invoice terms are different, the adjustments described below are made to the invoice price before comparison.

If the terms of sale are other than C.I.F. landed at the first port of arrival, freight and insurance costs are added or subtracted in order to adjust the price to C.I.F., landed at the first port of arrival.

If the handling costs incurred in removing the steel product from the pier area at the first port of arrival are not included in the invoice price, the Customs Service import specialist includes them. If the inland freight and handling costs incurred after the first port of arrival are included in the invoice price, they are deducted.

If the invoice price includes duty, the duty is deducted.

If the terms of payment provide for payment at a time other than thirty days after arrival, a plus or minus interest adjustment is made based on the actual terms of payment. In making this adjustment, the actual interest rate is used if known.[7] If the actual interest rate is not known, a rate of twenty-one and one-half percent is used for the fourth quarter of 1981. The rate used will be reviewed on a quarterly basis and will be changed to reflect significant changes in the U.S. prime rate. The current rate will be listed in the TPM Price Manual.

If the invoice price is in units other than metric tons, the Customs Service import specialist converts the units to metric tons and adjusts the invoice price accordingly.

B. Adjustments Made to Resale Transaction Prices

The above adjustments also apply to the resale price in the United States if the resale price is being used for comparison. The resale price is used if the international transaction price is between related parties. In such cases the interest adjustment is based on the date thirty days after the resale invoice date.

Resale price adjustments will differ depending on whether or not the unrelated resale transaction is a back-to-back sale made prior to presentation of entry summary documents in connection with which no warehousing or processed services will be performed by the related importer or by a third party for the related importer's account. (Hereafter, such sales will be referred to as "back-to-back sales.")

If the resale is a back-to-back sale, adjustments will be made to the resale transaction price to reflect all costs relating specifically to the entry of the product into the United States, including brokerage, duty, and handling. The Department will not make an adjustment to reflect general selling and administrative expenses, *i.e.* overhead, in such resale transactions.[8] No adjustment will be made to reflect profit.

If the resale is not a back-to-back sale, adjustments will be made to the resale transaction price to reflect full costs incurred by the reseller in connection with the resale. Such full costs include, but are not limited to, (1) brokerage, duty, and inland freight charges; (2) general selling and administrative expenses, *i.e.* overhead;[9] and (3) the costs of warehousing, distributing,[10] processing, and fabricating, whether such services are performed by the related importer or by a third party for the related importer's account. Full costs for these purposes, and for the remainder of this section unless otherwise stated, thus represent all costs incurred beyond the C.I.F. trigger price; they do not include the cost of purchasing the product.

The Department will make adjustments in non-back-to-back sales prices to reflect a profit component equal to eight percent of full costs, as defined above.

If the Department determines that a related importer, in a non-back-to-back sale, has resold at a price that does not include the trigger price, full costs, and the profit component, the Department will consider the transaction price to be below trigger price and may use this information for the purpose of initiating an antidumping investigation.

In a non-back-to-back sale, the Department will also analyze the resale transaction price to determine whether that price exceeds the cost of bringing the product into inventory [11] by an amount equal to a normal markup. The question of whether a markup is a normal markup is to be determined by reference to traditional industry averages for sales of like products. When the related importer performs a distribution function, selling out of warehouse (or similar facility), with or without further processing the product, the Department understands the normal markup to be in the range of fifteen to twenty-five percent. When the related importer performs other functions, the normal markup may fall outside that range, but will in no event be less than full costs plus the profit component.

If the importer has not included a normal markup, the Department may review again the resale price to evaluate whether the price may be at less than fair value.

C. Related Party Audits

The Department conducts audits of related importers in order to verify information regarding resale practices in the United States. In conducting these audits, the Department ascertains whether reported data have been calculated in accordance with reasonable accounting methods and whether the inventory accounting method used by the importer for the purpose of identifying relevant resale transactions is a reasonable one.

[7] The actual rate should reflect the current cost to the seller of its short-term borrowed funds. Although import specialists will always use the stated actual rate, the Department will not use a stated actual rate if that rate appears to be unreasonably low.

[8] When the product has been resold prior to entry in a back-to-back sale, the related importer will still be required to report all selling expenses on the SSSI. In determining whether it will deduct selling expenses, the Department will make the deduction unless the related importer has provided Customs with a resale invoice at the time of entry summary that clearly shows that the resale is a back-to-back sale as defined above. The presentation of such an invoice is not a Customs entry requirement.

The Department is adopting this procedure so that all foreign sellers selling to U.S. purchasers for immediate possession upon entry in the United States, whether such sales are direct, through a related importer, or through an unrelated middleman performing a sales agent function, may be priced identically, *i.e.* at trigger price (plus duty, etc.).

[9] The Department expects that overhead allocated to individual transactions will be calculated on the basis of expenses incurred in a recent accounting period. Thus, for example, the interest cost component added in a resale transaction will be based on total interest expense incurred in a recent period. The Department expects that the interest cost component will reflect the cost of carrying merchandise in inventory, regardless of whether the importer or its foreign affiliate incurs such cost.

[10] Distribution, for these purposes, occurs following the product's having been brought into inventory.

[11] The cost of bringing product into inventory includes the cost of purchasing the product, or the applicable trigger price, whichever is higher, plus brokerage, duty, inland freight, etc. It does not include general selling and administrative expenses or the costs of performing warehousing, distributing, processing, or fabricating services.

D. Commissions

When a commission is paid by a foreign seller to a U.S. buyer (or to an affiliate of the U.S. buyer), whether related or unrelated, and whether the importer of record or not, the commission will be treated as a reduction in the invoice price paid by the buyer. The same will be true when a related importer pays a commission to an unrelated U.S. buyer in a resale following entry. The intention is that the invoice price will be reduced by the amount of the commission in all cases when the commission represents an effective reduction in price to the buyer.

A commission paid by a foreign seller to a party other than the buyer or an affiliate of the buyer will not be considered an adjustment to the price paid by the buyer unless the buyer or an affiliate of the buyer receives, directly or indirectly, some or all of the commission. Also, when the buyer receiving the commission is related to the seller, any deduction made will be to the related party transaction price, not to a subsequent resale price.

A commission paid by a related importer to a third party non-buyer in connection with a resale in the United States is included in that importer's general expenses, which will be deducted from the resale transaction price unless the resale is a back-to-back sale as defined above. However, if the Department learns that such commissions are paid on back-to-back sales and are received, directly or indirectly, by the buyer or an affiliate of the buyer, then the Department will deduct such commission from the resale transaction price.

6. Foreign Trade Zone, Warehouse, and Temporary Importation Bond Entries

A. *Foreign Trade Zone entries*—When steel subject falling within the first thirty-two AISI import product categories is entered into a Foreign Trade Zone (FTZ), FTZ rules apply. Current policy of the Foreign-Trade Zones Board, as reflected in Board Order No. 171, is that steel products covered by a trigger price will not be permitted to enter under "nonprivileged foreign status" if the imported steel is to be transformed in the FTZ and subsequently entered for consumption into the United States. Such steel is monitored in the form in which it enters the FTZ.

If steel suject to TPM is entered into an FTZ for storage only (no transformation), the importer may elect to use either privileged or non-privileged foreign status. If the steel, though priced below the applicable trigger price, is withdrawn from the FTZ for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation.

The date of exportation from abroad determines which quarter's trigger price is used.

The Department will apply its related party monitoring practices in FTZ situations if the international transaction is between related parties.

B. *Warehouse entries*—When steel subject to TPM is entered into a bonded warehouse on a warehouse entry, it will be monitored as it enters the warehouse. An SSSI must be presented at the time of entry, and Customs Service import specialists report the shipment to the Department at that time. If the imported steel, though priced below the applicable trigger price, is withdrawn from the warehouse for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation.

C. *Temporary Importation Bond entries*—When steel subject to TPM Is entered under a Temporary Importation Bond (T.I.B.), it is not subject to TPM and presentation of an SSSI is not required. This is because the Customs Service requires that such products be exported as a condition of the T.I.B. entry. If steel is imported under a T.I.B. for processing and then exported, it is assumed that such product will not be re-imported into the United States. If the exported product is subsequently re-imported into the United States, the Department requires presentation of an SSSI indicating that such foreign-made steel had been previously entered under a T.I.B., and describing both the earlier T.I.B. entry and the subsequent importation.

7. SSSI instructions [12]

The Special Summary Steel Invoice (Customs Form 5520) is the basic reporting form for TPM. The U.S. Customs Service is the agency with authority over the SSSI. The SSSI is required to be presented, in duplicate, for all shipments of steel falling within the first thirty-two AISI import product categories, provided the purchase price, including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, of a shipment from a contiguous country is $5,000 or more, or such price of a shipment from a non-contiguous country is $10,000 or more. A shipment of steel mill products is defined, for TPM purposes, as that quantity shipped from one seller to one buyer, on one carrier, entering at one port of entry. At land border crossings, one carrier is defined as one conveyance, such as one truckload or one freightcarload.

If an SSSI is not presented at the time the entry summary is presented, Customs Service import specialists will reject the entry summary and order redelivery of the steel to Customs custody or assess liquidated damages. If an SSSI presented at the time the entry summary is presented is prepared incorrectly or inadequately, the entry summary may also be rejected.

The numbered items which follow correspond to the item numbers on the SSSI. If the SSSI covers several types of steel priced in different ways, information with respect to each type should be shown separately.

1. *Seller:* Show the name and address (city and country) of the seller of the steel. If the steel was not sold before export, show the name and address (city and country) of the person from whom the steel was obtained by the United States importer. If the steel is consigned show the name and address of the consignor.

2. *Document Number:* If there is a document other than the invoice that would permit ready identification of the shipment, show the number of such document and identify it. If there is no such document, enter "None."

3. *Invoice Number and Date:* Show the invoice number and the date the invoice was issued.

4. *Codes for Extras (column 18):* This item refers to the additional price for extras such as width, length, etc. This code must be shown in column 18a, and the price for each extra must be shown in column 18b if the steel is sold on a base plus extras basis. The extras listed are expressed in terms as now understood in the United States market.

5. *References:* Identify the specific shipment, for example by name of shipping vessel, in such a way as to permit ready identification of the shipment if further information is requested.

6. *Producer if Other Than Seller:* Show the producer's name and address (city and country). If a single entity, corporate or otherwise, owns or controls more than one producing mill, and if all such producing mills are located within one country, then the name and address of that entity may be shown here. If such

[12] The wording of the instructions set forth in this section differs, in some cases, from the wording of previously published SSSI instructions. Any different wording is intended solely to clarify existing instructions; no substantive change in any instruction is intended.

producing mills are located in more than one country, the mill actually producing the steel must be identified.

7. *Buyer:* Show the name and address of the buyer of the imported steel. In those instances where the importer is related to the foreign seller, and the importer has sold the steel to a person in the United States who is unrelated to the importer or the foreign seller, this item must show the name and address of the unrelated person, and must show the word "unrelated" in parentheses.

8. *Importer:* Show the name and address of the person by whom or for whose account the steel is being imported. Check yes or no to indicate whether the importer is also the importer of record. If the steel is consigned, show the name and address of the consignee. If the firm shown in this box is selling agent insert the words "selling agent" in parentheses after the name of the firm.

9. *Country of Origin:* Show the name of the country in which the imported steel was produced or manufactured. Any additional labor and/or material added to the steel in another country must substantially transform the steel in order to change the country of origin. When steel is invoiced in, or exported from, a country other than the one in which it was produced or manufactured, the actual country of origin should be specified, rather than the country the steel was invoiced in or exported from.

10. *Date Price Terms agreed:* Show the date on which the final sale price for this shipment was agreed upon. If a contract or purchase order was renegotiated, show the date of such renegotiation. If the international transaction bringing the steel to the United States is between related parties, and if the importer has resold the steel to an unrelated party in the United States, show here the date on which the final sale price to the unrelated party was agreed upon.

11. *Currency Used/Exchange Rate:* Show the currency of the country used to make payment. If a foreign currency is used, indicate what exchange rate has been agreed upon by the parties, or, in the absence of agreement upon a fixed rate of exchange, indicate how the actual rate of exchange will be determined.

12. *Terms of Sale, Payments and Discounts:* Show the following with respect to the international sale:

(A) How payment is to be made (letter of credit, draft, etc.);

(B) The terms and place of delivery (C.I.F., F.O.B. port, etc.) (charges to place of delivery are presumed to be included in the unit price);

(C) Discounts involved, by type and amount; and

(D) Time of payment (30 days after delivery, 90 days after bill of lading, etc.)

The same information should be shown in 19c with respect to a resale price to an unrelated party.

13. *Marks and Numbers:* Show the marks and numbers that appear on the package(s) in which the steel is contained. Such marks and numbers must be shown opposite the description of the steel contained in such package(s). Indicate the quantity of packages for which identification is provided.

14. *AISI Category:* Show the applicable AISI import product category number. Such category numbers are set forth on the list found in the section of this notice entitled "TPM product coverage."

15. *Description of Goods (Include Specifications):* Each individual steel product must be described completely and accurately on the invoice. Show the name by which it is known in the country of production or exportation, the article number, its grade or quality, size and dimensions, and all other characteristics essential to a complete description. In addition to such full description, steel specifications that the steel meets must be shown.

When information about the component materials of any imported steel product is essential to a determination of the applicable trigger price, the TSUSA classification or Customs valuation, the SSSI must include a chemical analysis of the product or the formula under which it was manufactured, a description of each of the component materials of which the product is composed, and the percentage of each component by weight and value.

16. *Quantity:* Show the total quantity in the weights and measures of the country or place from which the steel is shipped or in the weights and measures of the United States. Show the net weight, not the gross weight. Also, specify whether actual weight or theoretical minimum weight is shown.

17. *Base Price:* For each steel product, show the price per unit, exclusive of extras, on which the total sale price was based. The base price is a component of the invoice unit price shown in column 19b.

Note.—If the steel is sold on a base price and extras system, show the base price in column 17, the extras in column 18 and the total in column 19b. If, instead, the steel is sold on a single unit price basis, show that price in columns 17 and 19b, and leave column 18 blank. Since the extras are not shown in this column, they must be clearly described in column 15.

18. *Extras:* For each steel product show the price of each extra added to the base price. Show codes from item 4 where applicable. Charges for such extras constitute a component of the invoice unit price, shown in column 19b. More than one extra may be listed for each product.

19a. *Home Market Unit Price:* The seller completing an SSSI must state the unit base price, terms and currency at which any seller sold or offered for sale and consumption such or similar steel product in the home market on the date nearest to the date shown in item 10. If such or similar steel product is not sold or offered for sale and consumption in the home market, the statement "Not sold in home market" must be entered in column 19a.

Note.—When the international transaction bringing the steel product to the United States is between related parties and the importer has sold such product to an unrelated party in the United States, also show here the unit base price, terms and currency at which such or similar product was sold or offered for sale and consumption in the home market on the date nearest to the date of exportation rather than the date of purchase.

19b. *Invoice Unit Price:* The unit price for each steel product is the price in the currency of purchase per unit of measure. Specify the unit of measure.

If the current unit price for export to the United States is not the same as the invoice unit price (or contract price), the seller completing the SSSI may show the export price in parentheses under the invoice price in column 19b and explain.

Note.—If the steel product was not sold before exportation, the seller completing the SSSI must state the price that it would have received or would have been willing to receive had such steel product been sold in the ordinary course of trade for exportation to the United States.

19c. *Resale Unit Price:* When the international transaction bringing the goods to the United States is between related parties and the importer has sold the goods to an unrelated party in the United States, the price shown in column 19c must be the price to the unrelated party. If the international transaction is between unrelated parties, or if the international transaction is between related parties but no resale to an unrelated party has been made, column 19c must be left blank. Regarding the resale price to the unrelated party, the following information must be shown:

(A) Unit of quantity used:

(B) Whether weight is actual weight or theoretical minimum weight, or other;

(C) Terms or payment;

(D) Time of delivery, if different from the time shown in item 12;

(E) Whether the amount of any duty paid (shown in item 29) is included in the price;

(F) Whether the following importer's costs are included in the price: Unloading, if not included in ocean freight; wharfage and handling on the pier; and reloading onto the next conveyance at the pier location (shown in item 28); and

(G) Whether the importer's selling expenses and processing costs—i.e. processing, distribution and warehousing costs—and, if such costs were incurred, allocable overhead, including commissions, (shown in item 30) are included in the price.

20. *Invoice Totals:* Show the total price (invoice unit price (column 19b) times total number of units (column 16)).

21. *Assists, Dies, Molds, Tools, Engineering Work, Etc.:* If the invoice price or value of the steel does not include the costs of assists, dies, molds, tools, engineering work, etc., furnished for the production of the steel, check item 21 and explain.

22. *Declaration of Seller/Shipper:* If any buying or selling commission, rebate, drawback or bounty has been or will be made or granted upon exportation of the steel product, check box A and explain. If any payment or other element of value other than that shown on the SSSI has been or will be paid, granted, or received in connection with the sale of such product, check box B and explain.

23. *Packing Costs:* Show the packing costs for the international shipment, if the packing cost is not included in the unit price in column 19b. Show both the total cost and the cost per unit of quantity.

24. *Transportation Costs to Point of Exportation:* Show the total cost and the unit cost of transporting the steel product from the mill or factory to the point of exportation, that is, the foreign inland freight charge.

25. *Ocean, Air or Other International Freight:* Show the total cost and the cost per unit of quantity. International freight is defined as the freight from the point of export to the first point of arrival in the United States. All freight surcharges such as bunker surcharges must be included.

26. *Insurance Costs:* Show the insurance costs pertaining to the international transaction from the place of shipment to the place of delivery in the United States. Show here the total cost and also the cost per unit of quantity.

27. Freight from U.S. Point of Importation: Show here the total cost and also the cost per unit of quantity of transporting the steel from the point of arrival into the United States if these costs are borne by the exporter or a party related to the exporter. If these costs cannot be determined before entry, provide the contract terms stating the exporter's liability.

28 *Other Costs:* All charges, fees, and costs, whether or not they are included in the invoice unit price (column 19b), must be specified separately by name and amount. Show the total cost and the cost per unit of quantity, and specify whether such charges, fees and costs are included in the invoice unit price. When charges, fees or costs do not apply uniformly to all items, indicate the items to which such charges, fees or costs apply. Such charges, fees and costs include, but are not limited to, unloading charges, reloading charges, wharfage fees, handling charges, additional insurance, commissions, license fees and royalties. No costs shown in items 23 through 27, 29 or 30 should be shown here.

If the actual amounts of any charges, fees or costs are unknown to the seller or shipper, they may not be estimated. The type of the specific charge, fee or cost must be indicated, followed by the statement "Actual amount not known."

29 *Duty:* If the price(s) shown in columns 19b or 19c are price(s) which include duty, show the amount paid for duty in this box.

30. *Selling Expenses and Processing:* In the case of an international transaction between related parties and a resale to an unrelated U.S. party, show the amount of the importer's selling expenses, including commissions, and processing costs—i.e., processing, distribution and warehousing costs. (Do not show here any costs that are shown in item 28.)

Distribution costs include, for example, the costs of breaking up a shipment into smaller lots for resale.

The foreign seller or the importer must identify by name, and specify the amount, of each component of such total amount. When a cost component does not apply uniformly to all items, identify the item(s) to which such component applies. If processing or warehousing costs are not known at the time the SSSI is presented, the foreign seller or importer must show amounts based on standard processing or warehousing costs, based on several months' experience and adjusted for inflation, with the understanding that such amounts are subject to subsequent verification by audit or otherwise.

If processing, warehousing or distribution costs are incurred by the related importer, the related importer must allocate to processing, distribution and warehousing services a reasonable portion of its overhead costs.

31. *Declaration of Importer:* If the international transaction is between related parties, the importer must indicate in this item whether the merchandise has been resold to an unrelated party as of the date it signs the SSSI. The importer must show the date in this item and sign the SSSI.

If the international transaction (whether between related parties or unrelated parties) is based on terms of sale that do not include any of the charges in items 24 through 28, the importer may provide this information as long as the importer indicates that it is supplying the charges and signs the SSSI.

Note.—Whenever an importer provides the data in column 19c (resale unit price) and/or items 24 through 30, the importer must place an asterisk (*) next to these amounts to show that it, not the foreign seller, is supplying the data. The importer should then sign the SSSI in item 31.

The information that is required in column 19c and/or items 24 though 30 may be supplied on a continuation sheet, provided that copies of the continuation sheet are attached to each copy of the SSSI and the information is plainly identified as to the column or item on the SSSI to which it relates. The words "See Attached" should be entered in the appropriate column or item of the SSSI if a continuation sheet is used.

Dated: October 5, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-29299 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Italy; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Italy. The review is limited to the only known exporter, Snia Fibre S.p.A. (formerly Italviscosa), and to the period June 1, 1980 through May 31, 1981. The review disclosed no shipments to the United States of this merchandise during this time period.

There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margin found on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4273/2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1981, the Department of Commerce ("the Department") published in the Federal Register (46 FR 19845) the final results of its first administrative review of the antidumping finding on viscose rayon staple fiber from Italy and announced its intent to conduct the next administrative review by the end of June, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from Italy.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known exporter to the United States is Snia Fibre S.p.A. (formerly Italviscosa). The review covers the period June 1, 1980 through May 31, 1981. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As provided by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 18.6%, based on the weighted-average margin on the last known shipments for Italviscosa, shall be required on all shipments of viscose rayon staple fiber from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments within 30 days from the of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 2, 1981.

[FR Doc. 81-29220 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On July 22, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review was limited to the only known exporter, Kemira oy Sateria, and to the period March 1, 1980 through February 28, 1981. Interested parties were given an opportunity to submit written or oral comments on these preliminary results. We received no comments.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4273/2657).

SUPPLEMENTARY INFORMATION:

Background

On March 21, 1979, an antidumping finding with respect to viscose rayon staple fiber from Finland was published in the Federal Register as Treasury Decision 79-87 (44 FR 17156-7). On July 22, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (46 FR 37746). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 in the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Finnish exporter of viscose rayon staple fiber to the United States. That firm is Kemira oy Sateri. The review covered the period March 1, 1980 through February 28, 1981.

Final Results of the Review

The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There are no known shipments to the United States during this time period and no known unliquidated entries.

As provided by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based upon the most recent margin, that is 3.9 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of March 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 1, 1981.

[FR Doc. 81-29227 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: November 5, 1981 at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: September 29, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29225 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistant Application Announcement; Portfolio Growth Company Program

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) requirement to provide management consulting services under its Portfolio Growth Company Program in the Standard Metropolitan Areas of Cleveland, Chicago, Detroit, and St. Louis was announced in the Federal Register on September 28, 1981 under Project I.D. Number 05-10-80014-01.

Due to budgetary revisions, the requirement for a Portfolio Growth Program award to service this area is cancelled.

Dated: October 2, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-29287 Filed 10-7-81; 8:45 am]

BILLING CODE 1350-53-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and Its Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate public meetings. The Council will hold its 38th regular meeting to consider status reports on fishery management plans (FMP's) under development; draft FMP for shallow-water reef fishery; draft FMP for coastal migratory pelagics resources; draft Caribbean section of the Atlantic billfish FMP; draft FMP for the fishery resources of Puerto Rican and St. Croix geological platforms; discuss National Marine Fisheries Service legal opinion on Puerto Rico's seaward boundary for purposes of the Magnuson Fishery Conservation and Management Act, as well as discuss administrative matters and other Council business. The Administrative Subcommittee will meet to consider matters related to the Council budget and administrative operations.

DATES: The Council meeting will convene on Tuesday, November 3, 1981 at approximately 1:30 p.m., and will adjourn on Wednesday, November 4, 1981, at approximately noon. The Council's Administrative Subcommittee meeting will also convene on Tuesday, November 3, 1981, at approximately 9 a.m., but will adjourn at approximately noon.

ADDRESS: The public meetings will take place at the Conference Room of the Condado Beach Hotel, Ashford Avenue, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, telephone: (809) 753-4926.

Dated: October 5, 1981.

Jack L. Falls,

Chief, Administrative Support Staff.

[FR Doc. 81-29327 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Surf Clam/Ocean Quahog Resources Subpanel, which will meet to discuss surf clam ocean quahog quotas, surf clam area reopening and other related fishery matters.

DATE: The public meeting will convene on Friday, October 30, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress of the agenda.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 2, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-29325 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice in Change in Meeting Location for the New England Fishery Management Council.

SUMMARY: The schedule meeting location for the New England Fishery Management Council, as published in the Federal Register, October 1, 1981 (46 FR 48283), has been changed as follows:

From

King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

To

Holiday Inn, Peabody, Massachusetts.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: October 5, 1981.

Jack L. Falls,

Chief, Administrative Support Staff.

[FR Doc. 81-29326 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Current Membership of Departmental Performance Review Board

This notice announces the current membership of the Department Performance Review Board (PRB) in the Department of Commerce. The purpose of the Departmental PRB is to review the performance of appointing authorities and their immediate deputies who are in the SES and other SES members whose ratings are initially prepared by their respective appointing authorities. The original membership was announced in the Federal Register of April 15, 1980, (45 FR 25443) and changes in membership were announced in the Federal Register of August 21, 1981, (46 FR 42500). One of the individuals whose appointment was announced in the August 21, 1981, notice is no longer serving as a Departmental PRB member and ten additional members have been appointed. The person no longer serving as a member is:

Lorin Goodrich, formerly Director, Office of Management and Administration, Economic Development Administration

Departmental PRB members are appointed for a two year term expiring September 1, 1983. The current full membership of the Departmental PRB, excluding the former member named above, and including the *ten* additional members is as follows:

Guy W. Chamberlin, Jr., Director, Office of Administration, National Bureau of Standards
Clifford J. Parker, Deputy Assistant Secretary for Resources Management, Office of the Secretary
Joseph C. Brown, Deputy Director for Personnel, Office of the Secretary
Daniel Levine, Deputy Director, Bureau of the Census, Office of the Chief Economist
Shirley Kallek, Associate Director, Economic Fields, Bureau of the Census, Office of the Chief Economist
Anthony DeAngelo, Director, Office of Program Operations, Economic Development Administration
William Skidmore, Director, Office of Export Administration, International Trade Administration
John B. Roose, Deputy to the Deputy Assistant Secretary for Export Development, International Trade Administration
Peter Hale, Director, Office of Country Marketing, International Trade Administration
Allan A. Stephenson, Associate Director for Policy and Market Development, Minority Business Development Agency
James W. Brennan, Deputy General Counsel for Fisheries, Enforcement and Regions, National Oceanic and Atmospheric Administration
Dale N. Hatfield, Deputy Assistant Secretary for Communication and Information
Lucy Falcone, Deputy Assistant Secretary for Domestic Economic Policy, Office of Policy
Edward L. Brady, Associate Director, International Affairs, National Bureau of Standards
Herbert C. Wamsley, Director, Trademark Examining Operation, Patent and Trademark Office
Frederic A. Heim, Assistant Inspector General for Audits, Office of Inspector General

Additional members:

Beverly L. Milkman, Director, Office of Technical Assistance, Economic Development Administration
John L. Evans, Deputy to the Deputy Assistant Secretary for Import Administration, International Trade Administration
Melinda L. Carmen, Director, Office of Investigations, Office of the Assistant Secretary for Trade Administration, International Trade Administration
Vincent F. DeCain, Deputy to the Deputy Assistant Secretary for Export Administration, International Trade Administration
Eugene K. Lawson, Deputy Assistant Secretary for East-West Trade, International Trade Administration
Augustine J. LaCovey, Director, Office of Public Affairs, National Oceanic and Atmospheric Administration
Otto J. Wolff, Special Assistant to the Secretary of Commerce
Harry M. Singleton, Deputy Assistant Secretary for Congressional Operations, Office of Congressional Affairs
H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, Office of General Counsel
Katherine M. Bulow, Special Assistant to the Assistant Secretary for Administration

Persons desiring any further information about the Departmental PRB or its membership may contact Mr. Raymond D'Antonio, Executive Secretary to the Departmental Performance Review Board, Office of Personnel, Main Commerce Building, Room 5119, Washington, D.C. 20230, (202) 377-4534.

Dated: October 5, 1981.

Raymond D'Antonio,

Executive Secretary, Departmental Performance Review Board, Department of Commerce.

[FR Doc. 81-29252 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-BS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Export Visa Requirement for Certain Man-Made Fiber Apparel Products From Republic of Korea

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Advising that in order to meet the "correct category" requirement, visas for man-made fiber woven shirts in category 640, produced or manufactured in the Republic of Korea, must be visaed as follows on and after October 13, 1981 (underlined part only):

1. *Category 640-D* (Only T.S.U.S.A. Numbers 380.0455, 380.8431 and 380.8433).
2. *Category 640-O* (All T.S.U.S.A. Numbers except 380.0455, 380.8431 and 380.8433).

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

SUMMARY: The export visa requirement established under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, calls for the inclusion on each visa of the correct category and quantity of the merchandise. To ensure that men's and boy's man-made fiber shirts in Category 640 are charged to the correct levels under the agreement, it has been agreed that the export visas for this category shall include a "D" to identify dress shirts in T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433 and an "O" for shirts other than dress shirts which include all other T.S.U.S.A. numbers in the category except numbers 380.0455, 380.8431 and 380.8433.

EFFECTIVE DATE: October 13, 1981.

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

SUPPLEMENTARY INFORMATION: On May 25, 1972, a letter dated May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (37 FR 10605), prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, for which the Government of the Republic of Korea had not issued an export visa. On July 23, 1973, a further letter dated July 18, 1973, was published in the Federal Register (38 FR 19723) which added the requirement that the correct category and quantity of the merchandise must also be included on the export visa.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amends the directives of May 25, 1972 and July 18, 1973 to require that visas for man-made fiber textile products in Category 640 include a "D" or an "O" to differentiate between dress shirts in T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433 and shirts, other than dress shirts, in all other T.S.U.S.A. numbers in the category except numbers 380.0455, 380.8431 and 380.8433.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 5, 1981.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea for which the Government of the Republic of Korea had not issued an appropriate export visa. It also amends, but does not cancel, the directive of July 18, 1973 which established the requirement that the correct category and quantity of the merchandise be shown on the visa.

Effective on October 13, 1981, the directives of May 19, 1972 and July 18, 1973 are amended to require that export visas for man-made fiber textile products in Category 640, produced or manufactured in the Republic of Korea, shall be visaed as follows: (Underlined part only)

Category 640-D (Only T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433); or *Category 640-O* (All T.S.U.S.A. numbers in the category except T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433).

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products in Category 640 from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29251 Filed 10-7-81; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 8-12 November 1981 at the Mystic Ramada Inn, Mystic, Connecticut.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meeting and discussions:

Sunday, 8 November 1981—Mystic Ramada Inn
12:00 noon-9:00 p.m.—Registration
3:00 p.m.—Executive Committee Meeting
4:00 p.m.-6:00 p.m.—Briefing for all DACOWITS Members, Former Members, and Military Representatives
7:00 p.m.-8:30 p.m.—"No-Host" Cocktail Buffet

Monday, 9 November 1981—Mystic Ramada Inn
8:00 a.m.-12:00 noon—Registration
9:00 a.m.-9:45 a.m.—Official Opening
10:00 a.m.-12:30 p.m.—OSD/Service Briefings
12:30 p.m.-2:00 p.m.—Official Department of Defense Luncheon (By invitation only)
2:00 p.m.-3:00 p.m.—OSD/Service Briefings
3:00 p.m.-5:30 p.m.—Subcommittee Meetings
7:00 p.m.-10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Tuesday, 10 November 1981—New London, Connecticut
8:00 a.m.-6:00 p.m.—Field Trip to the U.S. Coast Guard Academy at New London, Connecticut

Wednesday, 11 November 1981—Mystic Ramada Inn
8:00 a.m.-12:00 noon—OSD/Service Briefings
12:00 noon-1:30 p.m.—"No-Host" Luncheon
1:30 p.m.-5:30 p.m.—Subcommittee Meetings
7:00 p.m.-8:30 p.m.—"No-Host" 30th Anniversary Dinner

Thursday, 12 November 1981—Mystic Ramada Inn
8:00 a.m.-9:45 a.m.—General Business Session—Adjourn

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting.

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697-5655 by 29 October 1981.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 8:00 a.m. to 8:30 a.m. on Thursday, 12 November 1981, before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 29 October 1981.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after

the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive Committee sessions, or the Business Session on Thursday, 12 November 1981.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Washington, D.C. 20301.

M. S. Healy,

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

October 5, 1981.

[FR Doc. 81-29243 Filed 10-7-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Amended Meeting

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of Meeting.

SUMMARY: This notice amends the announcement of a first meeting of the National Commission on Excellence in Education published in the Federal Register on September 29, 1981 on page 47651.

DATES: October 9, 1981 (9:00 a.m. until 5:15 p.m.), October 10, 1981 (9:00 a.m. until 12:00 noon).

LOCATION:

October 9, 1981, Hubert H. Hunphrey Building, 200 Independence Avenue, S.W., Penthouse, Room 800, Washington, D.C.

October 10, 1981, Federal Office Building #6, 400 Maryland Avenue, S.W., Room 3000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, N.W., Washington, D.C. 20208 (202) 254-5750.

The agenda for the open public meeting includes:

Swearing-In of Members

Remarks by Secretary of Education, T. H. Bell

Discussion of Charter and Work of Commission

Presentations by Outside Experts

Dated: October 5, 1981.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81-29298 Filed 10-7-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59067; TSH-FRL 1952-8]

Toxic Substances; Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: October 23, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-59067]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on TMEs received by the EPA:

TME 81-37

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic complex metallic phosphate.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical and Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers may experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-38

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic peroxy based complex.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-39

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic complex metallic sulfate.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-40

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxy aryl polyammonium polymer, modified.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29255 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-00011A; TSH-FRL 1953-4]

Toxic Substances; Confidential Business Information; Availability of Security Manuals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticides and Toxic Substances has adopted revised procedures for maintaining the security of Confidential Business Information (CBI) submitted under the Toxic Substances Control Act (TSCA). Two Manuals have been developed to replace the existing TSCA Confidential Business Information Security Manual. One is for EPA use, the other is for EPA contractors.

DATE: The requirements of the Manuals are effective July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John B. Ritch, Jr., Director, Industry Assistance Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Room E-511, 401 M St., SW., Washington, D.C. 20460, In Washington, D.C.: (554-1404), Toll Free: (800-424-9065), Outside the USA: (Operator—202-554-1404).

Copies of the Manuals may be obtained from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION: This notice announces the adoption of a revised TSCA Confidential Business Information Security Manual setting forth the procedures to be followed by EPA to maintain the security of proprietary information submitted under TSCA. The revised Security Manuals replace the original Manual adopted by EPA and announced in the Federal Register of July 25, 1978 (43 FR 32186).

EPA has been working under the procedures set out in the original Manual for more than two years. During that period, minor changes were made to some of the procedures in order to meet program needs which either were not addressed in the Manual or were found to be causing administrative problems. As a result of periodic program analysis, EPA revived the Data Security Task Force to consider substantive changes to the Manual. Proposed changes were published and public comments were invited in the Federal Register of July 2, 1980 (45 FR 45016).

At the time of the adoption of the original Manual, most of the Confidential Business Information in EPA's possession was received from parties reporting chemical substances for inclusion on the Inventory of Chemical Substances under section 8(b) of TSCA. Since that time EPA has been acquiring ever increasing amounts of CBI under TSCA as other sections of the Act are put into effect. Increases in the number of CBI submissions and greater administrative burdens in handling larger amounts of CBI led the agency to conclude that the security procedures developed primarily for protection of Inventory data no longer met the EPA policy expressed in the January 25, 1978 Federal Register (43 FR 32186), as "a balance between the need for security and the need for EPA to perform its primary statutory duties under TSCA." The procedures outlined in the two revised Manuals meet this goal by providing security while also affording sufficient administrative flexibility for EPA to carry out its mission.

A number of format changes have been made in the revised Security Manuals. The Manual is now divided into two volumes: the "TSCA Confidential Business Information Security Manual" and the "Contractor Requirements for the Control and Security of TSCA Confidential Business Information." Other changes include:

1. The Special Category classification for TSCA CBI has been eliminated.
2. The procedures for access authorization have been simplified.
3. Logging-in procedures have been restructed and made more flexible.
4. Authorization procedures for discussing CBI on the telephone have been modified.
5. Approval for the use of telecopiers to transmit CBI between EPA and submitters with the permission of the submitter has been added.
6. Express delivery services have been added to the approved methods of transmittal.
7. The procedures for staff-generated CBI have been expanded and clarified.
8. Provisions for handling and storing CBI while employees are traveling have been added.
9. A provision on secretarial procedures has been added.
10. A provision on handling incoming mail from businesses has been added.
11. An appendix on maintenance of discipline has been added, including excerpts from the EPA Conduct and Discipline Manual.
12. A provision has been added which allows individual program offices to develop specific security procedures to meet their needs. These procedures must be consistent with the requirements of the TSCA CBI Security Manual and be approved by the Chief, Information Control Branch (ICB).

Many major responsibilities have been reassigned. The Deputy Assistant Administrator for Toxic Substances (DAA/OTS) and Division Directors have been assigned several responsibilities formerly assigned to the Assistant Administrator for the Office of Pesticides and Toxic Substances (OPTS). The position of DAA/OPII has been eliminated. The Chief, ICB, will have the responsibilities of the OPTS Document Control Officer (DCO), and the position of OPTS DCO has been eliminated. The Office of Inspector General will now have many of the responsibilities of the Security and Inspection Division (SID) which was eliminated in a reorganization. The Security Branch retains some of the responsibilities of SID. The responsibilities of the Director, Management Information and Data Systems Division (MIDSD), Document Control Officers and Assistants, EPA employees, and Security

Representatives have not changed significantly.

Comments received from chemical industry representatives on the revised Security Manuals were considered and many are incorporated into the final draft. The comments are divided into two groups. The first group of comments pertains to the CBI Security Manual but in some cases may also be applicable to the Contractor Requirements Manual. The second group of comments pertains only to the Contractor Manual. The substantive comments are summarized below together with the agency's response.

Comments on the CBI Security Manual

1. Some comments requested that a specific provision be included for notification to CBI submitters if their documents are either lost, compromised, or cannot be accounted for by EPA or its contractors. EPA will notify submitters as soon as possible, if the agency reasonably believes that CBI has left EPA control or is subject to unauthorized release.

2. Comments requested that the Special Category classification for TSCA CBI not be eliminated. The volume of CBI and resource limitations dictate the abolition of the Special Category classification. As program activity and volume have expanded, the number of employees requiring access to CBI materials has increased, making the Special Category classification more burdensome than beneficial. The confidentiality system as a whole should benefit from the lessened administrative burden resulting from the elimination of the Special Category. The stringent handling procedures and careful control measures required and enforced for all TSCA CBI will ensure that former Special Category information will receive the degree and quality of protection intended for it under the previous manual.

3. Comments expressed concern about the risk of disclosure when EPA or contractor employees take CBI home prior to a trip. Employees will take CBI home only in rare circumstances and when prior approval is granted. All reasonable precautions are required to maintain the security of CBI. Because of the variance in individual circumstances, it would be difficult to establish precise step-by-step procedures for employees to follow. However, a number of specific guidelines are described in the manual for those rare occasions when CBI is taken home prior to a trip.

4. Comments requested that EPA maintain logs of telephone conversations involving CBI and that prior to discussing CBI over the telephone, the caller should put the other party on notice that CBI will be discussed. Requiring logs for all telephone calls involving CBI would be quite burdensome. It would also create a great deal of extra material which would have to be protected as CBI (the logs themselves). The suggestion to notify the other party that CBI will be discussed has been adopted.

5. A comment questioned the security of CBI documents shipped to the Federal Records Center (FRC) for storage. Records stored at FRC remain EPA property and EPA will stipulate to FRC the limited level of access allowed for CBI materials.

6. A comment requested that the definition of CBI include photographic materials and samples. The definition of CBI documents has been expanded to include these terms.

7. Comments requested notification if EPA or contractor-generated documents are determined not to constitute CBI. The number of documents generated would place a great burden on the Agency were such a suggestion adopted. As a general guideline, if there is a dispute as to whether a document should be considered CBI, there is a presumption that the document is CBI until the status is resolved.

8. Some comments requested that the cover sheet for CBI documents be signed by the user each time he/she has access to the document. The purpose of signing the cover sheet is to record all the parties who have had access to a CBI document. It is sufficient that a user only sign the cover sheet the first time he or she has access to a CBI document. It is sufficient that a user only sign the cover sheet the first time he or she has access to a CBI document.

9. Some comments suggested that the Security Manual include provisions for release of CBI materials to Congress, courts, or in agency proceedings. It was not considered necessary to include this subject in the Security Manual because it is already covered in EPA's Public Information Regulations, 40 CFR 2.209.

10. A comment stated that EPA should conduct periodic management reviews of its security program. EPA believes that periodic reviews will prove beneficial and plans to perform them.

11. A comment suggested that making periodic audits of CBI materials on hand "at least annually" seems inadequate. The "at least annually" provision is merely a minimum and audits may be conducted more frequently, as the Agency's resources allow.

12. A comment requested that a recall procedure be established for ensuring the return of CBI materials checked out to individuals. CBI materials may be checked out from document control areas for up to 90 days by cleared personnel who have approved storage facilities. A recall procedure is presently being formulated.

13. A comment requested that CBI portions of contractor- or EPA-generated documents should be highlighted. EPA encourages this practice whenever practicable. Any document that is generated which containes CBI must immediately be taken to a DCO/DCA for logging in and control.

14. A comment was received that submitters be notified when an EPA or contractor employee, cleared for CBI, terminates his or her employment. The notice would contain a description of the CBI to which the employee has had access. In view of the size of EPA and the number of submitters of confidential information, it would not be possible from an administrative standpoint for EPA to provide such notice. However, the Agency believes that the comment's concerns are addressed by the sanctions under TSCA section 14(d) for unauthorized disclosure of CBI by EPA employees past or present. Those criminal penalties greatly reduce the risk that a former employee will violate the disclosure prohibition.

15. A request was made to have a copy of the CBI stamp include the prohibition against disclosure. The current CBI stamp puts an employee on notice that a document contains CBI. Additional cautionary wording is contained on the green cover sheets attached to CBI.

16. It was suggested that procedures be established to verify the identity of a CBI submitter prior to discussing CBI over the telephone. This is the current practice.

17. A comment suggested that when it is necessary to transfer CBI documents from an EPA facility, the original be retained and only a copy be transferred. This is the current practice.

18. A comment requested that submitters be made aware of the advantages and opportunity for split transmissions of data to protect CBI. EPA employees currently advise CBI submitters how to transmit their data securely.

19. A comment suggested that work areas where CBI is used should not be protected solely by card access systems. EPA will not rely solely on one physical security system.

20. In the area of computer security, suggestions were made for write-only access, audits, and unannounced inspections. Chapter IV of the Manual, which discusses security requirements

for computer centers, provides for such safeguards.

21. It was recommended that employee confidentiality agreements be retained for more than five years following the termination of an employee. Five years is believed adequate. Retention of these agreements beyond the five years would have little effect on security.

22. A comment requested that CBI logs be treated as CBI themselves. Current EPA practice requires that CBI logs be treated as confidential.

23. A comment requested that the restriction on the use of Kodachrome film be eliminated because it can be developed by independent processing laboratories. This restriction has been removed.

24. A comment requested that the employee Security Manual cite the Trade Secrets Act, 18 U.S.C. 1905, which prohibits the disclosure of CBI. This has not been done because section 14(d) of TSCA states that 18 U.S.C. 1905 does not apply to TSCA CBI. Section 14(d) of TSCA provides a specific criminal penalty for wrongful disclosure of TSCA CBI by government employees and EPA TSCA contractors and their employees.

25. Several comments stated that the U.S. Department of Justice should not be exempted from the security requirements imposed on other government agencies which request access to CBI. Because of the special relationship which exists between the Department of Justice (DOJ) and EPA in prosecuting cases for EPA under TSCA and providing legal advice to the agency, it is necessary to exempt the Justice Department from the security requirements of the Manual.

26. A comment expressed the belief that other Federal agencies which CBI should be prohibited from disclosing it further. A Federal agency which receives CBI is prohibited from disclosing it further unless certain conditions are met which are listed in EPA's Public Information Regulations, 40 CFR 2.209(c)(5).

27. A comment stated that EPA employees should be cleared to receive CBI only on a need to know basis. This is the current practice.

28. A comment stated that notes or working papers derived from CBI should be safeguarded. This is the current practice. Refer to section III(H) of the employees' Security Manual.

29. A comment suggested that if an EPA employee telephones a company for information, the company should be informed that it may claim any information submitted as confidential. This is the current practice.

30. A comment recommended that an unauthorized person should not be allowed in an area where CBI is located. Present facilities do not allow this recommendation to be adopted. This recommendation will be incorporated whenever the agency's limited resources and physical constraints allow in future facility redesign.

31. A comment suggested that the meeting sign-in sheet list the document control numbers of CBI documents discussed at a meeting. Employees will be encouraged to follow such a procedure whenever practicable.

32. A comment stated that other Federal agencies must justify their need for CBI in writing. This is required. Refer to 40 CFR 2.209(c) of EPA's Public Information Regulations.

33. Comments were received that inquired whether EPA consultants and employees of EPA contractors who have access to TSCA CBI receive security clearance checks. Consultants are EPA employees. They undergo a National Agency Check and Inquiries (NACI) investigation. Consultants are subject to criminal and administrative penalties as EPA employees for any breach of confidentiality. Resource constraints keep EPA from individualy investigating all contractor employees. Contractors are responsible for the conduct of their employees. Contractors may lose their contracts for a breach of confidentiality and can be sued by CBI submitters for unauthorized disclosure of CBI. In addition, contractors and their employees are subject to the TSCA section 14(d) criminal penalties for wrongful disclosure.

34. A comment requested that the confidentiality agreements signed by EPA employees state that the disclosure of CBI could damage the submitter of such information. Employees are currently so instructed.

Comments on the Contractor Requirements Manual:

1. A comment requested that CBI submitters be allowed to enter into direct confidentiality agreements with EPA contractors who have access to CBI. Direct confidentiality agreements between submitters and contractors are not appropriate because submitters already have the right as third party beneficiaries to sue contractors for an unwarranted disclosure of CBI, and contractors and their employees are subject to criminal penalties for wrongful disclosure.

2. A comment stated that CBI should not be disclosed to EPA subcontractors. EPA imposes the same security requirements on its subcontractors as it does on its contractors. EPA permits subcontractors to receive CBI because contractors may not have adequate personnel and resources to accomplish all the tasks in a contract.

3. A comment requested specific guidelines for determining the type of notice which should be given when CBI is transferred to a contractor. The type of notice given is discretionary (see 40 CFR 2.306(j) of EPA's Public Information Regulations). Because of the volume of CBI which is transferred or may be transferred in the future, individual notice is often impracticable and a Federal Register notice will be used.

4. A comment expressed concern about EPA's legal authority to authorize a contractor to collect CBI directly from a business. EPA has the legal authority under TSCA sections 8(c), 11(a) and 14(a) for such a procedure.

5. A comment requested that EPA be notified whenever a contractor reproduces TSCA CBI. Contractors handling CBI materials are required to maintain a reproduction log which is monitored regularly by EPA; notice to EPA each time would be duplicative and would not be feasible from an administrative standpoint.

6. Some comments asked that the Office of Inspector General's (OIG's) role in contractor security plan review and approval be specified. OIG's role is to review a contractor's security plan and inspect its physical facilities for compliance with EPA's procedures. After reviewing the OIG's report, the Chief of the Information Control Branch decides to approve or disapprove a contractor for access to CBI.

7. A comment suggested that contractors be given a description of all CBI transferred to them. Current document handling procedures require this.

8. It was requested that provisions for disclosure of contractor conflicts of interest and financial accountability be included. Consideration of conflicts of interest and financial accountability is already part of the agency's standard contracting process.

Dated: July 29, 1981.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81-29258 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51327; TSH-FRL 1953-1]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufactue notice (PMN) to EPA at least 90 days before manufacture or import comments. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMN's provides a summary of each.

DATE: Written comments by: November 29, 1981. PMN 81-489, 81-490, 81-491, 81-492, 81-493, 81-494, 81-495.

ADDRESS: Written comments, identified by the document control number "[OPTS-51327]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St. SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-489

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic modified epoxy-ester resin.

Use. The manufacturer states that the PMN substance will be used as an ingredient of coating for packaging.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1 year	1,000	10,000
2 year	5,000	25,000
3 year	15,000	100,000

Physical/Chemical Properties

Appearance—Solid.

Acid value—50.

Molecular weight—>10,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 12 workers may experience dermal exposure up to 4 hrs/day, up to 10 days/yr during sampling and fill off.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land. Disposal is to an approved landfill.

PMN 81-490

Close of Review Period. December 29, 1981.

Manufacturer's identity. Claimed confidential business information.

Specific Chemical Identity. 2,2-dimethyl-1,3-propanediol, polymer with 2-ethyl-2-hydroxymethyl-1,3-propanediol, 1,4-cyclohexanedimethanol, 1,6-hexanedioic acid, 1,3-isobenzofurandione and tall oil acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	12,000
2d year	6,000	45,000
3d year	12,000	100,000

Physical/chemical Properties

Boiling point—313°F.

Flash point—164°F.

Percent by volume—11.1.

Weight/gallon—9.10.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use 106 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 260 days/yr during sampling, drumming, and spray application.

Environmental Release/disposal. The manufacturer states that 100-1,000 kg/yr will be released to the land. Water of reaction is vented through an afterburner. Filter aid is disposed of to a controlled landfill.

PMN 81-491

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—West North Central.

Specific Chemical Identity. Claimed confidential business information. Generic name provided; Amine salt of a phosphonic acid.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH—7.0.

Specific gravity—1.132.

Flash point—106°F.

Pour point—<−40°F.

Toxicity Data. The manufacturer states that the substance is expected to exhibit a very low order of toxicity.

Exposure. The manufacturer states that principal exposure during manufacture and use will occur during drumming, disposal or material transfer.

Environmental Release/disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land. Disposal is to a publicly owned treatment works (POTW).

PMN 81-492

Close of Review Period. December 29, 1981.

Manufacturer's identity. The Goodyear Tire and Rubber Company, 1144 E. Market Street, Akron, OH 44316.

Specific Chemical Identity. 1, 3-bis(1-methylethenyl) benzene.

Use. The manufacturer states that the PMN substance will be used as an intermediate for polymers and specialty chemicals.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear liquid.

Boiling point—448.5° ±1.8° F.

Flash point—199° F (PMCC).

Melting point—−41.08° F.

Solubility: Water—Hydrates.

Density—0.925.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2 g/kg.

Primary skin irritation (rabbit)—Minimally irritating.

Primary eye irritation (rabbit)—Minimally irritating.

Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure up to 8 hrs/day, up to 335 days/yr during transfer of material.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the water 24 hrs/day, 335 days/yr. Disposal is by POTW and incineration.

PMN 81-493

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Dow Corning Corporation, P.O. Box 1592, S. Saginaw Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Co-polymeric organopolysiloxane.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid.
Specific gravity—1.075.
Flash point (closed cup)—220° F.
Viscosity—1,000 cps.
Solubility: Water—Insoluble.
Color—Water white/straw yellow.
Vapor Pressure—5 mm @ 25° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 1 worker may experience dermal exposure 1 hr/day, up to 5 days/yr during the drumming off process.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81-494

Close of Review Period. December 29, 1981.

Importer Identity. CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Alkylaminoalkyl)-(substituted) benzotriazole.

Use. The importer states that the PMN substance will be used as a corrosion inhibitor for lubricating oils.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellow to brown liquid.
Viscosity—70-90 cSt @ 40° C.
Solubility: Alcohol—Readily soluble. Aliphatic hydrocarbons—Readily soluble. Ketones—Readily soluble.
Refractive index—n25/D
Vapor pressure mbar—$\sim 10^{-5}$ @ 20° C $\sim 2\times10^{-5}$ @ 70° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—3,300 mg/kg.
Skin irritation (rabbit) (Draize)—Severe.
Eye irritation (rabbit) (Draize)—Slight.

Exposure. The importer states that exposure is a remote possibility since the process is largely mechanical.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air, land, and water. Spent lubricant, grease, etc., will be periodically transferred to drums for suitable disposal to landfill or regeneration.

PMN 81-495

Close of Review Period. December 29, 1981.

Importer's Identity. CIBA-BEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Bis(3,5-di-*tert*-butyl-4-hydroxybenzyl)malonic acid, diester with 1-acrylol-2,2,6,6-tetramethyl-4-piperidinol.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in an open use.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—1.06.
Melting point—113-118°C.
Solubility: Water—<0.01. Acetone—4.5. Benzene—1.5. Toluene—10. Ethyl acetate—30. Chloroform—10.
Vapor pressure mbar—$\sim 3\times10^{-6}$ @ 20°C; $\sim 2\times10^{-4}$ @ 100°C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Skin irritation rabbit) (Draize)—Minimal.
Eye irritation (rabbit) (Draize)—None.

Exposure. The importer states that exposure may occur during manual transfer.

Environmental Release/Disposal. The importer states that less than kg/yr will be released to the air, land, and water.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29256 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51328; TSH FRL 1953-3]

Toxic Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATE: Written comments by: PMN81-496 and 81-497, November 30, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51328]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, RM. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-496

Close of Review Period. December 30, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Specific Chemical Identity. 3-hydroxy-l-propanesulfonic acid.

Use. The importer states that the PMN substance will be used as an intermediate.

IMPORT ESTIMATES

	Kilogram per year	
	Minimum	Maximum
1st year	100	400
2d year	100	400
3d year	100	400

Physical/Chemical Properties

Appearance—Yellow clear solution.

Specific gravity—1.36.

Boiling point @ 760 mm/Hg—>100° C.

Solubility: Water @20° C—Dilutable.

Toxicity Data. No data were submitted.

Exposure. The importer states that during processing and use 84 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 322 days/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air, land and water. Disposal is to a publicly owned treatment works (POTW). All other liquid and solid wastes will be drummed for destruction in a licensed thermal oxidizer of for disposal in a licensed chemically secure landfill, or for treatment, or recovery.

PMN 81-497

Close of Review Period. December 30, 1981.

Manufacturer's Identity. CIBA-GIEGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymers of alkylamines and aryl epoxides.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Orange, yellow solid.

Vapor pressure mbar—$<10^{-5}$ @ 20° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—2,400 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>3,000 mg/kg.

Skin irritation (rabbit)—Moderate.

Eye irritation (rabbit)—Moderate.

Skin sensitization (guinea pig)—Extreme skin sensitizing potential.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land and water. Disposal is by burial or incineration in approved sites or facilities.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29257 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[LCE-FRL 19526]

Clean Air; Receipt of Application Pursuant to Steel Industry Compliance Extension Act of 1981; Alabama By-Products Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On September 21, 1981 EPA received an application from the Alabama By-Products Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to Alabama By-Products Corporation's eligibility for an extension within a few weeks. Persons desiring to make public comments are encouraged to do so without delay.

DATES: Effective September 21, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-D: Alabama By-Products Corporation, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0658.

William A. Sullivan, Jr.,

Deputy Associate Administrator for Enforcement Policy.

[FR Doc. 81-29254 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-41-M

[LCE-FRL 1952-7]

Receipt of Application Pursuant to Steel Industry Compliance Extension Act of 1981; United States Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On September 21, 1981 EPA received an application from the United States Steel Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to U.S. Steel's eligibility for an extension within a few weeks. Persons desiring to make public comment are encouraged to do so without delay.

DATE: Effective September 17, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-B: U.S. Steel, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0658.

William A. Sullivan, Jr.,

Deputy Associate Administrator for Enforcement Policy.

[FR Doc. 81-29253 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-41-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to

section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to commmunicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Laufer Shipping Corp., 5521 N.W. 82nd Avenue, Miami, FL 33166
Norman Laufer, Vice President/Director
Arthur Laufer, President/Director
Anthony Soto, Vice President
American Forwarding Company, 2100 Stemmons Freeway, Dallas, TX 75207
Aziz Riad Soliman, President
Barbara Ann Moussa, Secretary/Treasurer
A & K Forwarding, Inc., c/o New Japan Air Service (America) Inc., 60 East 42nd Street, Suite 2114, New York, NY
Yasuo Kashima, President/Treasurer/Director
Yasuko Kashima, Secretary/Director
Charles F. McCormack, 400 Jericho Tpke., Rm. 205, Jericho, NY 11753
Richard A. Madrazo, d.b.a. Ram Forwarding Company, 30 Versey Street, New York, NY 10047
C.I.F. Inc., P.O. Box 524276, Miami, FL 33152
Manuel Reyes, Sole Officer
Amcorp Shipping, Inc., 40 Exchange Place, Rm. 1403, New York, NY 10005
Monica Streinberg, President
Wolgang Steinberg, Vice President
Jochen Semler, Secretary
Kira M. Semler, Treasurer
International Export Packers, Inc., 4600 Eisenhower Avenue, Alexandria, VA 22304
David W. McCreight, Executive Vice President
Mary A. Martin, Secretary
Dora A. Hawkins, Treasury
Jack Kagan, President
Fuentes International, Inc., 7411 N.W. 54th Street, Miami, FL 33166
Clara Fuentes, Sole Officer
Arnis Kapostins, 320 Corey Way, South San Francisco, CA 94080
Lynden Air Freight, Inc., 5700 Sixth Avenue South, P.O. Box 81007, Suite 200A, Seattle, WA 98108
Larry G. Evenson, President
Franklin D. Roe, Vice President
Robert G. Mann, Vice President
Kitty Samuel, Treasurer
Kenneth D. Loving, Secretary
Jim Jansen, Director
Richard A. Korpela, Director

Dated: October 2, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29223 Filed 10-7-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Farmers Investment Company, Inc.; Formation of Bank Holding Company

The Farmers Investment Company, Inc., Eyota, Minnesota, a bank holding company, has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire 100 percent of the voting shares of The First Dover Investment Company, Dover, Minnesota; 74.4 percent or more of the voting shares of The First State Bank of Dover, Dover, Minnesota, and 90.9 percent or more of the voting shares of The Elgin-Millville State Bank, Elgin, 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 Farmers Investment Company, Inc., Eyota, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Elgin Financial Services, Inc., Elgin, Minnesota and Elgin Investment Company, Elgin, Minnesota.

Applicant states that Elgin Financial Services would perform the activities of making or acquiring loans and other extensions of credit such as would be made by a factoring company. These activities would be performed from offices of Applicant's subsidiary in Elgin, Minnesota, and the geographic area to be served is Elgin, Minnesota. Applicant further states that Elgin Investment Company would engage in the activities of a general insurance agency in a town with a population not exceeding 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Elgin, Minnesota and Millville, Minnesota and the geographic areas to be served are Elgin and Millville, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than October 30, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29245 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Pine River Holding Co.; Formation of Bank Holding Company

Pine River Holding Company, Pine River, 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 94.8 percent or more of the voting shares of Pine River State Bank, Pine River, 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)).

Pine River Holding Company, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pine River Agency, Inc., Pine River, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of selling insurance in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Pine River, Minnesota, and the geographic areas to be served are Pine River, Minnesota and the area within a 15 mile radius of Pine River, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether

consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentatation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggreived by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 31, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29244 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, 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 percent of the voting shares of Prestonwood National Bank, Dallas, 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 31, 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 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29246 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, 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 percent of the voting shares of Pioneer National Bank, Richardson, 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 31, 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 specially 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, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29247 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

UST Corp.; Proposed Acquisition of First Commonwealth Associates

UST Corp., Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of First Commonwealth Associates, Houston, Texas.

Applicant states that the proposed subsidiary would perform the activities of acting as an investment or financial adviser to individuals and business entities. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas and the geographic areas to be served are the States of Texas, Oklahoma, Arkansas, Florida and Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this questions must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than October 30, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29248 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1093]

Privacy Act of 1974; Amendment to Existing System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT-42, Rent Subsidy Program Files.

EFFECTIVE DATE: This notice shall become effective without further notice on November 9, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-53333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The categories of records covered by the Rent Subsidy Program Files (HUD/DEPT-42) are being amended to specify that Section 221(d)(3) BMIR program applicants and recipients are included in the system. Authority for maintenance of the system is being amended to include Section 221(d)(3) authority. The prefatory statement containing General Routine Uses applicable to the Department's systems of records was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's field offices was published at 45 FR 67626 (October 10, 1980). The Rent Subsidy Program Files (HUD/DEPT-42) notice was published previously at 45 FR 67616 (October 10, 1980). The notice is published below in its entirety, as amended. A report of the Department's intention to amend this system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on August 27, 1981.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C. October 2, 1981.

Judith L. Tardy,

Assitant Secretary for Administration.

HUD/DEPT—42

SYSTEM NAME:

Rent Subsidy Program Files.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Low-rent housing applicants and recipients under Section 236 and Rent Supplement and Section 221(d)(3) BMIR programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for rent subsidy and recertifications include name, address, telephone number, race, household composition, employment data, detailed financial information, monthly rent payment and supplement calculations. HUD review and certification, description of rental unit participant will occupy; subsidized tenant move-out records; verification of employment, income and bank deposits, credit bureau reports; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 201 of the Housing and Community Development Admendments of 1978, (12 U.S.C. 1715z-la), Sec. 101 of the Housing Act of 1965 (12 U.S.C. 1701s), and Section 101(11) of the Housing Act of 1961, (12 U.S.C. 171SL).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: to General Accounting Office—for purposes of audit: to IRS—for investigation; to local and state housing authorities—for reference purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In files, folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Name; case file number.

SAFEGUARDS:

Limited access; lock file cabinets; security checks and limited authorization to secured computer facilities.

RETENTION AND DISPOSAL:

Files are active and kept up-to-date; partly current and partly historical. Files are either sent to GSA Federal Record Center for storage or disposed in accordance with HUD Handbook.

SYSTEM MANAGER(S) ADDRESS:

Director, Program Planning Division, HMHO, Department of Housing and Urban Development, 451 Seventh Street, S.W., Wahsington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contacting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; federal government agencies; non-federal government agencies; project and project managers.

[FR Doc. 81-29242 Filed 10-7-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Idaho, Wilderness Decision

The Bureau of Land Management (BLM) has completed the inventory phase of the wilderness review of public lands in the Sand Dunes area near St. Anthony, Idaho.

The inventory of the three Sand Dunes units was not completed with the Statewide inventory in November 1980, due to an earlier appeal received on the initial inventory decision.

On April 29, 1981, the Interior Board of Land Appeals (IBLA) ruled on the appeal, instructing the BLM to continue the inventory through the intensive inventory phase.

The proposed decision and comment period on the intensive inventory were announced in the June 3, 1981, Federal Register.

After analysis of public comment, an additional 240 acres of lands in Unit 35-3 were found not to meet the wilderness inventory criteria, resulting in the following final decision:

SAND DUNES INTENSIVE INVENTORY FINAL DECISION

Unit		Acres		
Name	Number	Not identified as WSA	Identified as WSA	Total
Sand Mountain	35-3	21,100	5,732	26,832
Black Knoll	35-4	.....	7,095	7,095
Big Sandy	35-5	.....	10,735	10,735
Total		21,000	23,562	44,662

Publication of this notice marks the beginning of a 30-day protest period from October 9, 1981, to November 9, 1981.

The decisions will become final on November 9, unless timely protests are received by the Idaho State Director of the BLM.

Persons wishing to protest any of these decisions must file a written protest with BLM Idaho State Director, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, on or before 4:15 PM, November 9, 1981. Only those protests received by the Idaho State Director by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest as well as data to support the reasons stated.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the Federal Register of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest, may appeal such decision under the provisions of 43 Code of Federal Regulations (CFR) Part 4.

For further information contact the following office: Idaho State Office, Bureau of Land Management, Box 042, Federal Building, 350 W. Fort Street, Boise, Idaho 83724.

Dated: October 1, 1981.

Theodore G. Bingham,

Acting State Director, BLM, Idaho.

[FR Doc. 81-29178 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[F-14895-A]

Alaska Native Claims Selection

Correction

In FR Doc. 81-26544, at page 45426, in the issue of Friday, September 11, 1981, make the following change to page 45427, the middle column, the fourth paragraph, now reading "T.4N., R.98W." is corrected to read "T.3N., R98W."

BILLING CODE 1505-01-M

[F-14858-A]

Alaska Native Claims Selection

This decision approves lands for conveyance to Gana-a 'Yoo, Limited.

Notaaghleedin, Limited, for the Native village of Galena, filed selection application F-14858-A, as amended, on October 16, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), for the surface estate of certain lands in the vicinity of Galena.

On April 6, 1978, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by Pub. L. 94-204, Sec. 30 (89 Stat. 1148), the Native villages of Galena (Notaaghleedin, Limited), Kaltag (Takathlee-tondin, Incorporated), Nulato (Nik'aghun, Limited) and Koyukuk (Mineelghaadza', Limited) formed a new corporation which consolidated individual village interests into one single constituent corporation, Gana-a 'Yoo Limited.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, as amended, containing approximately 5 acres, is considered proper for acquisition by Gana-a 'Yoo, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA, as amended:

U.S. Survey No. 2023 situated at Galena.

Containing 4.84 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

* * * The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)), as amended by Pub. L. 96-487 (94 Stat. 2491). * * *

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), as amended by Pub. L. 96-487 (94 Stat. 2491).

Gana-a 'Yoo, Limited, (for the village of Galena) is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA, as amended. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 105,457 acres. The remaining entitlement of approximately 9,743 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, as amended, conveyance of the subsurface estate of the lands described above shall be issued to Doyon, Limited, when the surface estate is conveyed to Gana-a 'Yoo, Limited, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 9, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Gana-a 'Yoo, Limited, Box 38, Galena, Alaska 99741

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-29059 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-8610]

Alaska Native Claims Selection

This decision approves certain lands on Kodiak Island for conveyance pursuant to Sec. 14(h)(5) of the Alaska Native Claims Settlement Act.

On December 17, 1973, Clara Helgason filed selection application AA-8610 under the provisions of sec. 14(h)(5) and sec. 14(h)(7) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)(5), 1613(h)(7) (1976)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), for the surface estate of certain lands within the Kodiak National Wildlife Refuge (Public Land Order 1634, May 16, 1958, as amended), located on Kodiak Island in the vicinity of Terror Bay.

Section 14(h)(5) of ANCSA authorizes the conveyance to an individual Alaskan Native of the surface estate is not to exceed 160 acres of land occupied as a primary place of residence since August 31, 1971. Section 14(h)(7) further provides that such occupied lands located within the National Wildlife Refuge System may be conveyed for the purpose set forth in sec. 14(h)(5).

As to the lands described below, the application submitted by Clara Helgason is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 160 acres, is considered proper for acquisition by Clara Helgason and is hereby approved for conveyance pursuant to sec. 14(h)(5) and sec. 14(h)(7) of ANCSA:

Kodiak National Wildlife Refuge

Seward Meridian, Alaska (Partially Surveyed)

A parcel of land located within Secs. 16, 17, and 21, T. 27 S., R. 24 W., more particularly described as follows:

Beginning at the point for corner No. 1, a meander corner at the line of mean high tide on the east shore of Uganik Passage, located approximately 4.1 chains northwesterly of an abandoned mine shack,

Thence easterly, approximately 15.0 chains to corner No. 2, at the intersection with the section line of Secs. 16 and 17, T. 27 S., R. 24 W., Seward Meridian, Alaska;

Thence southerly, along the section line between Secs. 16 and 17, approximately 40.0 chains to corner No. 3;

Thence easterly, approximately 20.5 chains to corner No. 4;

Thence southerly, approximately 80.0 chains to corner No. 5, located on the north bank of an unnamed creek (locally known as Little Creek);

Thence northwesterly, along the general sinuosities of the north bank of the unnamed creek, approximately 18.5 chains to corner No. 6, a meander corner at the line of mean high tide on the easterly shore of Uganik Passage;

Thence north and northwesterly, with meanders along the line of mean high tide on the easterly shore of Uganik Passage, approximately 140.0 chains to corner No. 1, the point of beginning.

Containing approximately 160 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)(5), 1613(h)(7)), as amended by Pub. L. 96-487 (94 Stat. 2491).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1621(g)), as amended by Pub. L. 96-487 (94 Stat. 2491), that the above-described lands which were within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge.

Pusuant to Sec. 14(h)(5) of ANCSA, as amended, conveyance of the subsurface estate of the lands described above shall be issued to Koniag, Inc., Regional Native Corporation, when conveyance is granted to Clara Helgason for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in the Kodiak Mirror.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13,

Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street; Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties; parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Clara Helgason, Terror Bay, Kodiak Island, Alaska 99697

Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-29260 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[A-17000]

Arizona; Application for Public Lands for State Indemnity Selection

1. Under the provisions of Sections 2275 and 2276 of the Revised Statutes 43 U.S.C. Sections 851, 852), the State of Arizona has filed application A-17000 to acquire public lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. Pursuant to the provisions of 43 CFR 2091.2-6 the lands described below are segregated from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

2. Those lands described in previous publications in the Federal Register Volume 46, No. 44, March 6, 1981, pages 15579-15581; Volume 46, No. 97, May 20, 1981, pages 27562-27563; Volume 46, No. 131, July 9, 1981, page 35561; Volume 46, No. 136, July 16, 1981, pages 36949-36950; Volume 46, No. 136, July 16, 1981, pages 36950-36951; Volume 46, No. 148, August 3, 1981, pages 39479-39480; and the following described lands were segregated in accordance with 43 CFR 2091.2-6 as of August 27, 1981:

T. 1 N., R. 3 W., GSR Mer., Arizona.
Sec. 3, N½SW¼, N½S½SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼.
T. 1 N., R. 4 W.,
Sec. 11, NE¼NE¼, S½NE¼, N½SE¼;
Sec. 12, SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, S½SW¼NW¼NE¼, N½NW¼SW¼NE¼, N½NW¼, N½N½S½NW¼;
Sec. 13, Part of NW¼NW¼NE¼, S½N¼NW½, S½SE¼NW¼.
T. 1 N., R. 5 W.,
Sec. 2, E½E½SW¼, W½SE¼;
Sec. 11, NE¼, E½E½NW¼;
Sec. 12, SW¼;
Sec. 24, N½SW¼SW¼, SW¼SW¼SW¼;
Sec. 25, W½NW¼NW¼, NW¼SW¼NW¼, N½SW¼SW¼NW¼, S½SW¼SW¼SW¼, E½SW¼SW¼;
Sec. 26, E½NE¼, S½SW¼SW¼NE¼, SE¼SW¼NE¼.
T. 2 N., R. 4 W.,
Sec. 31, Lots 3-4, E½SW¼, SE¼;
Sec. 32, All;
Sec. 33, S½;
Sec. 34, All.
T. 2 N., R. 5 W.,
Sec. 23, E½E½NE½NE¼NE¼, E½SE½NE¼NE¼, E½E½SE¼NE¼, E½E½NE¼SE¼, E½NE¼SE¼SE¼, SW¼NE¼SE¼SE¼, E½SW¼SE½SE¼, SW¼SW¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 26, E½NE¼, S½NE¼NW¼NE¼, SE¼NW¼NE¼, S½S½SW¼SW¼NE¼, E½SW½NE¼, SE¼SE¼SE¼SE¼NW¼, E½NE¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, SE¼SW¼NE½SW¼, SE½NE¼SW¼, SE¼SW¼;
Sec. 36, E½, NW¼, SE¼NE¼SW¼, E½SE¼SW¼.
T. 1 S., R. 5 W.,
Sec. 10, SW¼;
Sec. 11, NW¼SE¼, S½SE¼;
Sec. 14, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 15 All;
Sec. 22, E½NE¼, SW¼NE¼, N½NW¼; SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 23, N½ NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼.
T. 3 S., R. 4 W.,
Sec. 11, Lot 36.
T. 4 S., R. 8 W.,
Sec. 1, SE¼NW¼;
Sec. 23, E½NE¼SE¼SW¼, SE¼SE¼SW¼;
Sec. 28, S½S½S½SE¼.
T. 5 S., R. 8 W.,
Sec. 4, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, N½S½SE¼NW¼.
T. 5 S., R. 5 E.,
Sec. 13, Lots 6-7 S¼SW¼NE¼, S½S½NW¼, N½SW¼, NW¼SE¼, E½SW¼SE¼;
Sec. 24, Lot 1, E½SW¼NE¼, SE¼NE¼, W½SE¼SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SW¼NW¼SW¼, E½NW¼SW¼, S½SW¼.
T. 5 S., R. 6 E.,
Sec. 17, W½;
Sec. 18, Lots 4-5, E½SW¼, SE¼.
T. 5 S., R. 10 E.,
Sec. 20, E½;
Sec. 21, NE¼, S½.
T. 6 S., R. 5 E.,
Sec. 1, S½.
T. 12 S., R. 11 E.,
Sec. 27, W½E½, W½;
Sec. 28, NE¼, E½NW¼, SW¼NW¼, S½.
T. 12 S., R. 13 E.,
Sec. 19, Lots 3-4, W½NE¼, SE¼NE¼, E½W½, SE¼.
T. 13 S., R. 11 E.,
Sec. 4, Lots 3-4;
Sec. 5, Lots 1-4, incl., W½SE¼NW¼, SW¼NW¼, SW¼, S½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, W½SE¼, W½SE¼SE¼, W½E½SE¼SE¼;
Sec. 8, SW¼SE¼;
Sec. 17, All;
Sec. 20, W½;
Sec. 29, N½, SW¼;
Sec. 30, Lots 1-2, NE¼, E½NW¼.
T. 14 S., R. 12 E.,
Sec. 29, Lots 1-32, incl., NE¼;
Sec. 30, Lots 9-72, incl.;
Sec. 35, Lots 1-2, NW¼, N½SW¼.
T. 14 S., R. 13 E.,
Sec. 19, SE¼.
T. 15 S., R. 12 E.,
Sec. 1, Lots 8-9, 24-31, incl.;
Sec. 3, Lots 1-2, 5-28, incl.;
Sec. 4, Lots 1, 5-8, incl., 11-12, 29-38 incl., SE¼NE¼;
Sec. 5, Lots 53-69, incl.;
Sec. 8, Lots 1-9, incl., 24-44 incl., 60-67 incl.;
Sec. 9, N½NW¼, SW¼NW¼, N½SE¼NW¼;
Sec. 10, Lots 37-40 incl., 58-60, incl.;
Sec. 19, Lots 1-4, incl., E½, E½W½;
Sec. 20, W½, SE¼;
Sec. 22, NE¼NE¼SE¼, S½NE¼SE¼, SE¼SE¼;
Sec. 23, NE¼NE¼, S½N½, SW¼, NE¼NW¼SE¼, S½NW¼SE¼, NE¼SE¼;
Sec. 24, SW¼NW¼.
T. 16S., R. 10 E.,
Sec. 4, Lots 1, 9, 11, W½E½SE¼, SW¼;
Sec. 8 NE¼;
Sec. 9 Lots 2, 4, 5, N½N½, SE¼NW¼.
T. 16 S., R. 11 E.,
Sec. 6, Lots 3-5, SE¼NW¼.
T. 22 S., R. 21 E.,
Sec. 15, E½NE¼, S½NW¼, N½SW¼;
Sec. 20, E½NW¼;
Sec. 34, S½NE¼.
T. 22 S., R. 22 E.,
Sec. 3, Lots 5-12, incl., 17, 19, 20, 22-24, incl., 29, 32-39, incl., 42, 43, 47-51, incl., 54, 55, 60-62, incl., 68-78, incl., 86-87, 90, 92-93, 97, 101, 103-105, incl., 107, 108, 110-129, incl. 132-137, incl., 139, 141, 143-157, incl.;
Sec. 4, Lots 11, 23-23, incl., 36, 39, 40, 45-46, 50, 57, 59, 62, 63, 66-70, incl., 72-73, 76-77, 82-85 incl. 87-90, incl., 93-103, incl.
T. 14 N., R. 1 W.,
Sec. 29, unpatented Mineral Survey in N½;

Sec. 31, Lots 14–22, incl.
T. 14 N., R. 2 W.,
Sec. 3, W½SW¼;
Sec. 4, S½;
Sec. 9, N½N½, SW¼NW¼, W½SW¼;
Sec. 10, NW¼NW¼.
T. 1 N., R. 8 E.,
Sec. 14, NE¼;
Sec. 36, S½SE¼.
T. 1 N., R. 15½ E.,
Sec. 23, NE¼NW¼;
Sec. 24, SW¼NW¼;
Sec. 25, NE¼NE¼, S½NW¼;
Sec. 26, NW¼NE¼, S½NE¼, SE¼;
Sec. 27, SE¼NE¼, NE¼SE¼;
Sec. 35, E½, E½W½SE¼SW¼, E½SE¼SW¼.
T. 1 N., R. 16 E.,
Sec. 7, Lots 1–2, NE¼, E½W½;
Sec. 8, Lot 1;
Sec. 30, Lots 1–4, incl., NW¼, W½SW¼;
Sec. 31, Lots 1–4, incl., W½W½.
T. 4 N., R. 1 E.,
Sec. 3 Lots 1–3, S½NE¼, SE¼NW¼;
Sec. 6, Lot 33;
Sec. 8, S½SE¼NE¼SE¼.
T. 5 N., R. 1 E.,
Sec. 28, E½;
Sec. 29, NW¼NW¼;
Sec. 30, NE¼, E½W½, W½SE¼;
Sec. 31, Lots 1–4, incl., E½W½, W½E½, SE¼SE¼;
Sec. 33, N½NE¼;
Sec. 34, All.
T. 5 N., R. 3 E.,
Sec. 1, SE¼NE¼, SE¼NW¼.
T. 5 N., R. 4 E.,
Sec. 6, SW¼NE¼, E½SW¼;
Sec. 7, Lot. 1.
T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.
T. 6 N., R. 3 E.,
Sec. 12, NE¼;
Sec. 29, SE¼NW¼NW¼, N½SW¼NW¼NW¼, N½NE¼NW¼NW¼, W½E½NW¼, S½SE¼SE¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NE¼SW¼, NW¼SE¼SW¼;
Sec. 35, Lots 5–13, incl., 30–36, incl., NE¼, E½W½NE¼NW¼, W½NE¼NE¼NW¼, E½SE¼NE¼NW¼, E½NW¼SE¼NW¼, NE¼SE¼NW¼, E½SE¼SE¼NW¼, W½E½NW¼SE¼.
T. 6 N., R. 4 E.,
Sec. 7, Lot 2, SE¼NW¼;
Sec. 8, NE¼SE¼;
Sec. 9, Lot 1, SE¼NE¼.
T. 7 N., R. 2 E.,
Sec. 15, unpatented land west of I–17 highway in E½;
Sec. 26, Lots 40–44, incl., 49, 52, 53, 55, 56, 58, N½NE¼, NE¼NW¼.
T. 7 N., R. 3 E.,
Sec. 30, Lots 1, 2, E½NW¼.
T. 11 N., R. 2 E.,
Sec. 23, Lots 11–13, 20, 32.
T. 1 N., R. 23 W.,
Sec. 1, Lots 1–4, S½N½, S½ (All);
Sec. 12, N½;
Sec. 14, N½;
Sec. 27, NW¼NW¼NW¼.
T. 2 N., R. 22 W.,
Sec. 3, Lots 1–2, S½NE¼;
Sec. 16, W½;
Sec. 17, SE¼;
Sec. 30, E½;
Sec. 31, Lots 1–6, E½ (All).
T. 3 N., R. 21 W.,
Sec. 19, W. 660' of S. 660' of Lot 1, Lots 2–4, incl., S½SW¼SW¼NE¼, S½SE¼NW¼, E½SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, SW¼NE¼SE¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼.
T. 3 N., R. 22 W.,
Sec. 15, SE¼;
Sec. 23, N½N½, N½S½N½;
Sec. 24, S½N½NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, NW¼, N½S½, N½N½ SE¼SW¼, E½SE¼SE¼.
T. 4 N., R. 17 W.,
Sec. 28, All.
T. 4 N., R. 18 W.,
Sec. 23, NE¼.
T. 4 N., R. 19 W.,
Sec. 21, N½NW¼, SW¼NW¼, SW¼SE¼NW¼, E½SE¼NW¼;
Sec. 22, NE¼, E½SE¼, E½E½NW¼SE¼, SW¼SE¼, E½NW¼;
Sec. 27, NE¼SW¼, S½SW¼;
Sec. 28, NW¼SE¼, S½SE¼;
Sec. 33, E½.
T. 4 N., R. 20 W.,
Sec. 33, N½.
T. 4 N., R. 22 W.,
Sec. 36, E. 330' of Lot 5.
T. 8 N., R. 18 W.,
Sec. 32, N½, N½NE¼SW¼, N½N½SE¼;
Sec. 36, NW¼.
T. 9 N., R. 18 W.,
Sec. 5, NW¼NE¼, S½NE¼, NW¼, NW¼SW¼SW¼, E½NW¼SW¼, E½SW¼, W½SE¼ (UNS);
Sec. 8 E½, E½W½, SW¼NW¼, N½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼ (UNS);
Sec. 9, W½ (UNS);
Sec. 17, N½NE¼, N½S½NE¼, S½SE¼NE¼ (UNS).
T. 9 N., R. 19 W.,
Sec. 2, Lots 1–6, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 10 N., R. 19 W.,
Sec. 1, Lot 3;
Sec. 23, All ex. MS 4406–A;
Sec. 24, W½W½;
Sec. 25, SW¼NE¼NW¼, W½NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 26, N½N½, NE¼SE¼NE¼, SW¼NW¼, W½SW¼, S½NE¼SW¼, SE¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, SW¼SE¼, W½SE¼ SE¼;
Sec. 35, N½NE¼, NE¼NW¼;
Sec. 36, NW¼NW¼.
T. 19 N., R. 21 W.,
Sec. 7, Lots 4, SE¼SW¼;
Sec. 17, All;
Sec. 18, Lots 1–4, E½W½, E½ (All);
Sec. 19, Lots 1–4, E½W½, E½ (All);
Sec. 20, All;
Sec. 21, All;
Sec. 28, N½N½;
Sec. 29, N½N½;
Sec. 30, Lot 1, N½NE¼, NE¼NW¼.
T. 19 N., R. 22 W.,
Sec. 12, S½S½;
Sec. 24, N½, E½SW¼, E½NW¼SW¼, NW¼NW¼SW¼, SE¼.
T. 20 N., R. 21 W.,
Sec. 6, Lots 1–6, E½SW¼, SE¼ (All);
Sec. 30, Lots 1–4, E½W½, E½ (All);
T. 21 N., R. 21 W.,
Sec. 26, All;
Sec. 28, All;
Sec. 30, Lot 4, SE¼SW¼, S½SE¼, Subject to Airport Lease;
Sec. 31, Lots 1–4, E½W½, E½, (All), Subject to Airport Lease & Post Office Site);
Sec. 34, All.
T. 1 S., R. 23 W.,
Sec. 5, N. 330' of Lot 3, SW¼SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼;
Sec. 20, W½NW¼NW¼, NW¼SW¼ NW¼, SW¼NW¼SW¼.
T. 16½ N., R. 18 W.,
Sec. 20, S½NE¼SE¼, E½SE¼NW¼SE¼, E½NE¼SW¼SE¼, E½SE¼SW¼SE¼, NW¼SE¼SE¼, those portions lying outside of I–40 R/W (AR–035253);
Sec. 28, NW¼NW¼.
T. 17 N., R. 18 W.,
Sec. 1, S½NE¼SE¼, SE¼NW¼SE¼, S½SE¼, those portions lying east of the I–40 R/W and west of the RR R/W.
T. 19 N., R. 17 W.,
Sec. 18, Lots 2, 8, 9, 12, 13, 17, 18, 19, 21.
T. 21 N., R. 17 W.,
Sec. 8, N½NE¼SW¼, SW¼NE¼SW¼, N½N½SE¼NE¼SW¼, SW¼NW¼SE¼NE¼SW¼, NW¼SW¼SE¼NE¼SW¼, S½SE¼SE¼NE¼SW¼, NW¼SW¼, S½SW¼, S½S½SW¼NW¼SE¼, S½SW¼SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SW¼SE¼.
T. 21 N., R. 18 W.,
Sec. 8, All, except Lot 2 and NE¼NE¼ NE¼.
T. 22 N., R. 18 W.,
Sec. 4, All;
Sec. 36, All.
T. 23 N., R. 18 W.,
Sec. 32, S½S½NE¼NE¼, SE¼SW¼ NE¼, SE¼NE¼, S½NE¼SW¼, SE¼SW¼, SE¼.
T. 23 N., R. 19 W.,
Sec. 12, Lots 1–4, NW¼NE¼, W½, W½SE¼.
TR. 3N., R. 13 W.,
Sec. 8, E½SE¼;
Sec. 17, N½N½NE¼NE¼, that portion north of CAP R/W.
T. 39 N., R. 7 E.
Sec. 4, Lots 3, 5–12, incl., N½SW¼NE¼, N½SE¼NW¼, less highway R/W PHX–086798.
T. 3 S., R. 1 E.,
Sec. 4, Lots 1–4, incl., S½, S½N½;
Sec. 9, All;
Sec. 16, All;
Sec. 17, NE¼, S½,
Sec. 18, All;
Sec. 19, NE¼, S½;
Sec. 20, All;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 32, All;
Sec. 33, All.

T. 28 N., R. 21 W.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 5, Lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½, S½SW¼;
Sec. 9, All;
Sec. 16, All;
Sec. 17, All;
T. 29 N., R. 20 W.,
Sec. 6, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1–4, E½, E½W½;
Sec. 18, Lots 1–4, E½, E½W½;
Sec. 19, Lots 1–4, E½, E½W½;
Sec. 30, Lots 1–4, E½, E½W½;
Sec. 31, Lots 1–4, E½, E½W½;
T. 29 N., R. 21 W.,
Sec. 1, Lots 1.4, S½N½, S½;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 33, E½;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 30 N., R. 19 W.,
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
T. 30 N., R. 20 W.,
Sec. 24, All;
Sec. 25, All;
Sec. 35, All;
Sec. 36, All.
T. 19 S., R. 22 E.,
Sec. 25, S½SW¼;
Sec. 26, S½S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼, N½SE¼;
Sec. 35, SW¼NW¼.
T. 20 S., R. 22 E.,
Sec. 12, E½, E½W½.
T. 7 S., R. 26 E.,
Sec. 26, SW¼NW¼, W½SW¼;
Sec. 27, S½N½, S½;
Sec. 34, All;
Sec. 35, All.
T. 8 S., R. 26 E.,
Sec. 3, NE¼, E½NW¼, NW¼NW¼, E½SE¼, NW¼SE¼.
T. 1 N., R. 5 W.,
Sec. 9, W½NE¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 27, E½NW¼, NE¼SW¼;
Sec. 29, W½,NW¼;
Sec. 31, W½SE¼.
T. 1 S., R. 5 W.,
Sec. 3, S½N½.
T. 1 S., R. 6 W.,
Sec. 4, Lots 3, 4, NE¼SE¼NW¼, E½SW¼.
T. 1 S., R. 7 W.,
Sec. 1, N½NW¼SW¼, N½SE¼NW¼SW¼;
Sec. 2, N½NE¼SE¼.
T. 4 N., R. 17 W.,
Sec. 28, That part of N½SE¼NE¼ lying north of Hwy 60 R/W, NE¼NE¼, S½NE¼NW¼NE¼, S½NW¼NE¼, E½NE¼SE¼NW¼, SE¼SE¼NE¼NW¼, N½SW¼NE¼.
T. 4 N., R. 18 W.,
Sec. 14, S½S½NE¼, S½SE¼NW¼;
Sec. 23, N½NE¼SW¼.
T. 8 S., R. 14 W.,
Sec. 17, That part of N½SE¼SW¼ lying north of I–8 R/W, that part of N½S½SE¼ lying nort of I–8 R/W, that part of S½SW¼SE¼ lying south of the I–8 R/W and north of the Railroad R/W, that part of SE¼SE¼ lying south of I–8 R/W, E½NE¼SW¼, S½NE¼SE¼, W½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼.
T. 20 N., R. 16 W.,
Sec. 12, W½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, E½E½NE¼NW¼SE¼, SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, W½SE¼SE¼, E½SE¼SE¼.
T. 12 N., R. 18 W.,
Sec. 6, Lots 1, 2, 3, E½SW¼, SE¼;
Sec. 7, Lots 2, 3, 4, E½NE¼, W½E½, E½W½;
Sec. 18, Lot 1.
T. 12 N., R. 19 W.,
Sec. 12, N½NE¼, SW¼NE¼, NW¼, NE¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼;
Sec. 13, N½;
Sec. 14, NE¼NE¼NE¼, E½NW¼NE¼NE¼, S½N½NE¼, S½NE¼.
T. 13 N., R. 19 W.,
Sec. 20, N½SW¼;
Sec. 23, That part of SW¼NE¼NW¼ lying west of Hwy 95 R/W, that part of S½NE¼ lying south of Hwy 95 R/W, NE¼SE¼, NE¼NW¼SE¼.
T. 14 N., R. 20 W.,
Sec. 4, W½ Lot 4, SW¼SE¼NW¼NW¼, W½SW¼NW¼, W½NE¼SW¼NW¼, SE¼NE¼SW¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, W½NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, W½SW¼, SE¼SW¼, W½W½SW¼SE¼, SE¼SW¼SW¼SE¼;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 8, NE¼, E½NW¼, E½NW¼NW¼, E½NW¼NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼, S½;
Sec. 9, W½SW¼NE¼NE¼, W½NE¼NW¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SW¼NE¼SE¼NE¼, W½SE¼NE¼, W¼SE¼SE¼NE¼, SE¼SE¼SE¼NE¼, W½, SE¼;
Sec. 27, NE¼.
T. 15 N., R. 20 W.,
Sec. 32, All;
Sec. 33, W½NE¼NW¼, W½NW¼, N½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, W½NE¼NW¼SW¼, W½W½SW¼.
T. 12 N., R. 1 E.,
Sec. 15 Lots 1 and 2—all less Hwy R/W.
T. 11 N., R. 2 E.,
Sec. 5, Lots 6, 8, SW¼NW¼—all less Hwy 69 R/W;
Sec. 8, Lot 3;
Sec. 17, E½NE¼;
Sec. 26, NW¼NE¼, S½NE¼, NE¼SE¼.
T. 12 N., R. 2 E.,
Sec. 29, S½;
Sec. 30, Lots 5, 6;
Sec. 32, S½ Lot 7, E½NE¼, N½NW¼NE¼, N½SW¼NW¼NE¼, E½SE¼NW¼NE¼, NW¼SE¼NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼NW¼, N½N½NW¼.
T. 13 N., R. 2 E.,
Sec. 6, Lots 1, 2, N½ Lot 3, N½, Lot 4, S½NE¼, SE¼—all less Hwy 169 R/W;
Sec. 7, NE¼NE¼, E½NW¼NE¼, NE¼NW¼NW¼NE¼, NW¼SW¼NE¼, N½SE¼SW¼NE¼, N½SE¼NE¼, E½SW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.
T. 14 N., R. 2 E.,
Sec. 27, SW¼;
Sec. 33, Lots 1, E½NE¼, NE¼SE¼;
Sec. 34, Lots 3, 4, NW¼, N½SW¼.

3. The following described lands were segregated in accordance with 43 CFR 2091.2–6 as of September 9, 1981:

T. 1 N., R. 5 W., GSR Mer., Arizona,
Sec. 8, E½NE¼, W½NW¼, NW¼SW¼.
T. 1 N., R. 6 W.,
Sec. 1, E½SE¼.
T. 2 N., R. 5 W.,
Sec. 31, Lot 4.
T. 2 N., R. 6 W.,
Sec. 25, S½;
Sec. 36, All.

4. The segragation of the above described public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the Federal Register of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. However, where administrative appeal or review actions have been sought pursuant to Part 4 or Subpart 2450 of 43 CFR, the segragative period shall continue in effect until publication of a notice of termination of the segregation in the Federal Register.

5. Inquiries concerning the segregation of the lands referenced above should be addressed to the District Manager, Bureau of Land Management, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29270 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

[Serial No. I–17847]

Idaho; Proposed Withdrawal of Lands

October 1, 1981.

The U.S. Forest Service, Department of Agriculture, on July 20, 1981, filed application, Serial No. I–17847, for the

withdrawal of the following described lands from location under the mining laws, subject to valid existing rights:

Boise Meridian

Salmon National Forest

T. 20 N., R. 18 E.,
Sec. 35,
Beginning at the confluence of Panther Creek and Moyer Creek said point being more particularly located in the unsurveyed NE¼NW¼.
From point of beginning, North 19°27', West 430 feet, to Corner No. 1,
Thence South 18°04' West, 3,055 feet, to Corner No. 2, thence North 80°38' East, 2,640 feet, to Corner No. 3, thence North 33°49' West, 2,978 feet, to Corner No. 1, the true point of beginning.

The area described aggregates 82 acres in Lemhi County.

The lands were segregated from entry and location under the general mining laws for a period of two years from August 7, 1981, when the notice was published in the Federal Register, or until the withdrawal action is completed, or the application is cancelled, whichever is the shortest period of time.

Present authorized uses may continue until preparation of site construction of improvements begin. The land will then be closed to all non-Forest Service uses, except for public access on Forest developed roads.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

On or before December 7, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

All communications in connection with the proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,
Chief, Branch of L&M Operations.

[FR Doc. 81-29279 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

[M 9703]

Montana; Termination of Proposed Withdrawal and Reservation of Lands: Correction

September 29, 1981.

Document under Serial Number M 9703, dated August 17, 1981, published as Federal Register Document 81-24723 on page 42921 for the issue of August 25, 1981 is hereby corrected by substituting "6,458.35 acres" in Sentence 6 of Column 2 for "3,428.56 acres" to read "application involving 6,458.35 acres."

Roland F. Lee,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29281 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 19177; 2320 (943.4)]

Oregon; Order Providing for Opening of Land; Correction

In FR Doc. 81-24649 appearing at page 42920, in the issue of Tuesday, August 25, 1981, make the following changes: Paragraph 5 should read paragraph 6, and paragraph 6 should read paragraph 7. In paragraph 6 (formerly paragraph 5) "* * * except as provided in paragraphs 3 and 4," should read: "* * * except as provided in paragraphs 3, 4, and 5." The new paragraph 5 should read: "The land in Sec. 35, T. 21 S., R. 3 E., is withdrawn for a reservoir project by Public Land Order No. 1464 of August 7, 1957, and will not be open to operation of the public land laws, including the mining laws and mineral leasing laws."

Dated: September 29, 1981.

Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29283 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

[Designation Order NM-010-8101]

New Mexico; Off-Road Vehicle Designations

September 30, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Off-Road Vehicle (ORV) Designation.

SUMMARY: Notice is hereby given relating to the use of ORV's on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The subject lands, under administration of the Bureau of Land Management, are designated as open, closed or limited to off-road motorized vehicle use.

The areas affected by these designations are known as Navajo Peak ORV Study Unit 01 and Sabinoso ORV Study Unit 33. These areas are located in the Taos Resource Area of the Bureau of Land Management, Albuquerque District Office and consist of approximately 28,160 acres within Rio Arriba and San Miguel Counties, New Mexico. These designations are a result of land-use decisions developed with public involvement and input in the 1979 Taos Resource Area Management Framework Plan and the 1981 Sabinosa ORV implementation plan.

The Navajo Peak ORV Study Unit 01 shares the same boundaries with BLM Wilderness Study Area #NM-010-059. The unit is adjacent to the U.S. Forest Service Rio Chama Wilderness Area. The Rio Chama, which bisects the unit in a north-south direction, has been designated by the State of New Mexico as a State "Scenic and Pastoral" River.

The Sabinoso ORV Study Unit No. 33 shares the same boundaries with BLM Wilderness Study Area #NM-010-55. The unit is surrounded by an array of private and State lands.

Range users who hold livestock permits in either of the subject ORV units will be allowed special permission to travel in areas and routes designated as "limited" or "closed" only during the period when they are permitted to have livestock grazing in the area. This use will be limited to specific needs for range management such as access to livestock and repair of fences or range improvements in their specific range allotment. No special permit from the Bureau will be required for this use.

The Navajo Peak and Sabinoso ORV units are designated as follows:

Area	Acres	Purpose	Designation
Sabinoso Unit—All of Navajo Peak Unit (except 160 acres designated closed).	16,640	Protection of Scenic and WSA values	Limited to existing ways and trails, except to range permittee in season of use.
Navajo Peak—T. 27 N., R. 2 E., Sec. 28, NE¼	160	Protection of riparian habitat and floodplain protection of scenic values.	Closed except to range permittees in season of use.

This designation becomes effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the State Director. In the event a violation of trespass occurs in a "limited use" or "closure" area, the violator will be subject to penalties under 43 CFR 8372.0-7.

A map of the subject areas for ORV use designations and review of the environmental assessments which describe the impacts of these designations is available at the following Bureau of Land Management Offices:

Bureau of Land Management, Taos Resource Area, P.O. Box 1045, Taos, New Mexico 87571-1045
Bureau of Land Management, Albuquerque District Office, P.O. Box 6770, Albuquerque, NM 87107

Marvin LeNoue,
Acting State Director.

[FR Doc. 81-29282 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

Colorado; Redelegation of Authority

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

EFFECTIVE DATE: This redelegation will become effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harold R. Martin, Chief, Division of Technical Services, (303) 837-3814, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

SUMMARY: Section 1.1(a)(3) of Bureau Order No. 701, dated July 23, 1964 as amended by notice published at 45 FR 81128 on Tuesday, December 9, 1980, (FR Doc. 80-38128 filed 12-8-80, 8:45 a.m.) authorizes the Bureau of Land Management State Directors to redelegate that authority for "land use" to District Managers. This action is taken so Bureau of Land Management field personnel can be more responsive to the public demand for uses of public land by having the District Offices as the main focal point for land and realty actions.

In general, this redelegation authorizes the BLM District Manager to assume responsibility for all realty actions for which applications are filed or proposals are made for use or disposition of public lands under the jurisdiction of the Bureau of Land Management in Colorado.

The authority herein redelegated is to District Mangers in Colorado with respect to public lands under the jurisdiction of each District office to take action on matters listed in section 1.9 of Part 1 of Bureau Order 701.

For applications involving more than one BLM district, all affected District Managers shall approve the action.

The District Managers may redelegate this authority to Area Managers under their supervision for actions involving public lands entirely within a single Resource Area.

Bob Moore,
Associate State Director.

September 30, 1981.

[FR Doc. 81-29278 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

Boise District; Owyhee Management Framework Plan, Idaho; Initiation of Management Framework Plan Amendment and Notice of Intent To Prepare Environmental Impact Statement

October 1, 1981.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1601.3(g) and 40 CFR 1501.7 that the Bureau of Land Management, Boise District, is beginning a process to amend the Owyhee Management Framework Plan (MFP) and to prepare an associated EIS. The purpose of the Amendment/EIS is to study and develop recommendations on the suitability of certain lands for inclusion in the National Wilderness Preservation System. The lands under consideration are located in Southwest Idaho, Owyhee County, and have been identified as Wilderness Study Areas. Specifically, these areas are identified as:

WSA ID-16-40
WSA ID-16-41
WSA ID-16-42
WSA ID-16-45
WSA ID-16-47

SUPPLEMENTARY INFORMATION: The study and EIS will include alternatives for each WSA ranging from total wilderness to no wilderness. As appropriate to respond to issues on resource conflicts, various alternative combinations of suitable and nonsuitable recommendations as well as boundary adjustments may be considered.

The MFP Amendment will be prepared in accordance with the new Resource Management Plan (RMP) process outlined in the Draft Wilderness Study Policy published in the Federal Register, Volume 45, No. 24, on December 19, 1980. The Final Wilderness Study Policy is expected to be released in late October, 1981. The MFP Amendment will be adjusted to reflect any changes in the study policy. The study of the five WSAs will be completed at the end of 1982.

Major issues to be addressed in the Amendment will include the grazing of livestock, all forms of mineral activity, motorized vehicle access, land tenure, watershed, rangeland ecological conditions, social and economic considerations, and the values of wilderness. Specific issues which surfaced during the intensive wilderness inventory and during pre-planning and informational meetings announced in the March 19, 1981, Federal Register will also be addressed. The issues that have so far surfaced include:

1. To what degree should local input into wilderness designation in Owyhee County and the state in general affect the designation of BLM wilderness areas?

2. Will wilderness designation result in changes in livestock grazing levels or affect current and future range developments and methods of operation?

3. Are BLM Wilderness Study Areas manageable as wilderness, particularly plateau areas; what constitutes manageability, particularly with regard to cherry stem roads?

4. What are the social and economic values of wilderness; how will wilderness designation affect current socio-economic conditions of local communities and the State of Idaho as a whole?

5. What ecological condition should WSAs be in to be considered for wilderness; should WSAs in poor ecological condition be added to the National Wilderness Preservation System (NWPS), especially if they are the only representation of a particular ecosystem in the United States or are currently not in the NWPS; if so, what methods of ecosystem restoration are acceptable in wilderness areas?

6. Are WSAs with a long history of livestock use (which show evidence of this use) really wilderness; if so, are range developments (which are necessary for livestock use) to be implemented for the purpose of maintaining or improving ecological condition?

7. What impact would wilderness designation have on future visitor use to the area; what would be the impact of additional use on Owyhee County government services, livestock operations, private service businesses, and BLM management needs?

8. What impact would wilderness designation have on future needs to supply food and essential minerals to the American people?

An interdisciplinary team will develop the Amendment/EIS. This team will at a minimum include the following disciplines:

Wilderness Specialist
Range Conservationist
Outdoor Recreation Planner
Soils Scientist
Geologist
Realty Specialist
Wildlife Biologist
Visual Resource Specialist
Economist
Social Scientist

Public meetings formulating wilderness alternatives and the scoping of the EIS will be held at the following times and locations:

November 19, 1981, 7:00 p.m.: BLM, Boise District Office, 3948 Development Avenue, Boise, Idaho

November 20, 1981, 7:00 p.m.: Owyhee County Cooperative Extension Service Building, Highway 78, Marsing, Idaho

Public comments on issues and wilderness alternatives will be accepted until December 4, 1981, at the BLM, Boise District Office. Specific notices of other meetings and opportunities for public participation concerning the EIS will be announced in the Federal Register and local media. For further information contact: the District Manager or District Wilderness Coordinator, 3948 Development Avenue, Boise, Idaho 83705, telephone (208) 334-1582.

Alan B. Tripp,
Acting District Manager.

[FR Doc. 81-29280 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

Chevron Shale Oil Co.; Right-of-Way; Tentative Meetings and Preparation of Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to hold scoping meetings and prepare an environmental impact statement.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Grand Junction District Office will prepare an environmental impact statement on a proposed 100,000 barrel per day shale oil project in Garfield County, Colorado. The project would include a combination of underground and open pit mining; shale oil retorting and upgrading facilities; a water system, including an intake structure in the Colorado River, pipelines and storage reservoir; and associated transportation facilities, including syncrude pipeline, electric power line, roads and community facilities.

Alternatives that will be analyzed include the applicant's proposal, alternate mining and processing methods, alternate pipeline routes, and alternate transportation methods. Other alternatives may be developed subsequent to scoping. The level of detail in the EIS will be determined following the scoping process; it will be equivalent to the level of anticipated impacts. The impact analysis will define how the components of the proposed action and alternatives interact with the surrounding environment. Impacts will be traced to the point where they no longer have significant effects.

A series of scoping meetings will be held during the first two weeks of December, 1981. Tentatively, a public meeting will be held in each of the following. Grand Junction, DeBeque, Rifle, and Denver, Colorado. Notice of all meetings will be published in local media at least two weeks before each meeting. The scoping process will involve personal contact with agencies and individuals, in addition to formal contact with other federal, state, and local agencies and groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act (40 CFR, Part 1500) the scoping meetings will:

a. Inform affected federal, state and local agencies, and other interested groups or individuals about the proposal.

b. Define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study those issues which are not significant.

c. Identify environmental reports which may be related to the proposal or may contain relevant data.

d. Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

FOR FURTHER INFORMATION CONTACT: Robert W. Kline, Coordinator, Chevron Oil Shale EIS, Bureau of Land Management, 764 Horizon Drive, Grand Junction, CO 81501. Telephone: Commercial—303-243-6552; FTS—323-0011.

David A. Jones,
District Manager.

[FR Doc. 81-29275 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-84-M

Utah; Pinyon Grazing Statement; Intent To Prepare an Environmental Statement and Scoping Meetings; Correction

This notice replaces the notice of the same title that appeared September 2, 1981 on page 44064.

The Department of the Interior, Bureau of Land Management, Cedar City District Office will be preparing a grazing management environmental impact statement in connection with 1974 Federal court order to prepare site specific activities on public lands. The BLM was directed to address specific geographic areas, identify particular grazing management programs, analyze the environmental impacts associated with the management programs, and analyze viable grazing management alternatives.

BLM administered lands in Beaver, Iron, and Washington Counties north and west of the Union Pacific right-of-way will be considered.

In preparation for the environmental impact statement BLM has completed resource inventories and is preparing land use plans or Management Framework Plans. Three public open houses will be held for the purpose of obtaining comments on Management Framework Plan objectives and recommendations and proposed alternatives for analysis in the

fourthcoming Pinyon Grazing Environmental Impact Statement.

The open houses will be held as follows: October 27, 1981, at the Library in Milford, Utah from 3:00 p.m. to 7:00 p.m.; October 28, 1981, at the Community Center in Beryl, Utah from 3:00 p.m. to 7:00 p.m.; and October 29, 1981, at the BLM District Office in Cedar City, Utah from 3:00 to 7:00 p.m. Interested individuals may attend any of the open houses or send written comments to the address below.

Those who wish to attend may come at their convenience and will have the opportunity to go over the Management Framework Plan and proposals which the environmental statement will address and provide any information they desire to an attendant employee at the meeting.

For information concerning the Management Framework Plan and proposed alternatives for the environmental impact statement, contact the following individual: Area Manager, Bureau of Land Management, 444 South Main, Cedar City, Utah 84720, (801) 586-2458.

J. Kent Giles,

Acting District Manager.

October 2, 1981.

[FR Doc. 81-29284 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Phoenix District; Kingman Resource Area Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on November 4, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Review of the new rangeland management policy.
2. 8100 Funds—Distribution policy.
3. Status of allotment management plans—Cerbat/Black
4. Hualapai/Aquarius—range program summary.
5. Status of range improvements—FY 81.
6. Proposed range improvements—FY 82.
7. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: September 29, 1981.

Malcolm J. Schnitker,

Acting District Manager.

[FR Doc. 81-29277 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Riley Ridge Project; Intent To Prepare Environmental Impact Statement and Hold Public Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Prepare an environmental impact statement (EIS) and hold public scoping meetings on the development of a natural gas field and associated gas processing and sweetening plant in Sublette and Lincoln Counties, Wyoming, hereafter called the Riley Ridge Project.

SUMMARY: This notice describes the action to be analyzed in the EIS; the geographic area that would be affected; the preliminary list of issues and concerns; the scoping process to be used, including the public scoping meetings times and places; the locations of offices which have information available for public review both during and at the completion of the process; and the BLM contact for further information.

SUPPLEMENTARY INFORMATION:

Action

The action to be analyzed in the EIS consists of a gas processing and sweetening plant and associated development of a paleozoic natural gas field in the Riley Ridge-Tip Top area in western Wyoming.

Sixty to one hundred deep gas wells have been proposed for drilling over the next 20 to 40 years. As a result of the degree of contaminants in the gas, a gas processing and sweetening plant is proposed for construction in the area.

The BLM, U.S. Geological Survey (GS), and Forest Service (FS) will jointly prepare the EIS on the Riley Ridge Project. An agreement between these agencies (Agency Memorandum of Understanding) for preparation of the EIS has been negotiated. BLM will serve as administrative lead agency for the EIS. GS and FS will serve as joint lead agencies.

Geographic Area

The geographic area to be analyzed for effects is generally in southwestern Wyoming. The well field is located approximately 10 miles southwest of Big Piney, Wyoming, in Sublette County. The proposed and alternative locations for the sweetening plant are in Lincoln and Sublette Counties. Regional and cumulative impacts may extend beyond these geographic areas.

Issues and Concerns

Important issues and concerns which have been identified to date, include:

1. Potential socioeconomic impacts on Big Piney, Marbleton, LaBarge, Pinedale, and Kemmerer, Wyoming.
2. Potential impacts on terrestrial wildlife and their habitat.
3. Potential impacts on aquatic wildlife and their habitat.
4. Potential adverse health and safety problems associated with hydrogen sulfide and carbon dioxide in the natural gas.
5. Potential impacts on airsheds and air quality.
6. Potential impacts on watersheds and water quality.
7. Potential impacts to aesthetics and land use.

The public is encouraged to present their ideas on these and other issues and concerns for consideration in the EIS at the public scoping meetings and throughout the EIS process. All issues and concerns will be considered in preparation of the EIS.

DATES: Public scoping meetings will be held on the following dates and locations for the purpose of identifying issues and concerns for the EIS:

1. *Date:* November 2, 1981; *Place:* Cheyenne Clubroom West, Hitching Post Inn, 1700 W. Lincolnway, Cheyenne, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
2. *Date:* November 3, 1981; *Place:* Kemmerer Junior High School Library, 1525 Third West, Kemmerer, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
3. *Date:* November 4, 1981; *Place:* Pinedale High School, Room 10, 101 East Hennick Street, Pinedale, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
4. *Date:* November 5, 1981; *Place:* Big Piney High School Library, 650 Piney Drive, Big Piney, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).

ADDRESSES: BLM, GS, and FS have prepared a scoping document which provides a description of the project and a preliminary list of issues and concerns. Copies of this document can be obtained by visiting the following locations:

—Bureau of Land Management, Office of Special Projects, 555 Zang Street,

Third Floor East, Denver, Colorado 80228.

—Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

—Bureau of Land Management, Rock Springs District Office, North Highway 187, Rock Springs, Wyoming 82901.

—Bureau of Land Management, Pinedale Resource Area Office, Molyneux Building, Pinedale, Wyoming 82941.

—U.S. Geological Survey, District Oil and Gas Office, 126 Elk Street, Rock Springs, Wyoming 82901.

—U.S. Forest Service, Bridger-Teton National Forest, 340 North Cache Street, Jackson, Wyoming 83001.

—U.S. Forest Service, Big Piney District Office, Highway 189, Big Piney, Wyoming 83113.

In addition, copies of the scoping document can be obtained by writing to the following address: Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

Any persons wishing to submit any issues for consideration in the scoping process are encouraged to do so. Such written scoping input should be sent to the office listed above and received no later than November 13, 1981 in order to be considered in determining the scope of the EIS.

FOR FURTHER INFORMATION CONTACT: Robert E. Pizel or Catharine Eckberg, Office of Special Projects, Bureau of Land Management, 555 Zang Street, Third Floor East, Denver, Colorado 80228, (303) 234-6737.

All attendees of the public scoping meetings will be given an opportunity to participate and raise issues for consideration in the EIS.

In addition, if at any time during the EIS process any person wishes to raise issues for consideration in the EIS, they should feel free to do so by contacting the following office: Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-29274 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Aminoil USA, Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0434, Block 149, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29269 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Company of Calif.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4000, Block 53, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29270 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Shell Oil Co.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2825, Block 65, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29271 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Gand Isle Federal Unit Agreement No. 14-08-001-2454, submitted on September 21, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the West Delta/Grand Isle 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: October 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29272 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, October 22, 1981, at Canal Visitor Center located at 6399 Canal Road, one mile south of Rockside Road in Valley View, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

Matters to be discussed at this meeting include:

1. Briefing on health and safety problems pointed out in recent professional reports.

2. Update on Park Operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, Telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: October 2, 1981.

Robert A. Ritsch,

Acting Associate Director, Recreation Resources, National Park Service.

[FR Doc. 81-29266 Filed 10-7-81 8:45 am]

BILLING CODE 4310-70-M

National Capital Region, Public Affairs Meeting

The National Park Service is seeking public comments and suggestions on the planning of the 1981 Christmas Pageant of Peace, which opens December 17 on the Ellipse, south of the White House.

A public meeting will be held at the National Savings and Trust Building, 15th and New York Avenue, 5th floor, on November 18 at 10 a.m.

Interested persons who would like to comment at the meeting should notify the National Park Service by November 16, by calling the Office of Public Affairs between 9 a.m. and 4 p.m., weekdays at 426-6700.

Dated: October 5, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81-29267 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease Nos. B-20989, B-038770, M-073109, M-35734, M-35735, M-42881]

Western Energy, Inc. and Area "C" Within Rosebud Mine, Mont.; Intent To Prepare Environmental Impact Statements

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

ACTION: Notice of a public scoping meeting and notice of intent to prepare draft environmental impact statements on a comprehensive coal mining and reclamation plan and a site-specific coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has received a comprehensive mining and reclamation plan for the remaining life of the Rosebud Mine and a site-specific mining and reclamation plan (MRP) for Area "C", Block 1. The comprehensive MRP would be used to assess the impacts of past, present, and anticipated future mining at the Rosebud Mine. The Area "C" MRP has been submitted for approval and permitting pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM has determined that this and subsequent permit approval or disapproval within the Rosebud Mine would be significant Federal actions affecting the human environment, thus requiring environmental impact statements (EIS's).

The Rosebud coal mine is located approximately 30 miles south of

Forsythe, Montana, adjacent to the town of Colstrip. The mine would eventually cover approximately 22,000 acres of State, private, and Federal land. The mine would continue for operation for approximately 35 years, with a maximum annual production of 15 million tons of coal. The present mine has been in operation since 1968. Prior mining began in 1924.

OSM and the Montana Department of State Lands (DSL) will prepare the EIS's with assistance from the U.S. Geological Survey. The EIS's will present alternative actions that the Department of Interior and the State of Montana could take on the mining and reclamation plans and the environmental impacts of these alternatives. No immediate permitting decision depends on the finding of the comprehensive EIS, which would serve as a reference document for cumulative environmental impacts. The Area "C" EIS would be a permitting document and would be a site-specific analysis of the proposed permit area, the remaining unmined parts of Area "C", and adjacent areas. The major alternatives thus far identified for Departmental consideration are:

a. No action.

b. Approval of the Mining and Reclamation Plan.

c. Disapproval of the Mining and Reclamation Plan.

d. Approval of the Mining and Reclamation Plan with design modifications and/or with necessary stipulations to meet the requirements of SMCRA and the Montana Strip and Underground Mining Act and regulations pursuant to these Acts.

The comprehensive EIS would assess the impacts of all past, present, and anticipated future mining at the Rosebud Mine. Since there are other developments in the adjacent areas, including the Colstrip power generating units and the Big Sky Mine, cumulative impacts of all known developments will be evaluated using available information.

A public scoping meeting will be held in Colstrip, Montana, on October 15, 1981, to define potentially significant issues under the National Environmental Policy Act. The major issues identified to date by OSM and DSL include the cumulative effects on groundwater hydrology, air quality, socioeconomic conditions, and transportation.

The Mining and Reclamation Plan submitted by Western Energy is available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of Montana, Department of State Lands, Rosebud County, Rosebud, Montana. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director, Office of Surface Mining, at the Denver address below, until October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Walter C. Swain or Floyd Johnson, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

October 5, 1981.

Dean Hunt,

Acting Director.

[FR Doc. 81-29263 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-05-M

[Federal Lease ES 15444]

Pending Decision To Approve Plan for Greenwood Land and Mining Co., Greenwood No. 1 Mine, Ky.

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

ACTION: Notice of pending decision to approve proposed underground coal mining and reclamation plan in accordance with 30 CFR 211.5(c)(2).

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has completed an environmental review of the proposed mining and reclamation plan and has recommended approval of the plan according to Geological Survey coal mining regulations (30 CFR 211) and the Surface Mining Control and Reclamation Act of 1977 (Section 522e).

The office has prepared a technical analysis and an environmental assessment in consultation and coordination with the Forest Service and the Geological Survey and from these studies has determined that significant impacts that could ensue from the proposed operation have been addressed.

The proposed mine is located within the boundaries of the Daniel Boone National Forest, about 2 miles east of Parkers Lake, Kentucky.

The proposed mining operation would extend an existing underground mine now operating on land adjacent to the Federal lease area. Construction on the existing underground mine commenced in late spring of 1975. In accordance with the Surface Mining Control and Reclamation Act of 1977, the operator resubmitted a request for authorization to mine to the State of Kentucky in November of 1978. Kentucky permit no. 274-5004 was issued to Greenwood Land and Mining Co. for the operation, effective January 5, 1979.

Location of Lands To Be Affected

Applicant: Greenwood Land and Mining Company.
Mine Name: Greenwood No. 1.
State: Kentucky.
County: McCreary.
Quadrangle: Wiborg.
Latitude: 36° 51′ 38″.
Longitude: 84° 26′ 42″.
Size: 409.25 Acres.

The proposed extension of the existing mining operation involves the removal of approximately 256,000 tons of Federally-owned coal acquired under Federal Coal Lease ES-15444. Mining of Federal Coal would occur over a 12-month period. Coal extraction will be by the room and pillar method with no pillars removal due to the Forest Service surface ownership. No surface disturbance is planned and none will be provided for at a later date (Section 522e).

The purpose of this notice is to inform the public that based on OSM staff review and analysis of the mining and reclamation plan, the Regional Director, Region II Office of Surface Mining, has prepared a finding of no significant impact and is recommending approval of the Greenwood mine plan.

DATES: Comments on the purposed decision for approval or requests for a public meeting must be received by the Regional Director, Region II on or before the close of business, October 28, 1981. A final decision to approve or disapprove the proposed plan will be made by the Assistant Secretary, Energy and Minerals. The decision will consider the recommendations of OSM the Forest Service and the Geological Survey and any public comments received on or before October 28, 1981.

ADDRESS: Copies of the technical analysis, environmental assessment, and finding of no significant impact are available upon request or can be reviewed in the Office of Surface Mining, Region II. Any comments on the proposed approval should be submitted to the Regional Director, Region II, Office of Surface Mining, 530 Gay Street, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Joe Maddox or Willis Gainer, Office of Surface Mining, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee.

Dean Hunt,

Acting Director.

October 15, 1981.

[FR Doc. 81-29262 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-05-M

Receipt of Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations; Texas

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

ACTION: Notice of Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations and Request for Comments.

SUMMARY: Notice is given that the Office of Surface Mining (OSM) has received a petition to designate certain lands in the northeast portion of the Camp Swift Military Reservation in Texas as unsuitable for surface coal mining operations, pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272). Interested persons are requested to submit relevant information and comment on the issues raised in the petition.

DATE: Information on which to base analyses of the issues raised by the petitioner is being sought from all interested parties. In order to be timely considered, Comments should be received by November 9, 1981.

ADDRESS: Comments should be sent to: Raymond L. Lowrie, Regional Director, Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Federal Lands Coordinator, Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: Under Section 522 of the Surface Mining Control and Reclamation Act of 1977 (Act) and its implementing regulations, persons with interests which are or may be adversely affected by surface coal mining operations may petition the Office of Surface Mining to have an area of Federal land designated as unsuitable for all or certain types of mining. The petitioner alleges that:

1. Reclamation of the lands is not technologically feasible pursuant to Section 522(a)(2) of the Act and 30 CFR 762.11(a).

2. Mining will affect "fragile lands." As defined in 30 CFR 762.5, fragile lands include those containing critical habitats for endangered species. See, Section 522(a)(3)(B) of the Act and 30 CFR 762.11(b)(2).

3. Mining will affect renewable resource lands which would suffer a substantial loss or reduction of long-range productivity of water supply. See, Section 522(a)(3)(C) of the Act and 30 CFR 762.11(b)(3).

The petition was submitted to OSM on August 7, 1981, and was determined to be complete on September 10, 1981. The petition will be processed in accordance with the procedures as set forth in 30 CFR Part 769.

The following describes the petitioner and the land involved:

Petitioner: John R. Prager of Route 1, Elgin, Texas
State: Texas
County: Bastrop
Petition area is described as: Approximately one-fourth of the northeastern portion of the Camp Swift Known Recoverable Coal Resource Area (KRCRA) consisting of 2375 acres, more or less. These public lands are located in the David Holderman and Agustin Martinez surveys, Bastrop County, Texas, and are more precisely described as Corps of Engineers Tract Numbers A-32, A-26, A-27, A-25, A-23, A-20, A-10, A-24, A-18, A-17, A-16, A-15, A-14, A-13, A-8, D-134, D-148, D-143, D-144, and D-149.

A review of the area's suitability for mining will be undertaken by OSM. Factual information such as coal resource data on Federal lands will be supplied by the U.S. Geological Survey. In addition, the Bureau of Land Management and the Department of the Army, as the surface managing agencies, will make recommendations on the petition. A decision on the petition will be made by August 7, 1982.

Copies of the petition may be obtained upon request from the Office of Surface Mining at the address listed above. The public record on the petition is available for public review during normal working hours at the Division of State and Federal Programs, Office of Surface Mining, Region IV, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

After reviewing and analyzing available information, OSM will issue a draft evaluation document which will be available for public review. This will be followed by a public hearing held near the area covered by the petition. The time and place of the hearing will be announced at a later date.

After completion of the analyses and public hearing, the Department of the Interior may designate the area or a portion thereof as unsuitable for all or certain types of surface coal mining operations. The agency may also decline to designate all or part of an area as unsuitable.

Dated: October 2, 1981.

James R. Harris,

Director.

[FR Doc. 81-29261 Filed 10-7-81; 8:45 am]
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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Grant Program Announcement

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Introduction

The National Endowment for the Humanities is an independent Federal agency created in 1965 to support research, education, and public activity in the humanities.

The establishment of the agency resulted from the determination of Congress that it is appropriate and necessary for the Federal government to complement and assist the support for the humanities provided by state and local governments and private sources.

The Endowment is directed by a Chairman and the National Council on the Humanities, an advisory body comprised of 26 distinguished private citizens. The Chairman and the Council are appointed by the President, subject to Senate confirmation.

The Endowment's grantmaking is carried out through six divisions—Education Programs, Fellowships and Seminars, Public Programs, Research Programs, Special Programs, State Programs—and an Office of Planning and Policy Assessment.

Equal Opportunity

The programs of the National Endowment for the Humanities are administered in harmony with the goals of Title VI of the Civil Rights Act of 1964 prohibiting discrimination in Federally assisted programs on the grounds of race, color, or national origin, of Title IX of the Education Amendments of 1972 prohibiting certain discrimination on the basis of sex under education programs or activities receiving Federal financial

assistance, of Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting certain discrimination against qualified handicapped persons, and of the Age Discrimination Act of 1975 prohibiting certain discrimination on the basis of age.

SCHEDULE OF DEADLINES

Program	Deadline for receipt of applications	For projects beginning after
Division of Education Programs		
Elementary and Secondary Education.	Oct. 15, 1981, Apr. 1, 1982.	Apr. 1982, Oct. 1982.
Higher Education/ Individual:		
Institutions:		
Consultant Grants.	Dec. 1, 1981, Mar. 1, 1982, June 1, 1982.	Mar. 1982, June 1982, Oct. 1982.
Pilot Grants	Oct. 1, 1981, Apr. 1, 1982.	Apr. 1982, Oct. 1982.
Implementation Grants.	June 1, 1982	Jan. 1983.
Higher Education/ Regional-National Grants.	Jan. 6, 1982, July 1, 1982.	July 1982, Jan. 1983.
Division of Fellowships and Seminars		
Fellowships for Independent Study and Research.	June 1, 1982	Jan. 1, 1983.
Fellowships for College Teachers.	June 1, 1982	Jan. 1, 1983.
Summer Stipends for 1982.	Oct. 5, 1981	Summer 1982.
Fellowships for Journalists.	Mar. 1, 1982	Fall 1982.
Summer Seminars for College Teachers:		
Participants: 1982 seminars.	Apr. 1, 1982	Summer 1982.
Directors: 1983 seminars.	July 1, 1982	Summer 1983.
Seminars for Professional-School Teachers.	Mar. 1, 1982	Summer 1982.
Centers for Advanced Study.	Feb. 1, 1982	Fall 1983.
Division of Public Programs		
(Provisional Deadlines):		
Humanities Projects in Libraries.	Jan. 15, 1982	July 1, 1982.
Humanities Projects in Media.	Jan. 8, 1982	July 1, 1982.
Humanities Projects in Museums and Historical Organizations.	Jan. 15, 1982	July 1, 1982.
Division of Research Programs		
General Research Program:		
Basic Research Program.	Apr. 1, 1982	Jan. 1, 1983.
Basic Research/ Archaeological Projects.	Oct. 15, 1981	Apr. 1, 1982.
State, Local and Regional Studies.	Sept. 1, 1981, Mar. 1, 1982.	Apr. 1, 1982, Oct. 1, 1982
Research Conferences.	Sept. 15, 1981, Feb. 15, 1982, Nov. 15, 1982.	Jan. 1, 1982, July 1, 1982, Apr. 1, 1983.

SCHEDULE OF DEADLINES—Continued

Program	Deadline for receipt of applications	For projects beginning after
Research Materials Program:		
Research Tools and Reference Works: Editions.	Oct. 1, 1981	July 1, 1982.
Translations	July 1, 1982	Apr. 1, 1983.
Publications	Nov. 1, 1981, May 1, 1982.	Apr. 1, 1982, Oct. 1, 1982.
Research Resources Program.	June 1, 1982	Apr. 1, 1983.
Intercultural Research.	Feb. 15, 1982	July 1, 1982.
Division of Special Programs		
Challenge Grants	None currently scheduled.	
Program Development.	Jan. 15, 1982, July 15, 1982.	Aug. 1, 1982, Feb. 1, 1983.
Science, Technology and Human Values:		
Joint NEH-National Science Foundation Program:		
(A) Preliminary Proposals.	Jan. 1, 1982, May 1, 1982, Sept. 1, 1982.	June 1, 1982, Dec. 1, 1982, Apr. 1, 1983.
(B) Formal Proposals.	Apr. 1, 1982, Aug. 1, 1982, Dec. 1, 1982.	June 1, 1982, Dec. 1, 1982, Apr. 1, 1983.
Individual Incentive Awards.	Feb. 1, 1982, July 1, 1982.	
Sustained Development Awards.	Feb. 1, 1982, July 1, 1982.	
Youth Programs:		
Youthgrants:		
(a) Preliminary Narrative.	Oct. 15, 1981	May 1, 1982.
(b) Formal Application.	Nov. 15, 1981	May 1, 1982.
Youth Projects:		
(1) Major Projects Grants:		
(a) Preliminary Proposal.	Dec. 1, 1981	July 1, 1982.
(b) Formal Application.	Jan. 15, 1982	July 1, 1982.
(2) Planning and Pilot Grants.	Apr. 15, 1982	Oct. 1, 1982.
Division of State Programs [1]		
Office of Planning and Policy Assessment		
Planning and Assessment Studies.	Feb. 1, 1982, Aug. 1, 1982.	June 1, 1982, Dec. 1, 1982.

[1] Contact state council offices (See addresses listed at end of this announcement).

How the Endowment Operates

How Grants Are Awarded

The Endowment awards grants through a careful review process.

In most programs, applications are sent to appropriate specialist reviewers outside of the agency. Simultaneously, NEH staff members assemble panels to consider all of the applications submitted to each program by the required deadline. Members of the panels are familiar with subjects, institutions, and organizations represented by the applications and include teachers, scholars, members of various professions, and members of the general public.

Recommendations of the reviewers and panelists whether to fund or not to fund the applications are forwarded to the National Council on the Humanities. The Council meets four times a year to consider the views of reviewers, panelists, and staff members concerning applications and to recommend action to the Chairman. By law, the Chairman makes the final decision on each application.

Grants may be outright grants, or matching grants under which the grantee has to raise funds from other sources to match the Federal award, or a combination of the two. Humanities institutions also may apply for support under the Challenge Grants program, in which one Federal dollar is awarded to match three dollars raised from other sources (see below).

Areas Funded by NEH

Congress has defined the humanities as the study of language; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethnics; the history, criticism and theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment, with particular attention to the relevance of the humanities to the current conditions of national life.

Areas Not Funded

The Endowment does not provide support for: Predoctoral fellowships.

Research or study to acquire an academic degree.

Travel by individuals to professional meetings.

Original works of art, or performance or training in the arts.

Challenge Grants

The following areas are eligible for support only from the Challenge Grants program:

Construction or restoration costs, except for limited amounts necessary to carry out other purposes of an application.

Museum or library acquisitions, except for limited amounts needed to achieve other purposes of an application.

Costs of permanent equipment which is not essential to complete a broader program or project.

Are You Eligible?

You may apply for Endowment support if you are a United States citizen or national or a foreign national who has lived in the United States or its territories for at least three years at the time you apply. NEH welcomes applications for support from nonprofit groups, institutions and organizations engaged in projects involving the humanities.

If You Want to Apply

If you plan to seek a grant from the Endowment, you should request guidelines and application forms for the program in which you are interested. Contact the Public Affairs Office, Mail Stop 351, National Endowment for the Humanities, 806 15th St. N.W., Washington, D.C. 20506.

Program Summaries

Division of Education Programs

ELEMENTARY AND SECONDARY EDUCATION—Grants support the development and application of improved approaches to the teaching of literature, languages, history, and the other humanities in elementary and secondary schools.

Eligible applicants: Elementary and secondary schools and school systems, colleges, universities, other educational organizations.

EXTENDED TEACHER INSTITUTES—Enable teachers to join school-centered institutes in humanities curriculum and faculty development under the direction of leading scholars and experts from schools and universities.

GENERAL PROJECTS—Grants support planned programs which strengthen humanities teaching or curriculum development in individual schools or which promise application in many schools.

Contact: Assistant Director, Elementary and Secondary Education, Mail Stop 202, Telephone (202) 724-0373.

HIGHER EDUCATION/INDIVIDUAL INSTITUTIONS—Grants support the design, testing, implementation, and evaluation of curricular programs to strengthen teaching of the humanities in individual colleges and universities.

Eligible applicants: Two- and four-year colleges, universities, non-profit technical schools, professional colleges, and other post-secondary and post-graduate institutions.

CONSULTANT GRANTS—Provide consultant assistance in planning new courses and curricular programs.

Contact: Program Officer, Consultant Grants, Mail Stop 202, Telephone (202) 724-1978.

PILOT GRANTS—Enable institutions to test and evaluate new courses and teaching programs on a pilot basis.

Contact: Program Officer, Pilot Grants, Mail Stop 202, Telephone (202) 724-0393.

IMPLEMENTATION GRANTS—Introduce a new humanities curriculum or make extensive revision in an existing one.

Contact: Program Officer, Implementation Grants, Mail Stop 202, Telephone (202) 724-0393.

HIGHER EDUCATION/REGIONAL-NATIONAL—Grants promote the development, testing, and dissemination of imaginative approaches to the teaching of the humanities at many institutions.

Eligible Applicants: Colleges and universities, nonprofit academic and professional associations and organizations.

HUMANITIES INSTITUTES GRANTS—Enable faculty from various institutions to collaborate in developing humanities curricula on particular topics.

CURRICULUM MATERIALS GRANTS—Support the development, testing, and dissemination of imaginative materials useful to the teaching of the humanities.

GENERAL PROJECTS IN HIGHER EDUCATION—Support other collaborative projects designed to improve the teaching of the humanities.

Contact: Assistant Director, Higher Education/Regional-National, Mail Stop 202, Telephone (202) 724-0311.

Division of Fellowships and Seminars

FELLOWSHIPS FOR INDEPENDENT STUDY AND RESEARCH—For scholars, teachers, and others to undertake fulltime independent study and research.

Eligible Applicants: Individuals.

Contact: Program Officer, Fellowships for Independent Study and Research, Mail Stop 101, Telephone (202) 724-0333.

FELLOWSHIPS FOR COLLEGE TEACHERS—For teachers in two-year, four-year, and five-year colleges and universities which do not have means to support advanced study and research to undertake programs of general study, studies related to their courses, or research projects.

Eligible Applicants: Individuals.

Contact: Program Officer, Fellowships for College Teachers, Mail Stop 101, Telephone (202) 724-0333.

SUMMER STIPENDS—For college and university teachers and other humanists to provide support for two consecutive months of full-time independent study and research.

Eligible Applicants: Individuals. College and university teachers must be nominated by their institutions; others apply directly to the division.

Contact: Program Officer, Summer Stipends, Mail Stop 101, Telephone (202) 724-0333.

SUMMER SEMINARS FOR COLLEGE TEACHERS—PARTICIPANTS—For teachers at undergraduate and two-year colleges to participate in eight-week summer seminars directed by distinguished scholars at institutions with libraries suitable for advanced study.

Eligible Applicants: Individuals. Applications are submitted to the seminar director.

Contact: Program Officer, Summer Seminars, Mail Stop 101, Telephone (202) 724-0376.

DIRECTORS—For scholars at institutions with libraries suitable for advanced study to design and direct summer seminars.

Eligible Applicants: Institutions.

Contact: Program Officer, Summer Seminars, Mail Stop 101, Telephone (202) 724-0376.

FELLOWSHIPS IN THE HUMANITIES FOR JOURNALISTS—For full-time practicing journalists to spend an academic year at the University of Michigan or Stanford University studying the humanistic dimensions of their professional interests.

Eligible Applicants: Individuals apply to the fellowship institutions.

Contact: Program Officer, Professions Program, Mail Stop 101, Telephone (202) 724-0376.

SUMMER SEMINARS FOR PROFESSIONAL SCHOOL TEACHERS—(law-school teachers and teachers in medical and other schools of health care)—to participate in four- to six-week summer seminars directed by distinguished humanists.

Eligible Applicants: Individuals apply to the seminar director.

Contact: Program Officer, Professions Program, Mail Stop 101, Telephone (202) 724-0376.

FELLOWSHIP SUPPORT TO CENTERS FOR ADVANCED STUDY—To provide opportunities for scholars in the humanities to undertake study and research and to exchange ideas with scholars in other fields at centers for advanced study.

Eligible Applicants: Independent centers for advanced study, research libraries, and other equivalent institutions. Individuals apply to the centers.

Contact: Program Officer, Centers for Advanced Study, Mail Stop 101, Telephone (202) 724-0376.

Division of Public Programs

Grants through this division support projects using the resources of the humanities to provide insight,

information and perspective on the history and culture of American and foreign societies for the general adult public.

HUMANITIES PROJECTS IN MEDIA—Encourage and support the production of high quality humanities film, radio and television programs for national and regional broadcast and distribution to a broad adult audience; must involve direct collaboration between humanities scholars and seasoned producers, writers and directors.

Eligible Applicants: Non-profit institutions and groups, including public television and radio stations.

Contact: Assistant Director, Media Projects, Mail Stop 403, Telephone (202) 724-0318.

HUMANITIES PROJECTS IN MUSEUMS AND HISTORICAL ORGANIZATIONS—Support the development of interpretive exhibits and programs using cultural and historical objects that draw on the past for insight and perspective in presentation to the public.

Eligible Applicants: Museums, historical societies and other non-profit organizations and institutions that have collections or resources to present interpretive exhibits and programs.

Contact: Assistant Director, Museums and Historical Organizations Projects, Mail Stop 402, Telephone (202) 724-0327.

HUMANITIES PROJECTS IN LIBRARIES—Encourage public interest in humanities resources of libraries and stimulate their use through thematic programs, exhibits, media, publications and other library activities.

Eligible Applicants: Non-profit libraries or library-related agencies serving the adult public may apply; public libraries, academic and special libraries; state, county and regional libraries and associations and library schools.

Contact: Assistant Director, Library Projects, Mail Stop 406, Telephone (202) 724-0760.

Division of Research Programs

RESEARCH RESOURCES—Grants for projects to place hitherto unavailable materials in public repositories; to facilitate access by preparing catalogues, inventories, registers, guides, bibliographies, and other finding aids; and to improve the ways in which librarians, archivists, and others care for and make available the research materials entrusted to them.

Eligible Applicants: Institutions and individuals.

Contact: Assistant Director, Research Resources Program, Mail Stop 350, Telephone (202) 724-0341.

RESEARCH MATERIALS—Support is provided for preparation of reference works considered of highest importance for the advancement of research in the humanities and for the general dissemination of knowledge throughout the country. There are four major areas of support:

RESEARCH TOOLS AND REFERENCE WORKS—Grants support the creation of research tools such as dictionaries, encyclopedias, atlases, catalogues raisonnés, linguistic grammars, descriptive catalogues, and data bases.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

EDITIONS—Grants support the preparation of editions of documents and works from all fields in the humanities.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

TRANSLATIONS—Grants support the creation of annotated translations into English of primary and secondary documents and works significant to the humanities.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

PUBLICATIONS—Provide support to publishers for publication subvention of manuscripts resulting from NEH grants and, on a limited basis, for works whose preparation was not previously aided by the Endowment.

Eligible Applicants: Commercial and non-profit presses, publishing houses.

Contact: Assistant Director, Research Materials Program, Mail Stop 350, Telephone (202) 724-1672.

GENERAL RESEARCH—Program provides support for projects in all fields of the humanities and aspects of the social sciences that explore a problem through original research and creative thought. Awards are made in three areas:

BASIC RESEARCH—Supports research projects, often longer-term and collaborative, in all fields of the humanities, including archaeology.

Eligible Applicants: Institutions, educational organizations, individuals.

RESEARCH CONFERENCES: Support meetings of scholars whose purpose is to discuss and advance research in a particular topic or field.

Eligible Applicants: Institutions, historical societies, educational organizations, individuals.

STATE, LOCAL AND REGIONAL STUDIES—Support research that fosters the understanding of the history and culture of regions and communities.

Contact: Assistant Director, General Research Program, Mail Stop 350, Telephone (202) 724-0276.

INTERCULTURAL RESEARCH—Program supports grants through major organizations to enable American scholars to pursue research abroad, engage in collaborative projects, and participate in international conferences to increase understanding of the traditions, culture and values of foreign countries as a base for the study of contemporary international affairs.

Eligible Applicants: Research agencies or organizations.

Contact: Intercultural Research Regranting Program, Mail Stop 350, Telephone (202) 724-0226.

Division of Special Programs

CHALLENGE GRANTS—Grants are to improve the financial situation of the nation's cultural institutions and enable them to continue or expand their humanities programs; institutions must match each Federal dollar with at least three dollars in new or increased donations from non-Federal sources.

Eligible Applicants: Cultural institutions whose work is in the humanities.

Contact: Challenge Grants, Mail Stop 800, Telephone (202) 724-0267.

PROGRAM DEVELOPMENT—For projects that support research and dissemination of the humanities to the public on a national or regional basis. Projects expand proven programs or initiate new humanities activity for adult groups, especially those traditionally without access to humanities resources.

Eligible Applicants: Non-profit institutions and groups.

Contact: Assistant Director, Program Development, Mail Stop 401, Telephone (202) 724-0398.

SCIENCE, TECHNOLOGY AND HUMAN VALUES—Program supports, in conjunction with the National Science Foundation, projects which bring humanities resources and perspectives to bear on value issues in science and technology, including individual interdisciplinary studies and institutional development projects in this area.

Contact: Coordinator, Science, Technology and Human Values, Mail Stop 104, Telephone (202) 724-0354.

YOUTH PROJECTS—Grants support out-of-school humanities projects involving active participation by large groups of young people under the direction of experienced professionals in the humanities and in youth work.

Eligible Applicants: Institutions or organizations.

Contact: Youth Programs, Mail Stop 103, Telephone (202) 724-0396.

YOUTHGRANTS IN THE HUMANITIES—Grants support humanities projects with

concrete end products initiated, developed, and conducted by young people themselves, including educational projects, research in the humanities, media presentations and community programs. No thesis work or foreign travel projects are eligible.

Eligible Applicants: Individuals or groups, directly or through institutions.

Contact: Youth Programs, Mail Stop 103, Telephone (202) 724-0396.

Division of State Programs

For humanities projects involving topics of interest or concern to the citizens of each state; operated through volunteer councils in each state.

Eligible Applicants: Councils in compliance with Endowment authorizing legislation; non-profit agencies, civic association or groups apply to the council in their state, the District of Columbia or Puerto Rico (see addresses at the end of this announcement).

Contact: Director, Division of State Programs, Mail Stop 404, Telephone (202) 724-0286.

Office of Planning and Policy Assessment

PLANNING AND ASSESSMENT STUDIES PROGRAM—Grants to support studies and experiments designed to collect and analyze data—including information about financial, material, and human resources—which help assess the condition of important sectors in the humanities. Explorations of significant trends or emerging issues in the humanities are also encouraged, along with the design, testing, and implementation of analytical tools for evaluation and policy analysis.

Eligible Applicants: Institutions, associations, individuals.

Contact: Assistant Director, Planning and Assessment Studies Program, Mail Stop 303, Telephone (202) 724-0369.

Further Information

For further information about the Endowment or any of its programs, contact the Office of Public Affairs, National Endowment for the Humanities, Mail Stop 351, 806 Fifteenth St. NW., Washington, D.C. 20506, Telephone (202) 724-0386.

Latest Endowment News

If you wish to be kept informed about current developments at the Endowment, you may wish to order a subscription to the bimonthly review *Humanities*. Write to Humanities, NEH, Mail Stop 204, Washington, D.C. 20506.

Addresses of State Humanities Councils

ALABAMA

The Committee for the Humanities in Alabama, Box A-40, Birmingham-Southern College, Birmingham, AL 35204, (205) 324-1314

ALASKA

Alaska Humanities Forum, 429 D Street, Room 211, Loussac Sogn Building, Anchorage, AK 99501, (907) 272-5341

ARIZONA

Arizona Humanities Council, 112 North Central Ave., Suite 304, Phoenix, AZ 85004, (602) 257-0335

ARKANSAS

Arkansas Endowment for the Humanities, The Remmel Building, Suite 102, 1010 West 3rd Street, Little Rock, AR 77201, (501) 663-3451

CALIFORNIA

California Council for the Humanities, 312 Sutter Street, Suite 601, San Francisco, CA 94108, (415) 391-1474

COLORADO

Colorado Humanities Program, 855 Broadway, Boulder, CO 80302, (303) 442-7298

CONNECTICUT

Connecticut Humanities Council, 195 Church Street, Wesleyan Station, Middletown, CT 06457, (203) 347-6888

DELAWARE

Delaware Humanities Forum, 2600 Pennsylvania Avenue, Wilmington, DE 19806, (302) 738-8491

DISTRICT OF COLUMBIA

D.C. Community Humanities Council, 1341 G Street, N.W., Suite 620, Washington, DC 20005, (202) 347-1732

FLORIDA

Florida Endowment for the Humanities, LET 360, University of South Florida, Tampa, FL 33620, (813) 972-4094

GEORGIA

Georgia Endowment for the Humanities, 1589 Clifton Road, N.E., Emory University, Atlanta, GA 30322, (404) 329-7500

HAWAII

Hawaii Committee for the Humanities, 2615 South King Street, Suite 211, Honolulu, HI 96826, (808) 947-5891

IDAHO

The Association for the Humanities in Idaho, 1409 West Washington Street, Boise, ID 83702, (208) 345-5346

ILLINOIS

Illinois Humanities Council, 201 W. Springfield Avenue, Room 1002, Champaign, IL 61820, (217) 333-7611

INDIANA

Indiana Committee for the Humanities, 4200 Northwestern Avenue, Indianapolis, IN 46205, (317) 925-5316

IOWA

Iowa Humanities Board, Oakdale Campus, University of Iowa, Iowa City, IA 52242, (319) 353-6754

KANSAS

Kansas Committee for the Humanities, 112 West Sixth Street, Suite 509, Topeka, KS 66603, (913) 357-0359

KENTUCKY

Kentucky Humanities Council, Inc., Ligon House, University of Kentucky, Lexington, KY 40508, (606) 258-5932

LOUISIANA

Louisiana Committee for the Humanities, 1215 Prytania Street, Suite 535, New Orleans, LA 70130, (504) 523-4352

MAINE

Maine Council for the Humanities and Public Policy, P.O. Box 7202, Portland, ME 04112, (207) 773-5051

MARYLAND

The Maryland Committee for the Humanities, 330 North Charles Street, Room 306, Baltimore, MD 21202, (301) 837-1938

MASSACHUSETTS

Massachusetts Foundation for the Humanities and Public Policy, 237-E Whitmore Administration Bldg., University of Massachusetts, Amherst, MA 01003, (413) 545-1936.

MICHIGAN

Michigan Council for the Humanities, Nisbet Building, Suite 30, Michigan State University, East Lansing, MI 48824, (517) 355-0160.

MINNESOTA

Minnesota Humanities Commission, Metro Square, Suite 282, St. Paul, MN 55101, (612) 224-5739

MISSISSIPPI

Mississippi Committee for the Humanities, Inc., 3825 Ridgewood Road, Room 111, Jackson, MS 39211, (601) 982-6752

MISSOURI

Missouri State Committee for the Humanities, Loberg Building, Suite

202, 11425 Dorsett Road, Maryland Heights, MO 63043, (314) 739-7368

MONTANA

Montana Committee for the Humanities, P.O. Box 8036, Hellgate Station, Missoula, MT 59807, (406) 243-6022

NEBRASKA

Nebraska Committee for the Humanities, Cooper Plaza, Suite 405, 211 N. 12th Street, Lincoln, NE 68508, (308) 474-2131

NEVADA

Nevada Humanities Committee, P.O. Box 8065, Reno, NV 89507, (702) 784-6587

NEW HAMPSHIRE

New Hampshire Council for the Humanities, 112 South State Street, Concord, NH 03301, (603) 224-4071

NEW JERSEY

New Jersey Committee for the Humanities, Rutgers, The State University, CN 5062, New Brunswick, NJ 08903, (201) 932-7726

NEW MEXICO

New Mexico Humanities Council, 1805 Roma N.E., Room 106, The University of New Mexico, Albuquerque, NM 87131, (505) 277-3705

NEW YORK

New York Council for the Humanities, 33 West 42nd Street, New York, NY 10036, (212) 354-3040

NORTH CAROLINA

North Carolina Humanities Committee, 112 Foust Bldg., UNC-Greensboro, Greensboro, NC 27412, (919) 379-5325

NORTH DAKOTA

North Dakota Humanities Council, Box 2191, Bismarck, ND 58501, (701) 663-1948

OHIO

The Ohio Program in the Humanities, 760 Pleasant Ridge Avenue, Columbus, OH 43209, (614) 236-6879

OKLAHOMA

Oklahoma Humanities Committee, Executive Terrace Building, 2809 Northwest Expressway, Suite 500, Oklahoma City, OK 73112, (405) 840-1721

OREGON

Oregon Committee for the Humanities, 418 S.W. Washington, Room 410, Portland, OR 97214, (503) 241-0543

PENNSYLVANIA

Pennsylvania Humanities Council, 401 N. Broad Street, Philadelphia, PA 19108, (215) 925-1005

PUERTO RICO

Fundacion Puertorriquena de las Humanidades, Box 4307, Old San Juan, PR 00904, (809) 723-2087

RHODE ISLAND

Rhode Island Committee for the Humanities, 86 Weybosset Street Room 307, Providence, RI 02903, (401) 521-6150

SOUTH CAROLINA

South Carolina Committee for the Humanities, 17 Calendar Court, Columbia, SC 29206, (803) 738-1850

SOUTH DAKOTA

South Dakota Committee on the Humanities, University Station, Box 35, Brookings, SD 57006, (605) 688-4823

TENNESSEE

Tennessee Committee for the Humanities, 1001 18th Avenue South, Nashville, TN 37212, (615) 320-7001

TEXAS

Texas Committee for the Humanities, 1604 Nueces, Austin, TX 78701, (512) 473-8585

UTAH

Utah Endowment for the Humanities, 10 West Broadway, Broadway Building, Suite 900, Salt Lake City, UT 84101, (801) 531-7868

VERMONT

Vermont Council on the Humanities and Public Issues, Grant House, P.O. Box 58, Hyde Park, VT 05655, (802) 888-3138

VIRGINIA

Virginia Foundation for the Humanities and Public Policy, One-B West Range, University of Virginia, Charlottesville, VA 22903, (804) 924-3296

WASHINGTON

Washington Commission for the Humanities, Olympia, WA 98505, (206) 866-6510

WEST VIRGINIA

The Humanities Foundation of West Virginia, Box 204, Institute, WV 25112, (304) 768-8869

WISCONSIN

Wisconsin Humanities Committee, 716 Langdon Street, Madison, WI 53706, (608) 262-0706

WYOMING

Wyoming Council for the Humanities, Box 3274-University Station, Laramie, WY 82701, (307) 766-6496

Dated: October 2, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-29290 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

Performance Review Board; Appointment of Members

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: Appointment of Members of the Performance Review Board.

DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: David Johnstone, Personnel Officer, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, 202-724-0350.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with the regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendation to the appointing authority relative to the performance of the senior executive. This notice is published to account for additions and deletions to the membership of the Performance Review Board, and as such, rescinds the notice published in 44 FR, page 64577, dated November 7, 1979. The members of the Performance Review Board are: (1) Geoffery Marshall, Deputy Chairman, (2) John Whitelaw, Deputy Chairman for Management, (3) Channing Phillips, Congressional Liaison Officer.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-29289 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science and Engineering Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Engineering Education

Date and time: October 26, 1981—9:00 a.m. to 5:00 p.m., October 27, 1981—9:00 a.m. to Noon
Place: National Science Foundation, Room W-651, 5225 Wisconsin Avenue NW., Washington, D.C. 20550
Type of meeting: Open
Contact person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W-660, National Science Foundation, Washington, D.C. 20550, (202) 282-7947
Purpose of committee: To provide advice on science and engineering education activities
Agenda: Status reports on program budget and National Science Board events relevant to Science and Engineering Education
Summary minutes: May be obtained from contact person, Dr. Alphonse Buccino, at the above address

M. Rebecca Winkler,
Committee Management Coordinator.
October 6, 1981.
[FR Doc. 81-29366 Filed 10-7-81; 8:45 am]
BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-41]

Reports, Recommendations, Responses; Availability

• Notice of Hearing: In connection with its investigation of the Pacific Gas & Electric Company pipeline rupture which occurred in San Francisco, Calif., on Aug. 25, the Board will convene a hearing on Nov. 3 in the Ceremonial Courtroom, United States District Court, 450 Golden Gate Ave., San Francisco.

• Highway Accident Report: *D&J Transportation Co., commuter Bus Run-off-Roadway, I-9 Near Triangle, Va., Feb. 18, 1981 (NTSB-HAR-81-6).*—In the early phase of its investigation of this accident, the Board last Mar. 20 issued three recommendations dealing with inspection programs and related problems: H-81-17 and -18 to the Federal Highway Administration and H-81-9 to the National Highway Transportation Safety Administration (46 FR 24333, 4-30-81). As a result of its complete investigation, the Board on Sept. 9 issued these recommendations to—

Commonwealth of Virginia: Establish a Statewide program for soil buildup removal at guardrail installations to provide for optimum rail height throughout the design life of the rail (H-81-51). Revise the State's accident history data system to permit storage and retrieval of information for each roadway on divided highway facilities (H-81-52). Revise methods for selecting and locating traffic barriers on all highways within the State to include a consideration of the severity of accidents (H-81-53).

Federal Highway Administration: Expedite the completion, validation, and utilization of the BARRIER VII, GUARD, and CRUNCH computer simulation programs in the advancement of guardrail technology (H-81-54).

Secretary of Transportation: Establish a separate vehicle classification for commuter buses for the collection of accident data and development of safety statistics (H-81-55). Institute a program for gathering and analyzing exposure data for the commuter bus industry. Parameters that should be included are: number of carriers, number of buses, miles traveled, rider population, and age of buses in service (H-81-56). Survey the States to determine which State agency or agencies are responsible for the regulation of commuter intrastate buses and define the orientation of the regulation in each State; i.e., revenue or safety (H-81-57). Evaluate the effectiveness of State regulation of commuter buses in terms of safe operation, driver qualification, hour of driver service, inspection of vehicles, vehicle maintenance, recordkeeping and other appropriate criteria (H-81-58). Explore the feasibility of encouraging the placement responsibility for commuter bus regulation and safety with a single State agency and designating a single agency within the U.S. Department of Transportation to provide technical guidance (H-81-59).

• Marine Accident Report: *Liberian Chemical Tankship COASTAL TRANSPORT Collision With U.S. Offshore Supply Vessel SALLEE P., Lower Mississippi River, Near Venice, La., Nov. 24, 1980 (NTSB-MAR-81-12).*—As a result of its investigation of this accident, the Board on Sept. 4 issued the following recommendation to the Trans-Atlas Marine Corporation:

Instruct the operators of Trans-Atlas Marine Corporation vessels to participate in the New Orleans Vessel Traffic Service (VTS) system when underway on the Mississippi River in the VTS areas (M-81-81).

• Pipeline Accident Report: *Four Corners Pipe Line Company, Pipeline Rupture and Fire, Long Beach, Calif., Dec. 1, 1980 (NTSB-PAR-81-4).*—Recommendations resulting from this accident investigation were issued by the Board on Aug. 26 to—

Four Corners Pipe Line Company: Develop written procedures for handling suspected pipeline leaks and train its personnel so that these procedures are followed accurately and expeditiously (P-81-23). Establish, in addition to the on-the-job-training, a formal training program for dispatchers, including periodic qualification tests in pipeline dispatching operations (P-81-24). Expedite the inclusion of line No. 8 into the Four Corners supervisory control and surveillance system so that it can be completely controlled and monitored from the control center, and limit the use of line No. 8 to low volatility material until the line is modified (P-81-25). Establish maximum delivery pressures into line No. 8 and direct its shippers (Union, Aminoil, and others) not to exceed this pressure when pumping into the system (P-81-26). Require its employees to change and set correctly the recording charts for pressure and flow data and to monitor these charts on a continuing basis (P-81-27). Revise its maintenance and repair procedures to include the removal of the full length of pipe when replacing longitudinal seam failures (P-81-28).

Aminoil USA, Inc.: Instruct its employees regarding the equipment maintenance and repair program for pressure relief valves and shutdown equipment at its Lease Automatic Custody Transfer (LACT) units and make periodic checks to see that the program is carried out (P-81-29). Install and maintain pressure recording devices on its LACT units to provide a record of its pump discharge pressures and the dates and time of operation (P-81-30).

Union Oil Company of California: Instruct its employees regarding the equipment maintenance and repair program for pressure relief valves and shutdown equipment at its LACT units and make periodic checks to see that the program is carried out (P-81-31). Install and maintain pressure recording devices on its LACT units to provide a record of its pump discharge pressures and the dates and times of operation (P-81-32).

Atlantic Richfield Company, Watson Refinery: Establish a procedure to require its supervisory personnel to check closely valve lineups in its refinery piping so that similar accidents are prevented (P-81-33).

American Society of Mechanical Engineers, Gas Piping Standards Committee: Develop guidelines for the amount of pipe to be removed in the repair of longitudinal seam failures in operating pipelines (P-81-34).

• Safety Recommendations:

To the *Federal Aviation Administration* (Sept. 24)—

Issue an Airworthiness Directive to require mandatory compliance with provisions of General Dynamics-Convair Division Service Bulletin 640(340D) 27-6, dated February 23, 1981 (A-81-119). Determine the cause of and take appropriate action to prevent elevator vibration/flutter in Convair 340, 440, 640, and 580 aircraft (A-81-120).

Issue a maintenance bulletin to notify Convair 240, 340, 440, and 580 inspectors, operators, and owners that, at major inspections, the nose gear door hinge bushings should be lubricated with MIL-L-7870 oil according to the manufacturer's maintenance manual (A-81-121).

To the *Yorktown (N.Y.) Highway Department* (Sept. 24)—

Conduct a traffic engineering study of the intersection of Aqueduct Street and Old Croton Dam Road to determine what traffic control devices are warranted to improve safe operation at this intersection and make appropriate changes (H-81-70).

Each of the above recommendations is designated "Class II, Priority Action."

• Responses to Recommendations:

From the *Federal Aviation Administration* (Sept. 18) A-72-55; A-72-178 and -179; A-79-81: FAA has issued several notices of proposed rulemaking relative to crewmember

flight and duty time limitations and rest requirements for domestic, flag, and supplemental air carriers; commercial operators of large aircraft; commuter airlines; other air taxi operators; and commercial operators. In view of generally negative responses and Executive Order 12291 (46 FR 13193, 2-19-81), FAA withdrew pending rulemaking action on May 8. FAA's responsibility for regulating safety in air transportation will be reassessed, and issues relative to labor-management relations will be directed to unions and airline companies for resolution. (44 FR 12785, 3-8-79; 44 FR 25954, 5-3-79; 45 FR 85532, 12-29-80)

From the *National Oceanic and Atmospheric Administration* (Sept. 11) M-81-42 and -43: National Weather Service (NWS) will include reported sea conditions on the San Francisco Bar with the coastal forecast; when information is available from bar pilots concerning hazardous conditions, NWS also will issue a Special Marine Statement. National Ocean Survey will include a caution note in Coast Pilot 7 warning mariners of possible sea conditions when crossing San Francisco Bar, this information to be published soon and disseminated through Weekly and Local Notices to Mariners to update the July edition of Coast Pilot 7. (46 FR 39062, 7-30-81)

From the *American Bureau of Shipping* (Sept. 16) M-81-64 and -65: ABS agrees that when structural damage occurs between Special Surveys, permanent repairs should be completed by the vessel's next Special Survey; however, ABS policy is that outstanding recommendations are to be completed prior to crediting Special Survey. Recently revised circular 227 on Intermediate Surveys places strong emphasis on salt water ballast tank examinations. (46 FR 42373, 8-20-81)

From the *Association of American Railroads* (Sept. 17) R-79-74: AAR believes that carriers will continue to install additional radio capacity when they find it warranted, but operating officers will insist that the primary sources of operating information and directions continue to be train orders, timetables, special instructions, signals, and rules; these could be superseded by radio only when operating rules covering radio usage are strictly followed. (46 FR 26719, 5-14-81)

From the *Federal Emergency Management Agency* (Sept. 9) R-81-21 and -22: By a recent reorganization of FEMA, the National Fire Academy is continuing the programs initialed under United States Fire Administration and is directly assisting Urban Mass Transportation Administration in developing rail rapid transit system training program guidelines. NFA and UMTA are developing a national training curriculum for fire service personnel through interagency agreement; a workshop is planned at NFA for rail rapid transit personnel, fire/rescue first responders dealing with rail rapid transit, and others. (46 FR 17684, 3-19-81)

From *The Family Lines Rail System* (Sept. 16) R-81-84 and -85: Procedures now insure that the location of the bearing in the train is accurately determined and that the trains are properly inspected when a defect is identified by the hot box detector. Training procedures have been reviewed and are being monitored so that an accident will be prevented when an overheated bearing is located by the detector. (46 FR 46238, 9-17-81)

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 Inquires Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 2, 1981.

[FR Doc. 81-29150 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

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 Nuclear Regulatory Commission.

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 ½ staff-year. In addition, consideration must be given to such post-licensing 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

[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.

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 determiniation was made that all requirements and criteria had been satisfied by Dawn to minimize the 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

[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.

[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.

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 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

[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.

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

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Rescheduled Meeting

The ACRS Subcommittee on Human Factors scheduled for October 14, 1981, Washington, DC has been rescheduled to November 2, 1981. Notice of this meeting was published September 23.

Dated: October 5, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-29294 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications relating to the spiral fuel unloading pattern to allow the center cell to be the first removed during the 1981 refueling outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 22, 1981, (2) Amendment No. 49 to License No. DPR-35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A sigle copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of October 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-29291 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-437 CP]

Offshore Power Systems (Manufacturing License for Floating Nuclear Power Plants); Prehearing Conference

October 2, 1981.

Under date of September 30, 1981, the NRC Staff furnished copies of Supplement 4 to the Safety Evaluation Report. Accordingly, pursuant to the Order of September 3, 1981, a prehearing conference will be held at the following location at 10:00 a.m. on November 2, 1981: NRC Public Hearing Room, 5th Floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Said conference is being held to discuss the establishment of a schedule in order to conclude this proceeding.

On or before October 23, 1981, the parties (other than Applicant and the Staff) shall advise (1) whether they will attend the prehearing conference and (2) whether they will participate in any subsequent proceedings.

It is so ordered.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-29292 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19311]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station); Receipt and Availability of Application for License, Low-Level Radioactive Waste Holding Facility

Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Inc. (PP&L) currently hold USNRC Construction Permits, Nos. CPPR-101 and CPPR-102, for construction of two 1050 MWe General Electric boiling water nuclear power reactors for PP&L's Susquehanna Steam Electric Station (SSES) located in Luzerne County, Pennsylvania. PP&L is currently seeking Operating Licenses for the two reactors.

On August 14, 1981, the Commission received an application from PP&L for a by-product material license authorizing the storage of low-level radioactive wastes generated from operation of the SSES in an onsite Low-Level Radioactive Waste Holding Facility. If granted, the license would authorize PP&L to store, on a contingency basis, dry active waste and dewatered, solidified (cement) waste for up to four years per rector.

The application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document Room Maintained at the Osterhout Free Library in Wilkes-Barre, Pennsylvania. The application is filed in the Dockets for the Reactor Operating Licenses, Nos. 50-387 and 50-388.

Dated this 30th day of September, 1981 in Silver Spring, Maryland.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-29293 Filed 10-7-81 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

October 5, 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 U.S.C. 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 direced 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

New

• Agricultural Marketing Service
Florida Avocados—Marketing Order No. 915
On occasion, weekly, annually
Businesses or other institutions
Florida avocado producers and handlers under M.O. 915
SIC: 017 515
Small businesses or organizations
Agricultural research and services: 339 responses; 27 hours; $508 Federal cost; 3 forms; $206 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The avocado administrative committee forms are used to obtain information from producers and handlers relating to the size, quantity, maturity, pack and container requirements of the order.

• Agricultural Marketing Service
Filberts Grown in Oregon and Washington—Marketing Order No. 982
On occasion, annually, other—see SF83
Businesses or other institutions
Eight filbert handlers in Oregon and Washington
SIC: 203, 514, 515
Agricultural research and services: 487 responses; 85 hours; $894 Federal cost; 21 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The 21 board forms used by filbert handlers enable the filbert control board to determine handler inventory, shipment information and distribution control of certified merchantable filberts under volume regulation.

• Agricultural Marketing Service
California Pears, Plums and Peaches—Marketing Order No. 917
Monthly, quarterly, annually
Businesses or other institutions
California fresh pear, plum and peach handlers under M.O. 917
SIC: 514
Small businesses or organizations
Agricultural research and services: 2,723 responses; 595 hours; $516 Federal cost; 6 forms; $2,763 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The control and commodity committee's forms are used to obtain information from handlers relating to monthly shipments of fresh pears, plums, and peaches, pears in storage, and on organic pear handlers and shipments.

• Forest Service
Benefit-Cost Analysis of Visual Management in National Forest Timber Harvesting, Benefits Phase
Nonrecurring
Individuals or households
Volunteer grps. in approx. 4 small cities in Rocky Mtn. area
Area and regional development: 250 responses; 63 hours; $6,000 Federal cost; 1 form; $225 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Resource Planning Act and National Forest Management Act require the Forest Service to manage lands to protect and enhance scenic beauty. Forest Service landscape architects need measures to public reaction to help guide landscape planning and meet visual management goals. This study is being undertaken now because the Forest Service is already developing cost data on visual management. Without accompanying est. of public benefits there is no way to evaluate cost effec. of their activities.

• Agricultural Marketing Service
Florida Interior District Grapefruit Marketing Order Number 913
On occasion, annually
Businesses or other institutions
Florida interior district grapefruit handlers under M.O. 913
SIC: 515 017
Small businesses or organizations
Agricultural research and services: 380 responses; 6 hours; $500 Federal cost; 2 forms; $106 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The interior grapefruit marketing committee forms are used to obtain information from handlers relating to their interior district grapefruit shipments for specified time periods, which the committee uses to compute handlers prorate bases when weekly volume regulations are issued.

Extensions (Burden Change)

• Economic and Statistics Service
Wheat Pasture Survey
Other—see SF83
Farms
Wheat growers
SIC: 011
Small businesses or organizations
Agricultural research and services: 2,210 responses; 185 hours; $19,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Provides information on the grazing of wheat pasture in Kansas, Oklahoma, and Texas. Survey shows percentage of seeded wheat with sufficient growth to pasture, percentage of wheat being pastured and carrying capacity. This information helps cattle producers in deciding on the winter disposition of their feeder stock.

Reinstatements

• Food and Nutrition Service
Federal Outlay Report
FNS-360
Annually
State or local governments
State welfare and education agencies
SIC: 943

Food and nutrition assistance: 1,008 responses; 24,192 hours; $102,300 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Collects data to measure geographic distribution of program costs by Federal appropriation.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• National Oceanic and Atmospheric Administration
Requirements Study of Needs and Uses for a National Environmental Data Referral Service
Nonrecurring
State or local governments/businesses or other institutions
Users of environmental data and others
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: $70,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

The survey is intended to elicit from potential users of an environmental data referral service the types of information needed, the format and media of presentation desired, and any special products wanted. The information will be used to design the service to meet the needs.

• Economic and Statistical Analysis
Solid Waste Disposal Supplemental Survey
Nonrecurring
Businesses or other institutions
New plt & equip expend for solid waste disp
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 45 responses; 14 hours; $425 Federal cost; 1 form; $275 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Secures data on expenditures for solid waste collection and disposal. Authorized by 15 U.S.C. 175. Required for the preparation of BEA's estimates on national expenditures for pollution abatement and control.

• Bureau of the Census
1982 Census of Wholesale Trade Forms
CB-5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012-5018, 5101-5118
Nonrecurring
Businesses or other institutions
Wholesale establishments
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 400,000 responses; 266,666 hours; $0 Federal cost; 38 forms; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

The 1982 economic censuses, conducted under the provision of title 13, constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such provide essential information for Government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as benchmarks for economic indicators.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Educational Research and Improvement
National Assessment of Educational Progress Writing Assessment Field Tests, October-December 1981
2371-TB 9, 10, 11
Biennially
Individuals or households
9-, 13-, 17-year old students
Research and general education aids: 3,000 responses; 1,000 hours; $110,994 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202-426-5030

Congress has mandated the collection of national assessment survey data. New background questions for the 1983-84 writing assessment will be field-tested this fall to determine their clarity and appropriateness. The information will be used by national assessment to guide item revision, review and selection for the full writing assessment.

Revisions

• Office of Postsecondary Education
Lender's Request for Interest and Special Allowance
ED 799
Quarterly, semiannually, annually
Businesses or other institutions
Colleges/univ. profess. schools, Jr. Colleges, lenders
SIC: 822, 601, 602, 603, 604, 605
Higher education: 48,000 responses; 63,000 hours; $145,000 Federal cost; 1 form; $252,000 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202-426-5030

This form is used by lenders to request payment of interest and special allowance. This is the only reporting form to permit the department to determine the Government's obligation to lenders in the guaranteed student loan program.

Extensions (Burden Change)

• Office of Postsecondary Education
Request for Collection Assistance Under Federal Insured Student Loan Program
ED 1249-1
On occasion Businesses or other institutions
Educational Institutions acting as lenders
SIC: 822, 602, 603, 604, 605
Small Businesses or organizations
Higher education: 21,500 responses; 10,750 hours; $50,424 Federal cost; $86,000 public cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The ED Form 1249-1 is used by lenders to request skip trace assistance on delinquent student loans where the lender is unable to locate the student borrower.

Reinstatements

• Office of Postsecondary Education
Lender's Application for Insurance Claim on Federal Insured Loans
OE 1207, ED 1207
On occasion
Businesses or other institutions
Educational Insts. acting as lenders
SIC: 822, 602, 603, 604, 605
Higher education: 51,120 responses; 25,560 hours; $54,750 Federal cost; $204,480 public cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The ED 1207 is used by lenders to request payment of claims on defaulted guaranteed student loans. It provides ED loan and payment history which is essential in determining the validity of a claim and the amount to be paid the lender.

• Office of Educational Research and Improvement
Application for Federal Assistance (non-Construction)—Capacity Building for Statistical Activities in Seas
2413
Annually
State or local governments
State agencies responsible for elementary-secondary education
SIC: 941
Research and general education aids: 40 responses; 1,600 hours; $45,000 Federal cost; $16,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The information is needed to evaluate which states are most capable of using grant funds to improve their data systems. This is a competitive grant program, and only a few States may receive grants in any one year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Extensions (No change)

• Human Development Services
Quarterly Estimate of Expenditures, Allotment Need for Foster Care and Adoption Assistance
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 220 responses; 1,760 hours; $20,000 Federal cost; $16,000 public cost; 1 form not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Financial status report—is used for Federal monitoring of any State budget estimate payments and, used to compute the maximum funding authorized. The form is also used to fulfill budget requirements for advancing Federal matching funds to States to meet their entitlement payments obligations.

Reinstatements

• Social Security Administration
Quality Control in Aid to Families with Dependent Children (AFDC) and Quality Control in Adult Programs
SSA-4341 and 4342
Semiannually
Individuals or households/State or local governments welfare recipients
SIC: 944
Public assistance and other income supplements: 56,058 responses; 815,826 hours; $263,634 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202-395-6880

Sections 402(a)(6), 403(c), and (j) of the Social Security Act provide for information required to ensure the proper and correct expenditure of public assistance funds. These forms provide the information necessary to comply with congressional directive section 201 of H.R. 4389 and Pub. L. 96-123 (Michel amendment) and to make incentive payments under 403(j). Data is also used to take corrective actions to improve program performance.

• Human Development Services
Quarterly Statement of Expenditures for Foster Care and Adoption Assistance
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 880 responses; 3,520 hours; $40,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Financial status report—is used for Federal monitoring of State financial data and expenditure of funds allotted for the foster care maintenance assistance and adoption assistance payments and all training and administrative costs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

Reinstatements

• Housing Programs
Mortgagee's Application for Partial Settlement (Multifamily Mortgage)
HUD-2537
On occasion
Businesses or other institutions
FHA approved mortgagees
SIC: 616
Small businesses or organizations
Mortgae credit and thrift insurance: 300 responses; 50 hours; $1,110 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Needed to supply information so that a partial cash settlement can be processed immediately.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

• Legal Activities
Equal Access to Justice Act
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Eligible
SIC: Multiple
Small businesses or organizations
Federal litigative and judicial activities: 50 responses; 500 hours; $0 Federal cost; $5,000 public cost; 1 form; NPRM under 3504(h)
Andy Uscher, 202-395-4814.

Rules establish procedures for the submission and consideration of application for awards against the DOJ under the equal access to Justice Act.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

• Departmental Management
Customer Survey Data Request
ETA 8562
On occasion
Businesses or other institutions
Manufacturers, wholesalers, retailers, distributers
SIC: Multiple
Small businesses or organizations
Other labor services: 25,000 responses, 31,250 hours, $200,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

Data and information needed to make determinations of eligibility of petitioning workers to apply for worker adjustment assistance in accordance with section 223 of the Trade Act of 1974.

• Departmental Management
Producers/Purchasers Survey Data Request
ETA 8566
On occasion
Businesses or other institutions
Manufacturers, distributers, importers
SIC: Multiple
Small businesses or organizations
Other labor services: 250 responses, 438 hours, $5,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

To acquire aggregate statistics needed by the Secretary of Labor to make determinations of eligibility of petitioning workers to apply for worker adjustment assistance in accordance with section 223 of the Trade Act of 1974.

• Departmental Management
29 CFR Part 16—Equal Access to Justice Act
On occasion
Individuals or households/State or local Governments/farms/businesses or other institutions
Parties who prevail in adver. proc. against an agen., etc.
SIC: Multiple
Small business or organizations
Other labor services: 300 responses, 300 hours, $5,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

The Equal Access to Justice Act (5 U.S.C. 504) provides for the payment of fees and expenses to eligible parties who prevail in an adversarial proceeding against an agency of the government. These rules constitute the Labor Department's rules for implementing the act.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

Revisions

• Internal Revenue Service
Computation of Minimum Tax—Individuals
4625
Annually
Individuals or households
Individuals with certain tax preference items
Central fiscal operations: 70,000 responses, 76,138 hours, $182,227 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 4625 is used by individuals who have certain tax preference items exceeding $10,000 ($5,000 for married individuals filing separately). The information is needed to help verify whether taxpayers are complying with the law and have paid the correct minimum tax.

Extensions (burden change)

• Internal Revenue Service
Statement of Income, and Profit and Loss Accounts
1090
Annually
businesses or other institutions
Railroads
SIC: 401
Central fiscal operations: 500 responses, 500 hours, $7,411 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202-395-6880

This form may be used by railroads in lieu of page 1 of form 1120 to report the annual income, and profit and loss accounts. (IRS sections 6011 and 6012). The tax is assessed based on the information supplied on the form. The data are used to verify the correctness of the tax liability.

• Internal Revenue Service
Employee's Withholding Allowance Certificate
W-4
On occasion
Individuals or households
All employees and employers
Central fiscal operations: 23,204,000 responses, 16,706,880 hours, $2,894,755 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202-395-6880

Employees file this form to tell the employer (1) how many withholding allowances they are claiming, (2) the amount they want their withholding tax increased or decreased each pay period, and (3) if they are entitled to claim exemption from income tax withholding. Employers use the information to determine the proper amount of income tax to withhold from the employee's wages.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-382-2745

New

• Summary Phase II Hazardous Waste Management Regulations
Nonrecurring, On occasion, Annually, Other—see SF 83
State or local governments, businesses or other institutions
Owners and oper. of haz. waste treat., stor. and disposal facil.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 15,164 responses, 82,584 hours, $2,185,699 Federal cost, 1 form, not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Summary of Phase II Hazardous Waste Management Regulations information burdens associated with the following six (6) sets of regulations, facility location standards and treatment facility standards, incineration standards and temporary land disposal standards. Required for evaluating part B permit applications and for ensuring compliance with periodic inspection and monitoring requirements.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202-634-6983

Reinstatements

• Recordkeeping Requirements Under the Age Discrimination in Employment Act
On Occasion
Businesses or other institutions/State or local Governments/farms
Employers covered by the Age Discrimination in Employment Act
SIC: multiple
Small businesses or organizations
Federal law enforcement activities: 1 responses, 0 hours, $0 Federal cost, 1 form, not applicable under 3504 (h)
Laverne V. Collins, 202-395-6880

Required by the Age Discrimination in Employment Act of 1967, as amended. Employers, employment agencies, and labor organizations which are subject to the act are required to maintain certain records. The data are needed to assist EEOC in enforcing the provisions of the act.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202-389-4481

Extensions (burden change)

• Notification of Performance of Bank Services
6120/06
On occasion
Businesses or other institutions
Insured commercial and mutual savings banks
SIC: 602 603
Small businesses or organizations
Mortgage credit and thrift insurance: 760 responses, 380 hours, $2,533 Federal cost, 1 form, $3,400 Public cost, not applicable under 3504 (h)
Irene Montie, 202-395-6880

Purpose is to inform the FDIC of the name, location and applications processed by the bank's electronic data processing servicer. This is in accordance with the Bank Service Corporation Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202-254-9515

New

• Application for Federal Assistance (Short Form)
FEMA 85-14A
On occasion
State or local governments
State or local governments
SIC: 919
Defense-related activities: 1,235 responses, 1,235 hours, $40,000 Federal cost, 1 form, not applicable under 3504 (h)
Robert Veeder, 202-395-4814

FEMA administers Grant-In-Aid programs to State and local governments which require the use of this form in accordance with the provisions of OMB Circular A-102, uniform administrative requirements for Grants-In-Aid to State and local governments.

• Preapplication for Federal Assistance
FEMA 85-12A
On occasion
State or local governments
State and local governments
SIC: 919
Defense-related activities: 1,000 responses, 1,000 hours, $40,000 Federal cost, 1 form, not applicable under 3504 (h)
Robert Veeder, 202-395-4814

FEMA administers Grant-In-Aid programs to State and local governments which require the use of this form in accordance with the

provisions of OMB Circular A-102, uniform administrative requirements for Grants-In-Aid to State and local governments.

• Contributions
FEMA 85-21
Quarterly
State or local governments
State and local governments
SIC: 919
Defense-related activities: 220 responses; 1,540 hours; $60,000 Federal costs; 1 form not applicable under 3504 (H)
Robert Veeder, 202-395-4814

FEMA administers a formula grant-in-aid (emergency assistance) program to State governments which requires the use of the program

• Personnel and Administrative Expense and Summary (Local)
FEMA 85-16A
Annually
State or local governments
State and local governments
SIC: 919
Defense-related activities: 50 responses; 100 hours; $4,000 Federal costs; 1 form not applicable under 3504 (H)
Robert Veeder, 202-395-4814

FEMA administers a formula grant-in-aid (emergency assistance) program to State governments which requires the use of the program

Federal Maritime Commission

(Agency Clearance Office—Ronald D. Murphy—202-523-5326)

New

• Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements—46 CFR Part 523
General Order 9
On occasion
Businesses or other institutions
Conferences of water common carriers
SIC: 441
Water transportation: 55 responses; 110 hours; $1,270 Federal costs; 1 form not applicable under 3504 (H)
William T. Adams, 202-395-4814

The commission uses General Order 9 to fulfill the statutory requirements of the Shipping Act, 1916, which requires conference agreements to have admission, withdrawal and expulsion provisions.

Federal Trade Commission

(Agency Clearance Office—Carl Hevener—202-523-3373)

Revisions

• Antitrust Improvements Act Notification And Report Form
FTS C4
On occasion
Businesses or other institutions
Business organizations of all types
SIC: All
Other Advancement and regulation of commerce: 1,440 responses; 72,300 hours; $435,700 Federal costs; 1 form not applicable under 3504 (H)
Paula Daigneault, 202-395-7340

Statutory report required from persons and corporations of specified size involved in proposed acquisitions, mergers or tender offers satisfying specified economic and financial criteria, for use in antitrust enforcement.

Interstate Commerce Commission

(Agency Clearance Office—Carroll Stearns—202-633-0204)

Extensions (Burden Change)

• Designation of Agents—Motor Carriers & Brokers
BOC-3
On occasion
Businesses or other institutions
Motor Carriers and transportation brokers
SIC: 421
Small businesses or organizations
Ground transportation; 6,000 responses; 1,500 hours; $0 Federal costs; 1 form not applicable under 3504 (H)
Donald Arbuckle, 202-395-7340

This report informs the ICC of the agents, designated by motor carriers and brokers, to whom notices, orders and process issued by the courts may be served (49 USC 10329 (a)(2) and 49 CFR 1044).

Notice of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526 (a)(5)
OCP 102
Annually
Businesses or other institutions
Agricultural cooperatives & controlled by member farmers
SIC: 999
Small businesses or organizations
Ground transportation: 125 responses; 64 hours; $3,000 Federal costs; 1 form not applicable under 3504 (H)
Donald Arbuckle, 202-395-7340

49 U.S.C. 10526 (a)(5) requires any agricultural cooperative intending to perform certain nonmember transportation of non-exempt commodities to file notice of this intent with the commission. Form OCP serves as notice and is used on the cooperative's trucks to authorize the transportation. It also provides basic information for compliance checks.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Mr. Troy Robinson—202-357-1202

Extensions (Burden Change)

• Article III Section 5(d)
Bylaw III5D
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 12,578 responses; 5,240 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This bylaw requires that if a member desires to withdraw shareholdings below contingent liability when delinquent as a borrower for whom he/she is comaker, endorser or guarantor, the written approval of the credit committee or loan officer is required.

• 12 CFR 748.5 Filing of reports
12 CFR 748, 5
Annually
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 17,453 responses; 8,744 hours; $0 Federal cost; 1 form; $2,910 public cost; not applicable under 3504(h)
Philip T. Balazs, 202-395-4814

Each federally insured credit union shall file an annual certification with the NCUA regional director, and State supervisory authority where appropriate, indicating compliance with section 74B in its entirety.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Discretionary Accounts (17 CFR 15c 1-7)
On occasion
Businesses or other institutions
Registered brokers, dealers and municipal securities dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 200,000 responses; 16,700 hours; $5,000 Federal cost; 1 form; $1,002,000 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 15c 1-7 was adopted in 1937. The purpose of the rule is to provide a standard to determine whether a transaction is manipulative or

fraudulent and to establish a means to ensure that all transactions occurring in a discretionary account are noted. This discourages fraudulent and manipulative practices and provides a means to monitor for illegal practices.

- Reports by national securities exchanges and registered national securities associations of changes in membership A. of any of their MBR (17 CFR 240.17A-19 and 249.635)

On occasion
Businesses or other institutions
Agent and reg. national securities dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 3,600 responses; 900 hours; $31,000 Federal cost; $21,600 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17A-19 and Form X-17A-19 were adopted in 1974. The rule and related form were designed to facilitate the program in which a broker-dealer would be examined by and report to only one self regulatory organization. The form was to be filed whenever a change in membership status occurred, thereby giving notice to the Commission so that the examining authority could be redesignated, if necessary.

- Qualifications and fees relating to broker-dealers not members of a national securities association (17 CFR 240.15B8-1)

On occasion
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; 333 hours; $8,400 Federal cost; $7,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under sections (a)(3) and (d)(2)(ii) of rule 15B8-1, adopted in 1965, SECO broker-dealers must file in writing information making accurate a form U-4 for any associated person when the information becomes inaccurate. Under sections (a)(4) and (d)(2)(ii) of rule 15B8-1, a SECO broker-deler must annually file a list of associated persons who are no longer associated with that broker-dealer.

- Record retention requirements for registered transfer agents (17 CFR 240.17A D-7)

Other—See SF83
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 625,000 responses; 625,000 hours; $1,700 Federal cost; $4,063,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17A D-7, adopted June 16, 1977, is needed (1) to assure that registered transfer agents are maintaining minimum records to monitor and to control adequately their performance and (2) to permit the appropriate regulatory agencies ("ARA's") to examine those transfer agents for compliance with the Commission's rules. The Commission and other ARA's use rule 17A D-7 records primarily for inspection purposes.

- Record making requirements for registered transfer agents (17 CFR 240.17AD-6)

Other—See SF83
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 625,000 responses; 1,562,500 hours; $1,700 Federal cost; $10,156,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17A D-6, adopted June 16, 1977, is needed (1) to assure that registered transfer agents are maintaining minimum records to monitor and to control adequately their performance and (2) to permit the appropriate regulatory agencies ("ARA's") to examine those transfer agents for compliance with the Commission's rules. The Commission and other ARA's use rule 17A D-6 records primarily for inspection purposes.

- Notices regarding "exempt transfer agent" status (17 CFR 240.17AD-4(b) and (c))

Nonrecurring
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 16 responses; 8 hours; $1,080 Federal cost; $240 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17AD-4(b) and (c), adopted June 16, 1977, is used to notify the Commission and other appropriate regulatory agencies ("ARA's") when a registered transfer agent is exempt from the minimum performance standards and certain recordkeeping provisions of the Commission's rules. The notice provides an ARA with a written record of transfer agents operating on the basis of exempt status.

- Exemption for foreign SECO broker-dealers from associated person assessment (17 CFR 240.15B9-1(c), form SECO-2F (17 CFR 249.502A)

Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 30 responses; 30 hours; $250 Federal cost; $750 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under rule 15B9-1, adopted in 1967, a broker-dealer must file a form SECO-2F for every associated person who confines his securities activities to outside the U.S. The form, adopted in 1968, helps to certify the person's competence, and exempts the person from the Commission assessment on associated persons.

- Form 8, amendment to application for registration or report pursuant to section 12, 13 or 15(d) of the Securities Exchange Act of 1934

Sec. 1856
Monthly
Businesses or other institutions
Reg. that are req. to amend a prev. filed regist. stmt, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3,055 responses; 36,660 hours; $8,058 Federal cost; $2,352,350 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 8 is the one-page form that is used as the cover page for amendments to applications for registration or annual, quarterly or current reports filed pursuant to section 12, 13 or 15(d) of the Securities Exchange Act of 1934 that elicit material information from issuers in order to enable investors to make informed and knowledgeable investment decisions.

Revisions

- Form and content of and requirement for financial standards under the Securities Act and the Energy Policy and Conservation Act of 1975

1887
On occasion—quarterly—annually—other—See SF83
Businesses or other institutions
Public sale under the Sec. Act of '33
SIC: Multiple
Small businesses or organizations

Other advancement and regulation of commerce: 1 response; 1 hour; $323,985 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Investors and security holders need reasonably current financial statements in order to make considered investment and certain voting decisions. Regulation S-X, originally adopted in 1940, prescribes the form and content of and requirements for those financial statements which are included in registration statements, annual and other reports, certain proxy and information statements and certain other documents.

Arnold Strasser,
Acting Assistant Administrator for Reports Management.

[FR Doc. 81-29378 Filed 10-7-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18134; SR-Phlx-81-10]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

October 1, 1981.

In the matter of Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103 (SR-Phlx-81-10).

On July 27, 1981, Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and rule 19b-4 thereunder, copies of a proposed rule change to delete its Rule 235 and to amend its Rule 455, both relating to short sales, in order to conform its requirements to those of Commission Rule 10a-1 under the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17990, July 31, 1981) and by publication in the Federal Register (46 FR 43536, August 28, 1981).[1] No written comments were received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29320 Filed 10-7-81; 8:45 am]
BILLING CODE 8010-01-M

[1] The Phlx filed an amendment to the proposed rule change, notice of which was given in Securities Exchange Act Release No. 18059 (August 24, 1981), 46 FR 43536 (August 28, 1981).

[Release No. 11971; 812-4963]

Eaton and Howard Balanced Fund, et al.; Filing of Application

October 2, 1981.

Notice is hereby given that Eaton & Howard Balanced Fund, Eaton & Howard Growth Fund, Inc., Eaton & Howard Income Fund, Eaton & Howard Stock Fund, Eaton & Howard Cash Management Fund, Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Depositors Fund of Boston, Inc., Capital Exchange Fund, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, Inc., Vance, Sanders Municipal Bond Fund, Ltd., Vance, Sanders Exchange Fund and Eaton Vance Tax Free Cash Management Fund (collectively the "Funds"), each of which is an open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), Eaton & Howard, Vance Sanders, Inc. ("EHVS") and Eaton & Howard, Vance Sanders Distributors, Inc. ("Distributors") (together with the Funds, referred to herein as "Applicants", 24 Federal St., Boston, Mass. 02110), filed an application on August 31, 1981, and an amendment thereto on September 14, 1981, pursuant to Section 6(c) of the Act for an order of the Commission declaring that Mr. F. Stanton Deland, a director, trustee or general partner of the Funds, shall not be deemed to be an "interested person", within the meaning of Section 2(a)(19) of the Act, of the Applicants solely because of his positions as a director of the Boston Company, Inc., and Boston Safe Deposit and Trust Company, and pursuant to Section 10(f) of the Act exempting Applicants from the provisions of Section 10(f) so as to permit the Funds to purchase securities in public offerings in which Shearson Loeb Rhoades, Inc., or a Shearson Subsidiary, which may be deemed to be affiliated persons of Mr. Deland, participates as a princial underwriter. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants state that EHVS acts as investment adviser to each Fund and that Distributors acts as principal underwriter for Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, and Vance, Sanders Muncipal Bond Fund, Ltd. Applicants state that as of April 30, 1979, Vance, Sanders & Company, Inc., which had previously served as investment adviser to the Vance, Sanders Funds, purchased substantially all of the assets of Eaton & Howard, Inc., which had previously served as investment adviser to the Eaton & Howard Funds. The combined firm, known as Eaton & Howard, Vance, Sanders, Inc., was merged with EHVS, effective February 20, 1981, in a reorganization which did not effect the actual control or management of EHVS or its obligations or functions with respect to the Funds.

Applicants state that Mr. Deland serves as a non-interested director of the Eaton & Howard Funds and presently is, or may be nominated as, a director, trustee or general partner of all or some of the Vance, Sanders Funds or other funds now or hereafter managed by EHVS. It may be anticipated that EHVS or a successor organization may from time to time in the future organize and sponsor additional investment companies registered under the Act, and it is likely that Mr. Deland will be nominated to join the respective boards of directors, trustees or general partners of any such additional investment companies. Applicants, including any investment companies organized in the future by EHVS or a successor, state that they do not want to include Mr. Deland among the directors, trustees or general partners of Applicants who are deemed to be interested persons under the Act.

Applicants state that Mr. Deland is a partner in the law firm of Sherburne, Power & Needham. Applicants further state that he also serves as Chairman of Brigham and Women's Hospital, Inc., President of New England Peabody Home for Crippled Children, Trustee of Wentworth Institute, Director of Brookline Trust Company, Harvard Medical Center Corporation, Controlled Risk Insurance Co., Ltd. and several small companies. Additionally, Mr.

Deland is an outside director of The Boston Company, Inc. ("TBC") and its wholly-owned subsidiary, Boston Safe Deposit and Trust Company ("Boston Safe").

Applicants state that it is their firm position that Mr. Deland is a non-interested director of the Funds for which he serves and the Applicants expressly deny that he is an interested person of any Applicant. Because of the facts set forth below, Applicants state that they deem it appropriate to seek an order under the Act to determine Mr. Deland's status as a non-interested director.

Applicants state that in 1976 The Boston Company Financial Strategies, Inc., a wholly-owned subsidiary of TBC, formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). TBCFS, Inc. subsequently changed its name to The Boston Company Investment Creation, Inc., and, in 1980, became a direct subsidiary of TBC—changing its name to The Boston Company Capital Group, Inc. ("Capital").

Applicants state that on February 12, 1981, certain individuals who are the principal shareholders of TBC (the "Principal Shareholders") entered into an agreement with Shearson Loeb Rhoades Inc. ("Shearson"), a broker-dealer registered under the 1934 Act, pursuant to which the Principal Shareholders agreed to sell and Shearson agreed to purchase 285,237 shares of TBC owned by the Principal Shareholders in exchange for junior subordinated convertible notes of Shearson in the aggregate principal amount of $11,979,954 (i.e., $42 per TBC share). In addition, Shearson entered into a letter of intent with TBC for the acquisition of its remaining stock for $42 per share in cash, or approximately $35 million.

Applicants state that on April 21, 1981, Shearson and American Express Company ("American Express") announced the proposed acquisition of Shearson by American Express. Subsequently, Shearson and TBC indicated that the TBC/Shearson transaction would be delayed until completion of the Shearson/American Express transaction. Applicants state that the Shearson/American Express transaction was consummated on June 29, 1981. Thereafter, on July 24, 1981, Shearson and TBC entered into a definitive agreement providing for the merger of a subsidiary of Shearson into TBC as a result of which TBC shareholders (other than the Principal Shareholders, who will have already sold substantially all their TBC stock to Shearson, dissenting shareholders and Shearson) would receive $42 in cash for each share of stock of TBC and TBC would become an indirect, wholly-owned subsidiary of Shearson, which in turn is an indirect, wholly-owned subsidiary of American Express. Applicants state that shortly before that merger, Shearson will purchase from the Principal Shareholders substantially all their shares of TBC stock in exchange for 10% junior subordinated convertible notes of Shearson, which will be convertible after one year from their date of issue into shares of American Express stock at $26.75 principal amount per share. The merger transaction is subject to approval by TBC's shareholders. Applicants state that such approval was obtained and the TBC/Shearson merger transaction occurred on September 23, 1981.

Applicants state that TBC is a holding company which, through its subsidiaries, engages in the business of providing asset management and related services. Boston Safe is a long established trust company engaged primarily in custodial, investment management and other trust company, fiduciary and related trust banking services. Capital's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Shearson (which changed its name to Shearson/American Express, Inc., on September 3, 1981) is one of the largest full-line investment services firms serving the United States and foreign securities and commodities market.

Applicants state that Mr. Deland has represented to them that he is not a shareholder in Shearson or American Express, has no material relationship with Shearson or American Express, is not, by reason of his position as a director of TBC, in a position to control or exercise a controlling influence on Shearson or American Express, and is not controlled by either Shearson or American Express. None of the Applicants is in any way affiliated with Shearson.

Applicants represent that it is not contemplated that any subsidiary of TBC will render services to the Applicants in a broker-dealer capacity. Sections 2(a)(19) (A)(v) and (B)(v) of the Act define an "interest person" of an investment company, an investment adviser or a principal underwriter to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in its deifnition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Applicants state that since Mr. Deland is a director of TBC, which controls Capital, and which will be under common control with Shearson as a result of the TBC/Shearson merger transaction, he could be deemed to be an "interested person" of Applicants. However, Applicants note that Mr. Deland states unequivocally that his position as one of eighteen directors of TBC does not permit him to control Capital, and that he is not a part of managment of TBC and, thus, does not control Capital. Mr. Deland further states that in fact he does not now and never has had any relationship with Shearson or American Express and he is not now, and will not as a result of the TBC/Shearson merger transaction become, directly or indirectly controlled by Shearson or American Express. Section 2(a)(9) of the Act provides that a natural person shall be presumed not to be a controlled person.

Applicants state that the Funds are registered investment companies of the type subject to Section 10(a) of the Act. Under that Section, each Fund must have a board of directors no more than sixty percent of the members of which are "interested persons" of such company. In the case of those Funds which continuously offer their shares through a principal underwriter, Section 10(b) of the Act requires that a majority of the directors must not be interested persons of such principal underwriter. Section 10(f) of the Act provides in pertinent part the no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser or employee of such investment company, or is a person of which any such officer, director, investment adviser or employee is an affiliated person.

Applicants assert that Mr. Deland is a person of recognized integrity, judgment, independence and competence. Further, Applicants assert that Mr. Deland's continued service is an important and valuable asset to the Funds and it is their opinion that he is now and will continue to be in fact a non-interested director, trustee or general partner, as the case may be, and that it is in their best interests that he be permitted to serve as a non-interested director, trustee or general partner.

Applicants assert that neither the present relationship of Mr. Deland with TBC, Boston Safe and Capital nor the relationship which will exist with

Shearson as a result of the TBC/Shearson merger transaction will impair Mr. Deland's independence in acting on behalf of the Funds and their shareholders.

Applicants represent that Mr. Deland is not a director or officer of Capital and therefore has no authority or responsibility for management of the operations of Capital. Applicants assert that the existence of Capital creates no conflict of interest for Mr. Deland, since even if he were actively involved with Capital, the Funds would, in normal course, not purchase or sell investments from or through Capital. Furthermore, the Funds have expressly undertaken not to transact any business with Capital.

Applicants state that Mr. Deland is not now, and as a result of the TBC/Shearson merger transaction, will not become, a director or officer of Shearson or American Express and will not have any responsibility for the management or operations of Shearson or American Express.

Applicants also state that for the foregoing reasons Mr. Deland also should not be considered an affiliated person of Capital, Shearson or any registered broker-dealer subsidiaries of Shearson for purposes of Section 10(f) of the Act, and request an affirmative finding to that effect in order to permit the Funds to continue to purchase securities of which Shearson or the registered broker-dealer subsidiaries of Shearson is a principal underwriter.

Applicants further state that Shearson is an important factor in the broker-dealer community and a significant resource for broker-dealer services. The Funds, thus, consider it not to be in their interest to foreclose themselves from this important resource. Applicants represent that brokerage commissions paid to and dealers' markup earned by Shearson from the Funds has been and is *de minimus* in relation to Shearson's gross revenues.

Applicants assert that Mr. Deland's position as a director of TBC and Boston Safe will not affect the relationship of the Funds with Shearson. Applicants state that under the investment advisory and management agreements between the Funds and EHVS, EHVS is delegated authority to select broker-dealers and to place securities transaction orders of the Funds, subject to the overall review of the Board of Directors, Trustees or General Partners, as the case may be. Applicants state that Mr. Deland has not had, and will not have, any part in the selection of broker-dealers or the placement of securities transaction orders on behalf of the Funds and has undertaken that he will not participate in the future.

Applicants finally state that they agree as a condition to the granting of their requested order that Mr.Deland will not vote on, or participate in any board discussion on the allocation of any portfolio brokerage by the Funds, the selection of broker-dealers with which the Funds effect portfolio transactions as principal, the purchase, during the existence of any underwriting or selling syndicate, of any security with respect to which Shearson or any broker-dealer subsidiary of Shearson is a principal underwriter, or matters involving any relationship between the Funds and Shearson or any of the broker-dealer subsidiaries of Shearson; provided, however, that for the purpose of determining the number of votes of interested as well as non-interested directors required to take action on any matters referred to above, Mr. Deland will be counted as a director in determining the total number of directors and will be counted as a non-interested director in counting the number of non-interested directors, and provided, further, that nothing contained above is intended to limit or prohibit Mr. Deland from voting and acting upon any matter relating to the approval or continuation of investment advisory contracts.

Section 6(c) of the act provides that the Commission, by order upon application, may exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act conditionally or unconditionally 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. Section 10(f) of the Act further provides that the Commission by rules or regulations upon its own motion, or by order upon application may conditionally or unconditionally, exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Notice is further given that any interested persons may, not later than October 26, 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 tht 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 address stated above. Proof of such service (by affidavit, or in 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. 81-29324 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11967; 812-4917]

General Cash Fund, Inc.; Filing of Application

October 1, 1981.

In the matter of General Cash Fund, Inc., 600 Madison Ave., New York, NY 10022 (812-4917).

Notice is hereby given that General Cash Fund, Inc. ("Applicant"), a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 14, 1981, requesting an order of the Commission, pursuant to § 6(c) of the Act, exempting Applicant from the provisions of § 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales and redemptions of its shares, using the amortized cost method of valuation. In all other respects, it is represented that Applicant's portfolio securities will be valued in accordance with Investment Company Act Release No. 9786 (May 31, 1977). 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 "money market" fund designed as an investment vehicle for investors who desire to place assets in money market instruments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant represents that its portfolio may be invested exclusively in a variety of short-term money market instruments consisting of marketable securities issued or guaranteed by the United States government or its agencies or instrumentalities (whether or not subject to repurchase agreements); time deposits and certificates of deposit issued by domestic banks, foreign branches of domestic banks, domestic branches and London branches of Japanese banks, and savings and loan associations; bankers' acceptances; and commercial paper rated A-2 or better by Standard & Poor's Corporation, Prime-2 or better by Moody's Investors Services, Inc., or, if not rated, of equivalent quality as determined by Applicant's Board of Directors. It is asserted that all investments by Applicant will consist of obligations maturing within one year from the date of acquisition, and that the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less. It is further asserted that all of the securities in Applicant's portfolio will be purchased with and payable in United States dollars.

As here pertinent, § 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, as here relevant, 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 to 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 purpose of distribution, redemption and repurchase 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). In view of the foregoing, Applicant requests exemptions from 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 by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states that the experience of its sub-investment adviser and administrator in advising other funds indicates that two qualities are helpful in order to attract investment, namely (1) stability of principal and (2) steady flow of investment income. Applicant asserts that, by utilizing high quality money market instruments of short maturities concerned with a stable net asset value, preferably $1.00 per share, it would be possible to provide these features to be a variety of investors. The application states that experience in the management of other funds has further shown that, given the nature of Applicant's policies and operation, there will normally be a neglible discrepancy between market value and amortized cost value of such securities. Applicant maintains that its board of directors has determined in good faith that in light of the characteristics of Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission 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 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.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant 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 objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by Applicant's 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 Applicant's $1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance of records of such review. 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 addition, Applicant states that the quotations or estimates 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 money market investments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, Applicant's board of directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's board of directors believes 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: redemption of shares in kind; the sale of portfolio

instruments prior to maturity to realize capital-gains or losses, or to shorten the Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share a 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 one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest 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.

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 its board of director's 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 subjected to inspection by the Commission in accordance with § 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under § 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 Applicant's 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 Applicant's 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.

Notice is further given that any interested person may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29321 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22219; 70-6616]

Ohio Power Co.; Proposed Purchase of Coal-Bearing Land and Additional Land As Site of Future Coal Preparation Plant

October 2, 1981.

In the matter of Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 (70-6615).

Ohio Power Company ("Ohio Power"), a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Ohio Power or Franklin Real Estate Company, an associate company, on behalf of Ohio Power, proposes to purchase about 1,000 acres ("Plant Site") located near Dundas, Ohio, as the site of a proposed centralized coal preparation plant and approximately 5,000 acres of coal-bearing land (the "Coal Lands") located in Vinton County, Ohio, the proposed location of the coal preparation plant.

Ohio Power has determined that it would be economical to supply its coal-fired James M. Gavin Plant, located near Gallipolis, Ohio, with locally-mined coal in lieu of western coal which has heretofore been shipped to and used by the Gavin Plant. The western coal was used initially to meet emission standards which have since been relaxed, permitting the use of local coal having higher sulphur content and less consistent quality. Local coal, however, must be washed and processed to assure relative consistency of fuel supply.

Ohio Power states that construction of a coal preparation plant large enough to process coal for the Gavin Plant and other potential users would be beneficial, and it has encouraged numerous independent coal producers to join together to construct such a plant. A project has been proposed whereby a non-affiliate corporation would be created or selected which, after obtaining suitable financing, would construct, own, and operate a preparation plant which would be designed to economically wash the raw coal mined by independent producers. Local coal would be obtained through long-term supply contracts with a number of independent producers and processed at the preparation plant.

American Electric Power Service Corporation ("AEPSC"), on behalf of Ohio Power, has been negotiating options to purchase the plant site. Since the time that the options were acquired, the overall project has progressed to the stage where Ohio Power believes that the project will be carried out. Therefore, it is necessary that the options to purchase, which were negotiated to preclude speculation, should not be allowed to expire or lapse.

Accordingly, Ohio Power proposes to purchase, or to have Franklin Real Estate Company purchase on its behalf, the Plant Site at a purchase cost of approximately $1,300,000. Ohio Power also proposes to acquire for not more than $400,000 an additional 200-300 acres of land in the vicinity of the Plant Site which would be used to augment railroad facilites and build truck haulage roads. It is anticipated that the land acquired would be sold or, alternatively, leased to the envisioned non-affiliated corporation for a term concurrent with the term of the coal supply agreements and coal washing agreements entered into by Ohio Power. At the conclusion of such a lease, Ohio Power would have the right, at its option, to purchase the preparation plant for an amount not

greater than the equity contributed by the shareholders of the coal preparation corporation.

In the event that financing in the amount necessary to permit the construction of a preparation plant of suitable size cannot be obtained by the non-affiliate corporation, Ohio Power would consider undertaking the construction and operation of a preparation plant on the Plant Site to process coal for its own needs. If such an alternative becomes desirable, Ohio Power would file an appropriate application to seek authorization for such a project.

Ohio Power also proposes to acquire the Coal Lands either directly or through Franklin Real Estate Company, in order to control sufficient coal reserves to continue to supply the Preparation Plant with run of mine or raw coal following the expiration of the individual long-term coal supply contracts, as well as to have coal lands available for sub-lease to independent small coal producers in the event that those suppliers who have entered into long-term contracts with Ohio Power are unable to fulfill their contractual commitments.

The application and any amendments thereto are available for public inspection throught the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at th 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 amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursunt to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29323 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11968; 812-4928]

Sigma Capital Shares, Inc.; Filing of Application

October 1, 1981.

Notice is hereby given that Sigma Capital Shares, Inc. ("Capital"); Sigma Venture Shares, Inc. ("Venture"); Sigma Income Shares, Inc. ("Income"); Sigma Investment Shares, Inc. ("Investment"); Sigma Tax-Free Bond Fund, Inc. ("Tax-Free"); and Sigma Trust Shares ("Trust"); registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies; and Sigma Special Fund, Inc. ("Special"), registered under the Act as an open-end, non-diversified management investment company; and Delfi Capital Sales, Inc. ("Delfi"), a broker-dealer registered under the Securities Exchange Act of 1934 which acts as National Distributor and Principal Underwriter for each of the above-named investment companies (hereinafter collectively referred to as the "Funds", Greenville Center, C-200, 3801 Kennett Pike, Wilmington, Delaware 19807), filed an application on July 24, 1981 for an order of the Commission, pursuant to Section 11(a) of the Act, permitting certain transfers and exchanges among the Funds and, pursuant to Section 6(c) of the Act, exempting the Funds and Delfi (the "Applicants") from Section 22(d) in connection with such transfers and exchanges. 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 shares of Capital, Venture, Income, Investment, Trust and Special are offered for sale and sold at net asset value plus a sales charge which varies from 8.50% to 1.50% (of the offering price) based upon the amount invested. It is also stated that shares of Tax-Free are offered and sold at net asset value plus a sales charge which varies from 4.75% to 1.50% (of the offering price), based upon the amount invested. It is asserted that shareholders of Capital, Venture, Income, Investment, Trust and Special have the privilege of exchanging all or part of their investment in shares of those Funds into shares of any others of those Funds at the relative net asset values then in effect and without sales or other charges. The application states that this exchange privilege is not available to those shareholders of Special who became shareholders prior to July 11, 1979, and who are entitled to continue to purchase shares of Special at net asset value; nor is the exchange privilege presently available to shareholders of Tax-Free.

Applicants request that the Commission grant an order (1) permitting shareholders of Tax-Free the privilege of investing all of part of their investment in shares of Tax-Free into shares of Capital, Venture, Income, Investment, Trust or Special at the relative net asset values then in effect, without any sales or other charges, upon the condition that exchanging shareholders who have held their shares for less than six months must pay the difference between the sales charge paid on the original purchase and the sales charge that would be due if the shareholders were making an investment in one or another of the Funds at the time of the exchange; and (2) permitting shareholders of Tax-Free who have held their shares for six months or more to exchange their shares for shares of Capital, Venture, Income, Investment, Trust or Special at relative net asset value and without any sales of other charges.

Section 11(a) of the Act provides, in pertinent part, that it is unlawful for any registered open-end investment company or principal underwriter thereof to make an offer to the holders of its securities or of the securities of any other open-end company to exchange their shares for shares of the same or another such company on any basis other than the relative net asset values of the respective securities unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of 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.

It is submitted that the application

seeks to permit shareholders of Tax-Free to participate in the exchange privilege described above on the same basis as Capital, Venture, Income, Investment, Trust, and Special, but only on the condition that shareholders of Tax-Free must have held the shares to Tax-Free to be exchanged for six months prior to exercising the exchange privilege unless those shareholders pay the difference between the sales charge paid on the original purchase of the Tax-Free shares and the sales charge that would be due if the shareholders were making an investment in one or another of the other Funds at the time of the exchange. The application states that the reason for the six-month restriction is to discourage attempts at circumventing the higher sales charges which may have been imposed on the sale of shares of the Fund into which the transfer is being made had such amount of shares been purchased initially.

Applicants submit that the exemption requested 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 October 26, 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 address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued is 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. 81-29319 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22218; 70-6646]

Southwestern Electric Power Co.; Proposed Acquisition of Rail Cars by Means of 20-Year Lease

October 2, 1981.

In the matter of Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156 (70-6646).

Southwestern Electric Power Company ("SWEPCO"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

SWEPCO proposes to acquire, pursuant to a capital lease financing, 362 one hundred ton, high side, open top, rotary dump gondola rail cars (the "Equipment") for use in unit train service between the Belle Ayr and Eagle Butte, Wyoming, mine sites of Amax Coal Company and SWEPCO's Welsh Unit No. 3 power plant under construction near Cason, Texas. Welsh Unit No. 3 is a coal fired 528-megawatt electric generating unit which is scheduled for commercial operation in the spring of 1982. The purchase price of the Equipment, which will include freight charges, sales or use taxes, inspection fees, and transaction costs incurred by SWEPCO, will be approximately $15,000,000. The Equipment is being manufactured by Evans Products Company ("the Builder") and will be sold by the Builder under a Conditional Sale Agreement (the "CSA") to Cason Car Corporation (the "Lessor"). Under the terms of the CSA and the related Agreement and Assignment, the Builder will assign its right, title, and interest in the Equipment and the CSA to a bank acting as agent (the "Agent") on behalf of one or more institutional investors (the "Investors") who will provide 100% of the purchase price of the Equipment.

SWEPCO proposes to enter into a lease of the railroad Equipment with the Lessor for a 20-year term. The Lease will require SWEPCO to make semi-annual rental payments in an amount sufficient to equal the Lessor's obligations under the CSA to repay the Investors for the purchase price of the Equipment, plus interest. The exact interest rate will be filed by amendment and will depend on market conditions at the time of the placement of the debt under the CSA. The lease will be a net lease under which SWEPCO, among other things, will agree to pay all taxes and charges on the Equipment or assessed against the Lessor (other than income taxes assessed against the Lessor on its fees). Upon payment of the last rental installment, SWEPCO will receive title to the Equipment.

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 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve 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. 81-29322 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 01/01-0317]

Patriot Small Business Investment Corp.; Application for License

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Patriot Small Business Investment Corporation (Patriot), 63 Franklin Street, Boston, Massachusetts 02110, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders are as follows:

Allyn L. Levy, 250 Hammond Pond Pkwy., Chestnut Hill, MA 02167, President and Director

Edward J. Ofcharsky, 5 Sesame Street, Wakefield, MA 01880, Treasurer

Allen Goodman, 27 Reservoir Drive, Newton, MA 02167, Clerk
James R. White, 21 Ann Vinal Road, North Scituate, MA 02060, Director
Franklin Fox, 74 Beacon Street, Boston, MA 02108, Director
Edward Halperin, White Pine Knoll, Wayland, MA 01778, Director
Paul A. Schmid III, 178 West Canton Street, Boston, MA 02116, Director
Salvatore Macera, 19 Union Wharf, Boston, MA 02109, Director
Harbor National Bank of Boston, 57 Franklin Street, Brookline, MA 02110, 40%
Brookline Trust Company, 1341 Beacon Street, Brookline, MA 02146, 60%

The Applicant, a Massachusetts corporation, will begin opeations with $500,000 paid-in capital and paid-in surplus. Patriot will conduct its activities principally in the State of Massachusetts.

Matters involved in SBA's consideration of the application include the general business reputation and charcter of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may on or before October 23, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Admiistration, 1441 L Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 2, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-29328 Filed 10-7-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 776]

Approval of State Department Senior Executive Service Performance Awards

As authorized in 5 U.S.C. 5384 and pursuant to the recommendations of the Performance Review Board of the Department of State, performance awards are approved for the following career members of the Senior Executive Service (SES) of the Department of State:

SES Members

J. Brian Atwood, Dean, Office of Academic Affairs, Foreign Service Institute;
John R. Crook, Assistant Legal Adviser, Economic and Business Affairs;
David C. Gompert, Acting Deputy Assistant Secretary, Bureau of European Affairs;
George S. Harris, Office Director, Office of Analysis for Near East and South Asia, Bureau of Intelligence and Research;
Charles J. Henkin, Deputy Director, Bureau of Politico-Military Affairs;
Joseph H. Linnemann, Deputy Assistant Secretary, Bureau of International Narcotic Matters;
Michael J. Matheson, Assistant Legal Adviser, Politico-Military Affairs;
Philip H. Stoddard, Deputy Assistant Secretary for Current Analysis, Bureau of Intelligence and Research;
C. Thomas Thorne, Jr. Office Director, Bureau of Intelligence and Research.

Dated: September 30, 1981.

Andrew L. Steigman,

Acting Director General of the Foreign Service and Director of Personnel.

[FR Doc. 81-29313 Filed 10-7-81; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-075]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of Study Results.

The purpose of this notice is to publish results of the Port Access Routes study announced on April 16, 1979, in the Federal Register (44 FR 22543) and modified on January 31, 1980 (45 FR 7026): Only the results for study area 21 are published in this notice. Generally, this area includes the Gulf of Mexico coast from St. Marks, Florida, to the west. Results for other study areas have been published as follows: Areas 13 to 20 (coast of South Carolina, Georgia, and Florida) in 46 FR 48376; areas 5, 5a and 6 (New York and Delaware Bay approaches and Long Island Sound) in 46 FR 49035. Results for the remaining study areas (1 to 4 off New England, 7 to 12 along Maryland, Virginia and North Carolina coasts, and 22 to 32 covering the California, Oregon, Washington, and Alaska coasts) will be published in a future Federal Register.

Background

The Ports and Waterways Safety Act (PWSA), (Pub. L. 95-474, 92 Stat. 1473, 33 U.S.C. 1223) mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The Federal Register for April 16, 1979 (44 FR 22543) announced the scope of the study and included a description of each area to be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ships' routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the Federal Register. However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

This study has included not only a consideration of new routing measures, but also a review of existing schemes and fairways to confirm their continuing appropriateness and adequacy. In the Gulf of Mexico, the existing arrangement of shipping safety fairways and fairways anchorages was established by the U.S. Army Corps of Engineers under the authority to issue permits for construction of structures in navigable waterways of the U.S., in the interest of navigational safety. This authority, contained in the River and Harbor Act of 1899, was extended to structures located on the Outer Continental Shelf (OCS) by the OCS Lands Act, as amended (92 Stat. 635; 43 U.S.C. 1333(e)). Pursuant to this authority, shipping safety fairways were established by denying permits for structures within certain designated lanes as described in 33 CFR 209.135.

In the Gulf of Mexico, there are over 800 miles of 2-mile wide fairways some of which are over 100 miles out into the Gulf. They were established by the Corps of Engineers between 1948 and 1968 (with a few subsequent amendments) because of the dangers being created by rapidly developing offshore drilling activity. The risk of collisions between vessels and structures was growing; and most ships were going many miles out of their way to avoid oil structures. Many interests, including oil companies, maritime associations, shipping companies, and government agencies participated in the development of the fairway system. In 1978, amendments to the PWSA delegated the authority to establish fairways to the Secretary of the

Department in which the Coast Guard is operating.

Method

The Port Access Route study for the area of the coast of the Gulf of Mexico was conducted by the Eighth Coast Guard District in accordance with section 4(c) of the PWSA. The study has involved contacts with other federal agencies, state government officials, and representatives of a wide variety of interests in the area. The PWSA requires that the study "to the extent possible, reconcile the need for safe access routes with the needs of all reasonable uses of the area involved."

For study purposes, the area was described in the Federal Register (44 FR 22543) as including the entire Gulf of Mexico coast from St. Marks, Florida, to the west. Specifically, the designation is from the coast seaward to the 1800 meter curve or the limit of Mexican jurisdiction, from a line bearing 199°T from the intersection of the Florida Coast at 83°50.0'W latitude to the Mexico/United States border.

The study team in the Eighth District compiled an extensive mailing list for soliciting participation of interested parties. Public hearings were also held for discussion of alternatives; and preliminary drafts of study results were distributed for comments.

Data sources used in the study also included a traffic pattern printout from the Automated Mutual Assistance Vessel Rescue System (AMVER), and a traffic density display from the Naval Ocean Survey Information Center (NOSIC). However, since the numerical data available for the study was limited in its degree of precision, some conclusions are based on extrapolations and assumptions from statistical trends.

Any new regulations, such as modifications to safety fairways, will be announced as proposed rules with an opportunity for public comment.

Summary

On the basis of the Port Access Route study, conducted in accordance with the PWSA, no major change to the existing shipping safety fairway scheme in the Gulf of Mexico is recommended. However, several modifications are proposed for the area, including the establishment of new anchorage areas at Sabine Bank and Calcasieu Pass/Lake Charles, the establishment of safety fairways at Southwest Pass, and at Mermentau/Lower Mud Lake. Also, new precautionary areas and a traffic separation scheme (TSS) are proposed for the Galveston/Houston entrance.

As a preliminary step, in accordance with the PWSA delegation of fairway authority, the existing Corps of Engineers Gulf Fairway regulations will be adopted by the Coast Guard by notice in the Federal Register.

Conclusions

The Ports and Waterways Safety Act (PWSA) authorizes the Coast Guard (through the Secretary of Transportation) to use a variety of routing measures to provide safe access routes at the approaches to U.S. ports. These measures include shipping safety fairways, in which no structures are permitted; traffic separation schemes, in which vessels must obey directional designations that apply in the traffic lanes; and precautionary areas, where ships must navigate with particular caution. Also available as elements of navigation safety management are anchorages, which are charted areas where vessels can anchor outside of the path of vessel traffic. The Port Access Route study is intended to determine what combination of routing measures, if any, is appropriate for a study area.

Following are the conclusions and recommendations of the Port Access Route study for the Gulf of Mexico.

(a) The PWSA specifically delegates authority to establish safety fairways to the Secretary of the Department in which the Coast Guard is operating. The fairways currently in the Gulf of Mexico (33 CFR 209.135) were created by the Corps of Engineers as a regulatory tool to insure an obstruction-free corridor for vessels in an area becoming congested with drilling platforms. Experience with these fairways over the last fifteen years has shown them to be an effective routing measure in reducing the risk of vessel/structure collisions. The study team in the Eighth Coast Guard District evaluated data from a wide scope of government, business, consumer and other sources, and determined that for the most part the existing fairway arrangement is quite adequate and well used. Only in a few instances are modifications found to be in order.

In order to implement the authority of the PWSA, it is necessary for the Coast Guard to adopt the existing Corps fairway designations where they are considered justified. The mechanics of this adoption will be a Notice of Proposed Rulemaking to bring the fairways within the authority of the PWSA. Subsequently, the Corps is expected to delete their fairway regulations as appropriate. Although it will be the responsibility of the Coast Guard to designate the fairways, it will continue to be the responsibility of the Corps of Engineers to enforce the regulations by denying permits for structures in the defined areas.

(b) Because of increased traffic density in both general cargo and Liquefied Petroleum and Natural Gas (LPG/LNG), two additional anchorages for Sabine Bank are recommended. These include the following:

(1) *Sabine Bank LNG/LPG Anchorage.* The area enclosed by lines joining points at:

Latitude	*Longitude*
29°17'00"N	93°43'00"W
29°17'00"N	93°41'08"W
29°15'00"N	93°41'08"W
29°15'00"N	93°43'00"W

(2) *Sabine Bank General Anchorage.* The area enclosed by lines joining points at:

Latitude	*Longitude*
29°26'06"N	93°43'00"W
29°26'06"N	93°41'08"W
29°24'06"N	93°41'08"W
29°24'06"N	93°43'00"W

(c) Presently, there is an LPG facility near Lake Charles, Louisiana; and an LNG facility is scheduled to begin operations during 1981. Because of the increased traffic density, both in general cargo and LNG/LPG, two modifications are recommended in the vicinity. These include consideration of additional buoyage for the Calcasieu Pass/Lake Charles Shipping Safety Fairway; and the establishment of an LNG/LPG anchorage as follows:

Calcasieu Pass/Lake Charles LNG/LPG Anchorage. The area adjacent to the Calcasieu Pass Shipping Safety Fairway and enclosed by lines joining at:

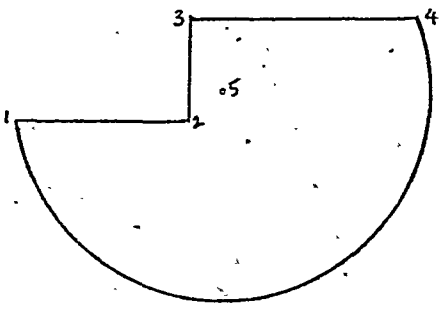
Latitude	*Longitude*
29°16'00"N	93°16'00"W
29°16'00"N	93°14'20"W
29°13'00"N	93°14'17"W
29°13'00"N	93°16'00"W

(d) The study concluded that the existing fairway at Southwest Pass is insufficient in the pilot boarding area. At present, inbound and outbound vessels come into conflict to the east of the sea buoy where the pilots both board and disembark. The area west of the sea buoy is identified as a dredge material dump site. This area is void of soundings—a situation that gives ship masters great concern and results in their tendency to restrict maneuvering to the area east of the buoy. This places an inbound vessel directly in the path of an outbound vessel maneuvering to disembark the pilot and then depart south in the fairway. Additionally, vessels tend to anchor in the extreme western end of the fairway anchorage, further restricting and complicating the maneuvering and safety of the vessels.

Therefore, it is recommended that the Southwest Pass Entrance Mid-Channel

Lighted Whistle Buoy be moved from a center point 100 yards, 090° true from its present position. It is further recommended that a safety fairway of 4000 yards radius be established from the proposed new location of the entrance buoy. The fairway is required to ensure the absence of obstructions. This will give greater identified maneuvering area for inbound vessels to the west of the pilot debarking area and it will move the boundary of the anchorage area further eastward, making the area clear of outbound vessel maneuvers. The proposed fairway will be described as follows:

Southwest Pass Fairway. The area enclosed by a line from point 1 (2852'18"N; 8928'06"W) to point 2 (2852'18"N; 8926'03"W) to point 3 (2852'30"N; 8926'03"W) to point 4 (2853'30"N; 8923'51"W) and then an arc from point 4 to point 1 centered on Southwest Pass Entrance Mid-Channel Lighted Buoy Whistle at point 5 (2852'39"N; 8925'54"W) with a 4000 yard radius.



(e) During the study the recommendation was made to move an existing fairway at the mouth of the Mermentau River to the channel which has been cut from Lower Mud Lake. Study data indicated that water traffic now gains access to the Gulf via the channel, which is located approximately five (5) miles east of the mouth of the Mermentau.

Since the Corps of Engineers had also concluded that the fairway at Mermentau River was no longer required for navigation safety, disestablishment of the fairway was proposed by the Corps in 46 FR 34583.

The proposed location of the new Mermentau Fairway, which would continue to be for shallow draft vessel traffic, is as follows:

Mermentau/Lower Mud Lake Safety Fairway. The area between a line joining points at:

Latitude	*Longitude*
29°43'24"N	93°00'18"W
29°42'00"N	93°00'18"W

and a line joining points at

29°43'33"N	93°00'48"W
29°42'00"N	93°00'48"W

(f) While the Port Access Route Study was being conducted, a Board of Inquiry was convened by the Coast Guard to examine recent vessel casualties in the Galveston area. Many of the recommendations of this Board of Inquiry are addressed by the present report.

Because of the increase in traffic flow, the increase in ship size, and the increase in volume of hazardous cargoes being transported into the ports of Houston and Galveston, a traffic separation scheme (TSS) is proposed for the approach to Galveston Bay. The TSS will overlay the existing Galveston Bay Entrance Approach Safety Fairway (33 CFR 209.135(d)(10)). Also, a precautionary area at both ends of the TSS—at the northwest, or shoreward, end of the fairway, and at the southeast, or seaward, end of the fairway—will be provided.

The alignment of the traffic separation zone is skewed to the southwest of the center of the approach safety fairway. This was done to overlay the proposed Galveston deep channel. The 1000 foot wide separation zone overlays a proposed 600 foot wide channel; and if the channel is completed, the separation zone will represent a deep water route as well.

This scheme must be adopted by the Inter-Governmental Maritime Consultative Organization (IMCO) before it can receive international recognition.

The designation of the proposed precautionary areas and TSS are as follows:

Galveston Bay Precautionary Areas and Traffic Separation Scheme.

(1) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'06"N	94°39'12"W
29°16'06"N	94°37'00"W
29°18'00"N	94°34'54"W
29°19'24"N	94°37'06"W
29°19'48"N	94°38'06"W

(2) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°07'42"N	94°27'48"W
29°06'18"N	94°26'12"W
29°06'18"N	94°23'54"W
29°09'06"N	94°20'36"W
29°11'12"N	94°24'00"W

(3) A traffic separation zone 1000 feet wide having a centerline described by a line connecting the following geographical positions:

Latitude	*Longitude*
29°09'06"N	94°26'18"W
29°17'00"N	94°35'54"W

(4) A traffic lane for inbound (northwesterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'00"N	94°34'54"W
29°11'12"N	94°24'00"W

(5) A traffic lane for outbound (southeasterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°16'06"N	94°37'00"W
29°07'42"N	94°27'48"W

(g) One proposal evaluated during the study was a seaward extension of the existing fairway system throughout the Gulf. However, comments received indicated that generally the present fairway system is quite adequate, and the Corps of Engineers stated that they have not issued permits for structures beyond the Gulf safety fairways as established in 33 CFR 209.135. Furthermore, a seaward extension of the fairways would create a unnatural traffic flow for portions of the Gulf. The present fairway system has been historically followed due to a large number of obstructions present within these waters. As of now, it appears unnecessary to extend these fairways seaward.

(h) Some consideration was given to recommendations that all fairways be marked by racon (radar beacon) buoys. However, by 1 June 1982, all vessels 1600 gross tons and over will be required to have an accurate electronic position fixing device, such as LORAN-C, in accordance with 33 CFR 164.41. Thus, the need for racon buoys in fairways should be greatly reduced except where a clearly demonstrated need is established.

Implementation

Implementation of the above study results will require that existing Corps of Engineers' fairways be adopted by the Coast Guard; that new fairways and anchorages by published as notices of proposed rulemaking; and that new precautionary areas and traffic

separation schemes be submitted to the Inter-Governmental Maritime Consultative Organization (IMCO) for adoption and international recognition. It is expected that these processes will be initiated in the near future.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Marine Environment and System (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426-4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

Dated: September 24, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment and Systems.

[FR Doc. 81-29206 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

Maritime Administration

Approval of Applicant as Trustee; Terrebonne Bank and Trust Co.

Notice is hereby given that Terrebonne Bank & Trust Company, with offices at 720 East Main Street, Houma, Louisiana, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21—221.30.

Dated: September 28, 1981.

By Order of the Acting Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-29117 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Petitions To Commence Defect Proceedings; Denials

This notice sets forth the reasons for the denial of petitions to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

Phillips, 1977 Dodge van. On January 7, 1981, Mr. Toris V. Phillips of Corte Madera, California, petitioned NHTSA to commence a defect proceeding with respect to alleged difficulties of several systems in a 1977 Dodge van that he had leased. Areas of concern were the transmission, parking brake, ignition wire, and wheel shaft area. In addition, Mr. Phillips believed that front frame rail cracking had not been corrected under a 1980 recall campaign.

NHTSA reviewed its records and source files and determined that inadvertent shifting of automatic transmission occurred less often in Chrysler Corporation products than in those of the two other major American manufactures. Analysis of the other alleged defects indicated that they were not safety-related (broken transmission seal and wheel shaft noise) or maintenance problems (parking brake and ignition wire). The van was examined by Chrysler who found no frame rail cracking. The current owner of the van expressed satisfaction with it.

NHTSA concluded that there was no reasonable probability that the order requested would be issued at the conclusion of the investigation, and on August 25, 1981, the petition was denied.

Zach, 1976 Fiat 128. Mr. Jerry Zach of Mequon, Wisconsin, petitioned the agency on February 22, 1981, alleging that Fiat 128 passenger cars may contain a safety-related defect, an excessively stiff front suspension that may cause poor vehicle handling in cold weather.

NHTSA's files contained a number of reports of steering or front suspension related problems in Fiat 128 vehicles but none relating to the MacPherson strut or front shock absorber, indicating that Mr. Zach's problem was an isolated one. No complaints about performance of the system were linked to cold weather or snow. The Ministry of Transport in Canada reported no complaints of poor handling in cold weather due to excessive front suspension stiffness.

NHTSA concluded that there was no reasonable probability of issuance of the order at the end of the investigation, and the petition was denied on August 25, 1981.

(Secs. 124, 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1412); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 1, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-29140 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Hazardous Materials Regulations; Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes November 9, 1981.

ADDRESS COMMENT TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
8715-N	W. L. Gore & Associates, Inc., Newark, DE	49 CFR 173.119(m), 175.3	To authorize the shipment of tetra-etch etchant, classed as a flammable liquid with a subsidiary of corrosive, packed in non-DOT specification sealed metal cans of up to 1 pint overpacked in a DOT Specification 12B fiberboard box. (Modes 1, 2, 4.)
8716-N	Foote Mineral Co., Exton, PA	49 CFR 173.28(m)	To authorize reuse of non-reconditioned 30-gallon DOT Specification 17C steel drums for shipment of lithium metal, classed as a flammable solid. (Mode 1.)
8717-N	Goodloe E. Moore, Inc., Danville, IL	49 CFR 173.28(m)	To authorize reuse of non-reconditioned DOT Specification 17H, 55 gallon steel drums with a 10 mil polyethylene liner for shipment of certain adhesives, classed as a flammable liquid. (Mode 1)
8718-N	Structural Composites Industries, Azusa, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3	To manufacture, mark and sell non-DOT specification, limited cycle life, fiberglass reinforced plastic cylinders for shipment of various non-flammable compressed gases. (Modes 1, 2, 3, 4, 5.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
8719-N	Halliburton Services, Duncan, OK	49 CFR 173.263(a)(1)	To authorize the use of a non-DOT specification 12,000 gallon lined marine portable tank for shipment of hydrochloric acid solutions classed as corrosive material. (Modes 1, 3.)
8720-N	Applied Environments Corp., Van Nuys, CA	49 CFR 173.302(a)(4), 175.3	To manufacture, mark and sell non-DOT specification non-reusable welded steel cylinders similar to DOT Specification 39 for shipment of various non-flammable gases. (Modes 1, 2, 4.)
8721-N	Colorado Contractors Association, Inc., Denver, CO.	49 CFR 173.118a, 173.119, Part 173, Subpart C.	To authorize the shipment of various flammable and combustible liquids in non-DOT specification compartmented portable tanks used as construction project service vehicles. (Mode 1.)
8722-N	Northrop Corp., Hawthorne, CA	49 CFR 172.101(6)(b), 173.276, 175.3, 175.30	To authorize shipment of hydrazine in non-DOT Specification nonpressurized Type 347 stainless steel storage tanks overpacked in a stainless steel shipping container. (Modes 1, 2, 3, 4, 5.)
8724-N	Stauffer Chemical Co., Westport, CT	49 CFR 173.154	To authorize four shipments of non-DOT specification pressure vessels lined with refractory bricks contaminated with a minute quantity of carbon disulfide, classed as a flammable solid, n.o.s., to a disposal sight. (Mode 1.)
8725-N	NCF Industries, Los Alamitos, CA	49 CFR 173.302(a)(1), 173.304(a)(1)	To manufacture, mark and sell in non-DOT specification (composite reinforced metal) aluminum cylinders up to 1,000 lbs. water capacity for shipment of flammable and nonflammable compressed gases. (Mode 1.)
8726-N	Whitehall Laboratories, Inc., New York, NY	49 CFR Appendix B, Part 107, Subpart B, Parts 170-177.	To authorize the shipment of safety book matches contained in a rigid fiber tray, overwrapped with paper, on top of which is placed two small rigid fiberboard boxes containing tins of anacin tablets, all of which are overwrapped in plastic or cellophane and overpacked in strong fiberboard cartons. (Mode 1, 2.)
8728-N	S.A.Y. Industries Inc., Leominster, MA	49 CFR 172.400	To authorize the shipment of methyl alcohol, classed as a flammable liquid, without the required flammable liquid label. (Mode 1.)
8729-N	Inland Steel Container, Chicago, IL	49 CFR 175.3, 178.102-4	To authorize the reuse of drums manufactured in accordance with DOT Specification 6D but inadvertently marked DOT Specification 37M, for shipment of those hazardous materials authorized in DOT Specification 6D with a 2SL liner. (Mode 1, 2, 3, 4, 5.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 1, 1981.

Joseph T. Horning,
Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-29232 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Regulation; Applications for Renewal or Modification of Exemptions or Applications To Become Party To Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing

DATE: Comment period closes October 23, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
5038-X	Synthatron Corp., Parsippany, NJ [1]	5038
5652-X	Air Products and Chemicals, Inc., Allentown, PA [2]	5652
6397-X	Foote Mineral Co., Exton, PA	6397
6536-X	South Jersey Gas Co., Folsom, NJ	6536
6536-X	SunOlin Chemical Co., Claymont, DE	6536
6543-X	Synthatron Corp., Parsippany, NJ [3]	6543
6614-X	Continental Chemical Co., Sacramento, CA	6614
6618-X	Monsanto Co., St. Louis, MO [4]	6618
6724-X	GPS Industries, City of Industry, CA	6724
6902-X	Great Lakes Chemical Corp., El Dorado, AR	6902
6902-X	Synthatron Corp., Parsippany, NJ	6902
6974-X	Tavco, Inc., Chatsworth, CA	6974
7056-X	Diamond Shamrock Corp., Cleveland, OH	7056
7491-X	Process Engineering, Inc., Plaistow, NH	7491
7605-X	General Dynamics, Fort Worth, TX	7605
7605-X	General Dynamics, Fort Worth, TX [5]	7605
7765-X	Carleton Controls Corp., East Aurora, NY [6]	7765
7768-X	Plasti-Drum Corp., Lockport, IL	7768
7890-X	Union Carbide Corp., New York, NY	7890
8129-X	Resource Technology Services, Inc., Devon, PA	8129
8137-X	Ensign Bickford Co., Simsbury, CT	8137
8199-X	Dow Corning Corp., Midland, MI	8199
8214-X	Thiokol Corp., Odgen, UT	8214
8230-X	G. Fredrick Smith Chemical Co., Columbus, OH	8230
8232-X	Eurotainer, Paris, France [7]	8232
8244-X	Halliburton Services, Inc., Duncan, OK [8]	8244
8247-X	Container Corporation of America, Wilmington, DE	8247
8248-X	Western Electric Co., Greensboro, NC	8248
8255-X	Applied Environments Corp., Van Nuys, CA [9]	8255
8269-X	M-D Trailer Co., Ft. Worth, TX	8269
8274-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	8274
8274-X	ANF Industrie, Paris, France	8274
8275-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	8275
8275-X	ANF Industrie, Paris, France	8275
8279-X	Hamler Industries, Inc., Chicago Heights, IL	8279
8314-X	Barber Steamship Lines, Inc., New York, NY	8314
8336-X	Cities Service Co., Tulsa, OK	8336
8344-X	All-Sports Supply, Inc., Portland, OR	8344
8531-X	Monsanto Co., St. Louis, MO	8531
8602-X	Minnesota Valley Engineering, New Prague, MN [10]	8602
8654-X	Isomedix, Inc., Whippany, NJ [11]	8654
8708-X	Great Lakes Chemical Corp., West Lafayette, IN	8708

[1] To authorize water and cargo-only aircraft as additional modes of transportation.
[2] To renew and to authorize octanoyl chloride, classed as corrosive material, as an additional commodity.
[3] To authorize water as an additional mode of transportation.
[4] To authorize dichloroaniline, classed as a poison B, and allow use of an insulated MC-307 cargo tank equipped with heating coils.
[5] To authorize an escape system containing a detonating fuse, small arms ammunition and an explosive powder device, all class C explosives, as an additional unit.
[6] To authorize an additional pressurized container identical to those presently authorized except for the fitting installation and a larger burst disc.
[7] To renew and to authorize isopentane and pentane, classed as flammable liquids, as additional commodities.
[8] To authorize use of a 500 gallon vertical marine portable tank and update drawings pertaining to the tanks presently authorized for shipment of various flammable, combustible and corrosive materials.
[9] To authorize oxygen, classed as nonflammable gas, as an additional commodity.
[10] To authorize an additional 1920 gallon portable tank for shipment of various nonflammable gases.
[11] To authorize water as an additional mode of transportation.

Application No.	Application	Parties to exemption
3109-P	Hydraulic Research Textron, Pacoima, CA	3109
3216-P	Pennwalt Corp., Philadelphia, PA	3216
4453-P	IRECO Chemicals, Salt Lake City, UT	4453
6126-P	Rhone-Poulenc Inc., Monmouth Junction, NJ	6126
6228-P	Airco Welding Products, Murray Hill, NJ	6228
6657-P	Valweld Inc., Appleton, WI	6657
6762-P	Green Chemical Co., Inc., Winchester, VA	6762
6802-P	Monroe Welding Supply Co., Sioux City, IA	6802
6802-P	Welders Gas & Supply, Sioux Falls, SD	6802
6806-P	Kaiser Aluminum Chemical Corp., Pleasanton, CA	6806
6895-P	GTE Service Corp., Washington, DC	6895
7052-P	Battery Safety Society, Inc., Fairfax, VA	7052
7607-P	Engineering-Science, McLean, VA	7607
8129-P	University of Florida, Gainesville, FL	8129
8308-P	MHC Messengers, Inc., Avenel, NJ	8308
8441-P	Raytheon Co., Portsmouth, RI	8441
8465-P	CIL Inc., Brampton, Ontario, Canada	8465
8489-P	Degussa Corp., Teterboro, NJ	8489
8569-P	U.S. Department of Defense, Washington, DC	8569
8572-P	Western States Energy, Inc., Salt Lake City, UT	8572
8582-P	The Chesapeake & Ohio Railway Co., Cleveland, OH	8582
8582-P	The Western Maryland Railway Co., Baltimore, MD	8582
8582-P	The Baltimore & Ohio Railroad Co., Baltimore, MD	8582
8623-P	W. R. Grace & Co., Lexington, MA [1]	8623
8654-P	Mayo Clinic, Rochester, MN	8654
8687-P	Purex Corp., Carson, CA	8687

[1] To request party status and to authorize potassium cyanide solution as an additional commodity.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 1, 1981.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-29233 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Performance Review Board; List of Members

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Boards.

DATE: Performance Review Board effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James W. House, RM:P:X, 1111 Constitution Avenue, NW., Room 3213, Washington, DC 20224, Telephone No. (202) 566-4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board are as follows:

Joseph T. Davis, Chairman, Acting Deputy Commissioner
Russell E. Dyke, Assistant Commissioner, Planning and Research
M. Eddie Heironimus, Assistant Commissioner, Taxpayer Service and Returns Processing
Harold A. McGuffin, Regional Commissioner, Southeast Region
Roger L. Plate, Regional Commissioner, Midwest Region

The members of the Internal Revenue Service's Senior Executive Service Performance Review Board for Inspection are as follows:

Joseph T. Davis, Chairman, Acting Deputy Commissioner
Paul K. Trause, Inspector General, Department of the Treasury
Lester Stein, Assistant to Chief Counsel

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978 (43 FR 52122).

Joseph T. Davis,

Acting Deputy Commissioner.

[FR Doc. 81-29312 Filed 10-7-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Foreign Portfolio Investment Survey Advisory Committee; Reestablishment Notice

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II), and with approval of the Secretary of the Treasury and the concurrence of the Office of Management and Budget, the Office of the Assistant Secretary (International Affairs) announces the reestablishment of the following advisory committee:

Title: Foreign Portfolio Investment Survey Advisory Committee.

Purpose: The International Investment Survey Act of 1976 (the Act), as amended, requires the collection and analysis of data relating to international investment and its effect upon the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States. Section 8(a) of the Act requires the Treasury, in performing functions mandated by the Act, to secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community. The Committee will furnish expertise on international securities and other markets and provide knowledgeable advice and recommendations on technical problems and policy issues to be addressed in studies and surveys of international portfolio investment.

A total of fifteen (15) members will be selected from nominations received by the Department of the Treasury from the Congress, business and professional organizations, labor organizations, and the public. Members will serve without compensation, except for preapproved travel and other expenses incurred in the performance of Committee business. Nominees should be knowledgeable in one or more of the following areas:

1. International securities or other financial markets;

2. Analysis of international investment;

3. Private sector costs of compliance with government reporting regulations; and/or

4. Legal aspects of international investment and government regulations.

Questions or comments relating to the establishment and functions of this Committee should be addressed within 30 days to Mr. David Curry, Acting Director, Foreign Portfolio Investment Survey, Room 225 1625I, Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220 (phone: 202-634-2271).

Marc E. Leland,

Assistant Secretary (International Affairs).

[FR Doc. 81-29223 Filed 10-7-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on November 19, 1981, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389-5411).

Dated: October 1, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29234 Filed 10-7-81; 8:45 am]

BILLING CODE 8320-01-M

Voluntary Service National Advisory Committee;

The Veterans Administration gives notice that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, composed of representatives of 45 national voluntary organizations and three associate national voluntary organizations, will be held at the Dallas Marriott Hotel Market Center, 2101 Stemmons Freeway, Dallas, Texas, on October 26 through 28, 1981.

Registration of the conferees and preliminary meetings on procedural matters will be held beginning at 9 a.m. on October 26, 1981. An opening ceremony and recognition program will be held in the afternoon from 3 to 5 p.m. The committee will officially convene with a Plenary Session at 9 a.m., October 27, in the Conquistador Ballroom of the hotel and will conclude at 2:30 p.m. on October 28, 1981.

The purposes of the meeting are to instruct committee members and officials of their organizations in obligations they have accepted for volunteer recruitment, communications and program interpretation and to seek the advice of the committee in further developing volunteer participation in the care and treatment of veteran patients throughout the agency's nationwide medical program.

Dated: October 1, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29235 Filed 10-7-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 195
Thursday, October 8, 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

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, October 16, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1531-81 Filed 10-6-81; 3:11 pm]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

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 Tuesday, October 13, 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:

Sunrise Bank, a proposed new bank, to be located at the southeast corner of Woodmore Oaks Street and Sunrise Boulevard, Unincorporated Sacramento County (P.O. Citrus Heights), California.

Applications for Federal deposit insurance and for consent to acquire assets and assume liabilities and to establish one branch:

Northland State Bank, a proposed new bank in organization, to be located at 301 South Cedar Street, Kalkaska, Michigan, for Federal deposit insurance; for consent to acquire the assets of and assume the liability to pay deposits made in the two Kalkaska branches of The Cadillac State Bank, Cadillac, Michigan, located at 301 South Cedar Street and 102 Raudman, Northland Plaza, Kalkaska, Michigan; and for consent to establish the office of The Cadillac State Bank located at 102 Raudman, Northland Plaza as a branch of the resultant bank.

Applications for consent to establish a branch:

Thunderbird Bank, Phoenix, Arizona, for consent to establish a branch at the intersection of Cave Creek and Bell Roads, Phoenix, Arizona.

The Drovers & Mechanics Bank, York, Pennsylvania, for consent to establish a branch on the northwest corner of the intersection of Kenneth and Loucks Roads, West Manchester Township, Pennsylvania.

Applications for consent to change the general character of the bank's business from that of a stock savings bank to a commercial bank and for consent to establish a branch:

Banco Financiero de Ahorro de Ponce, Ponce, Puerto Rico, for consent to change the general character of its business from that of a stock savings bank to a commercial bank; and for consent to establish a branch at 268 Ponce de Leon Avenue, San Juan (Hato Rey), Puerto Rico.

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. 44,873-L—First State Bank of Northern California, San Leandro, California

Case No. 44,914-L—Franklin National Bank, New York, New York

Case No. 44,915-NR—United States National Bank, San Diego, California

Case No. 44,930-NR—The First National Bank of Cripple Creek, Cripple Creek, Colorado

Memorandum and Resolution re: The Des Plaines Bank, Des Plaines, Illinois

Memorandum and Resolution re: International City Bank and Trust Company, New Orleans, Louisiana

Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank & Trust Company, Mission, Kansas.

Feldstein, Gelpi, Hernandez & Castillo, Old San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan (Hato Rey), Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition of Control," which would delegate to the Director of the Division of Bank Supervision and the regional directors, if delineated criteria are met, increased authority to approve branch applications of insured State nonmember banks.

Memorandum and Resolution re: Technical amendments to Parts 303, 304 and 309 of the Corporation's rules and regulations to correct inconsistent cross-references and update form numbers and titles.

Memorandum and Resolution re: Proposed amendment to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would (1) require insured banks to pay interest on delinquent assessment payments owed to the Corporation if the delinquencies are not caused by the Corporation, and (2) require the Corporation to pay interest on assessment overpayments by insured banks if the overpayments are caused by the Corporation.

Memorandum and Resolution re: Amendment to the revised policy statement concerning interest rate futures contracts, forward contracts and standby contracts, which would provide that the policy statement applies to futures contracts for domestic bank certificates of deposit.

Memorandums and Resolutions re: Delegation of authority to the Director of the Division of Liquidation to sell mortgage and installment loans acquired

by the Corporation from failed banks to the Federal National Mortgage Association in accordance with prescribed guidelines.

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.

Report of the Director. Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Expenditures

Reports of the Director, Office of Corporate Audits:

Audit Report re: EDP Security Audit Follow-Up, dated April 6, 1981.

Audit Report re: Transportation Charges Interface Program and Related Practices, dated June 12, 1981.

Discussion Agenda:

Memorandum re: Purchase Request for San Francisco Regional Office Space.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1533-81 Filed 10-6-81; 4:11 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

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 Tuesday, October 13, 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), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Oregon State Bank, a proposed new bank, to be located at 324 S.W. Third Street, Corvallis, Oregon.

Request for modification of a condition previously imposed in granting consent to merge:

Western Bank, Coos Bay, Oregon.

Memorandum and Resolution re: Relief from the restitution requirements of Section 108 of the Truth in Lending Act for violations of section 226.8(a) of Regulation Z.

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. 44,913-L—Fidelity Bank, Utica, Mississippi

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: October 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S 1534-81 Filed 10-6-81; 4:11 pm]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, October 14, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revision to the Federal Reserve Bank employee salary structure adjustment policies.
2. Proposed revisions to the Federal Reserve Banks' Performance Cash Awards Program.
3. Federal Reserve Board officer salary administration.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. 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: October 6, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1532-81 Filed 10-6-81; 3:42 pm]

BILLING CODE 6210-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM—81—36]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47699, September 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Thursday, October 8, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The meeting has been rescheduled for 2 p.m., Thursday, October 8, 1981, and the agenda as now revised is set forth below:

STATUS: Open.

MATTER TO BE CONSIDERED:

1. OMB-Directed Study of Field Investigation Practices.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

October 6, 1981.

[S-1530-81 Filed 10-6-81; 12:24 pm]

BILLING CODE 4910-58-M

federal register

Thursday
October 8, 1981

Part II

Department of the Treasury

Internal Revenue Service

Income Tax; Definition of the Term "Issue"; Proposed Rulemaking and Announcement of Public Hearing on Proposed Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-264-81]

Income Tax; Definition of Term "Issue"; of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the definition of the term "issue" for purposes of section 103(b) of the Internal Revenue Code. The regulations reflect the position announced by the Internal Revenue Service in Revenue Ruling 81-216. These regulations would provide guidance to purchasers of industrial development bonds and persons connected with industrial development bond financings.

DATES: Written comments must be delivered or mailed by December 7, 1981. The regulations are proposed to be effective for obligations sold after August 23, 1981.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

Section 103(b) provides that gross income generally includes interest on industrial development bonds. An industrial development bond is an obligation which is issued as part of an issue all or a major portion of the proceeds of which are to be used directly or indirectly in the trade or business of a person who is not an exempt person and the payment of principal or interest on which in whole or in major part is secured by property used in a trade or business or by payments in respect to such property.

There are several exceptions to the general rule. Section 103(b)(4) provides an exemption for obligations substantially all of the proceeds of which are to be used to provide certain exempt activities. Section 103(b)(5) provides a similar exemption for obligations substantially all of the proceeds of which are to be used to provide industrial parks.

Section 103(b)(6) provides another exemption for certain small issues the face amount of which does not exceed $1,000,000 or, in limited circumstances, $10,000,000. In applying these statutory limits an issue of less than $1,000,000 is nonetheless not entitled to the exemption under section 103(b)(6) if the amount exceeds $1,000,000 when combined with the amount of all prior issues of bonds issued under section 103(b)(6) for the benefit of the same entity and for facilities in the political jurisdiction (*i.e.*, the same municipality or county). Section 103(b)(6) also provides that, if an issuer makes the necessary election, the limit for an exempt small issue of industrial development bonds is increased from $1,000,000 to $10,000,000. In such case, however, certain other amounts must be aggregated with the issue of obligations in question for purposes of determining whether the $10,000,000 limitation has been exceeded.

Explanation of Provisions

The proposed regulations would supersede Revenue Ruling 81-216 which revoked Rev. Ruls. 78-159, 77-55 and 74-380 which deal with the application of section 103(b) to multiple lots of obligations. The regulations follow the position provided in Rev. Rul. 81-216.

The regulations would provide rules to determine whether multiple lots of obligations are part of the same issue. This is of particular significance in determining whether such issue, in conjunction with prior issues, exceeds the $1,000,000 or $10,000,000 limitation. The determination is based on whether the obligations (1) are sold at substantially the same time, (2) are sold under a common plan of marketing, (3) are sold at substantially the same rate of interest, and (4) a common or pooled security will be used or available to pay debt service for such obligations. However, additional facts also may be considered. Illustrations of common or pooled security arrangements are provided.

The proposed regulations would generally apply to obligations sold after August 23, 1981. However, there is an exception for issuers that obtain a ruling to the effect that there has been a significant financial commitment by August 23, 1981, to proceed with the issue, and that such commitment was based on the revoked revenue rulings. This exception provides the same relief as would be provided under section 7805(b) with respect to pending issuances which are adversely affected by Rev. Rul. 81-216 or this regulation.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

The principal author of these proposed regulations is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held on November 12, 1981 as announced by a Notice of Public Hearing on Proposed Regulations also published in Part II of this issue of the Federal Register.

Adoption of Amendments to the Regulations

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The proposed amendments to 26 CFR Part 1 read as follows:

Paragraph 1. Paragraph (b) of § 1.103-7 is amended by adding a new subparagraph (6), and paragraph (c) is amended by adding new examples (16), (17) and (18). These new provisions read as follows:

§ 1.103-7 Industrial development bonds.

* * * * *

(b) *Industrial development bonds.* * * *

(6) *Issue.* (i) For purposes of section 103(b), obligations are part of the same issue if—

(A) The obligations are sold at substantially the same time,

(B) The obligations are sold pursuant to a common plan of marketing,

(C) The obligations are sold at substantially the same rate of interest, and

(D) A common or pooled security will be used or available to pay debt service for such obligations.

Additional facts and circumstances may further evidence whether or not such obligations are part of the same issue. A common plan of marketing may exist where obligations are sold under the same indenture or official statement or when the purchase of one obligation is conditioned on the purchase of another obligation by the same holder or group of holders. Security for obligations is common or pooled if the same funds are available to, or the same person may, pay debt service on such obligations, or when such obligations are guaranteed by the same person (including the United States of America or an agency or instrumentality thereof) or pledge of same assets.

(ii) The provisions of paragraph (b)(6)(D)(i) of this section apply to obligations sold after August 23, 1981, unless the issuer demonstrates to the satisfaction of the Commissioner that on August 23, 1981, there was a significant financial commitment to issue the obligations and that such commitment was made in reliance on prior rulings by the Commissioner.

* * * * *

(c) *Examples.* * * *

Example (16). On January 15, 1982, State A sells 25 lots of 9-percent term bonds under separate indentures. Proceeds from the sale of each lot will be loaned to 25 corporations to construct manufacturing facilities. Each lot will be secured by the note of the corporation which received the proceeds from that lot and a mortgage on the facility. Payments on each note will be kept separate and used to pay principal and interest on bonds which are part of that lot. Payment of the principal and interest on such bonds also is secured by the full faith and credit of A. The bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and are secured by the guarantee of A. Therefore, all 25 lots are part of the same issue for purposes of section 103(b).

Example (17). On October 1, 1981, industrial development authorities B, C, and D, political subdivisions of State E, each sell 9-percent bonds under separate indentures. The proceeds of each lot will be used to finance three different facilities to be owned by Corporation Y and to be located in the jurisdictions of B, C and D respectively. Repayment of the bonds is guaranteed by Y although repayment of the debt service for each lot will be from the revenues from the corresponding facility. The bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and are guaranteed by Y. Therefore, the bonds are part of the same issue for purposes of section 103(b).

Example (18). On November 15, 1982, State G sells 5 lots of 10 percent revenue bonds each under a separate indenture but the same official statement. Proceeds from the sale of each lot will be used to provide industrial facilities for various unrelated corporations, in accordance with G's program of encouraging the development of small businesses in the State. Each separate lot is secured solely by a mortgage on the industrial facility which has been provided by the proceeds of such lot and the note of the user corporation. All the lots are sold pursuant to one contract and are intended to be sold to Trust X which, in turn, will issue trust participation certificates to individuals, giving each holder an undivided interest in the corpus of the trust. Although the creditworthiness of each lot of obligations will not be uniform, each of the lots will be sold at a uniform interest rate. Since the bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and have pooled security, the bonds are part of the same issue for purposes of section 103(b).

Par. 2. The second sentence of paragraph (a) of § 1.103–10 is revised to read as follows:

§ 1.103–10 Exemption for certain small issues of industrial development bonds.

(a) *In general.* * * * If an issue (as defined in § 1.103–7(b)(6)) is an exempt small issue or an exempt small refunding issue, then under the requirements of section 103(b)(6) and this section the interest paid on the debt obligations is not includable in gross income, and the obligations are treated as obligations described in section 103(a)(1) and § 1.103–1 of this part, even though such obligations are industrial development bonds as defined in section 103–(b)(2) and § 1.103–7 of this part. * * *

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-29307 Filed 10-5-81; 4:40 pm]

BILLING CODE 4830-01-M

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26 CFR Part 1

[LR-264-81]

Income Tax; Definition of Term "Issue"; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the definition of the term "issue" for purposes of section 103(b) of the Internal Revenue Code of 1954.

DATES: The public hearing will be held on November 12, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 29, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–264–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103(b) of the Internal Revenue Code of 1954. The proposed regulation appears also in Part II of this issue of the Federal Register.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall be waived with respect to this particular hearing. Persons who wish to speak at the public hearing need only to submit an outline of their oral comments to be presented at the public hearing and the time they wish to devote to each subject by October 29, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-29308 Filed 10-7-81; 4:40 pm]

BILLING CODE 4830-01-M

Federal Register

Thursday
October 8, 1981

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Procedures for State Programs

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 731 and 732

Surface Coal Mining and Reclamation Operations; Procedures for State Programs

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

ACTION: Final rules.

SUMMARY: The Secretary of the Interior is amending 30 CFR Parts 731 and 732 to provide that a State which has not received approval of a State program by a final decision of the Secretary may resubmit a State program at any time after that decision, rather than waiting until a Federal program is implemented, as presently required.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION: On March 13, 1979 (44 FR 15311-15463), the Secretary promulgated final rules for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act).

The rules, among other things, established requirements and procedures for the development, review and approval of programs submitted by States for the purpose of obtaining primary jurisdiction under the Act to regulate surface coal mining and reclamation operations on non-Federal and non-Indian lands within their respective borders.

Certain provisions of the rules establish requirements with respect to dates when States may resubmit programs following a final decision of the Secretary to disapprove a State program.

Section 731.12(b)(1) provides that States may submit a proposed program at any time later than June 3, 1980, if "implementation of a Federal program under 30 CFR Part 736 has been completed. . . ." Similarly, § 732.14 provides that after a final decision disapproving a State program, the State may submit another proposed State program at any time after implementation of a Federal program.

On January 22, 1981, the Secretary published proposed rules amending §§ 731.12 and 732.14 to provide that a State which has not received approval of its State program by a final decision of the Secretary may resubmit a State program at any time after that decision rather than waiting until a Federal program is implemented (46 FR 6997-6998). Public comments were invited for 30 days ending February 23, 1981, and two comments were received. The final rules being published today contain no substantive differences from the proposed rules. One additional editorial change has been made to delete any reference to the date by which a State shall submit a State program. As it has already passed, the date of June 3, 1980, is of historical interest only.

As stated in the preamble to the proposed rules (46 FR 6997-6998, January 22, 1981), existing §§ 731.12(b)(1) and 731.14 preclude a State which has not received approval of its program from submitting another program until after a Federal program has been implemented in the State. These Sections are based in part on the express language of section 504(e) of the Act, which provides that a "State which has failed to obtain approval of a State program prior to implementation of a Federal program may submit a State program at any time *after such implementation*" (emphasis supplied). A re-examination of § 504(e) of the Act indicates that while it authorizes §§ 731.12 and 732.14, it does not mandate the restriction on resubmission of proposed State programs. The language in section 504(e) is permissive in that it states that a State *may* submit a new program after the Federal program is implemented. By this permissive language it is clear that Congress intended that the implementation of a Federal program would not end the chance for resubmission of a proposed State program.

Section 101(f) supports this interpretation. It asserts that the States are better suited to regulate the surface mining of coal because of the diversity of physical conditions among the various States (30 U.S.C. 1201(f)). In accordance with this finding Congress established as one of the purposes of the Act (section 102(g)) "to assist the States in developing and implementing a program to achieve the purposes of this Act". The States should, therefore, in order to gain primacy, be able to submit proposed programs as often and as early in the regulatory scheme as they wish. This would provide the additional benefit of eliminating wasteful expenditure of Federal resources in developing and implementing Federal programs that are not needed because a State has a new program ready to submit soon after the Secretary's final decision on the original decision. This would be the situation in a case in which much of a State's original program submission has been approved.

Two comments were received in response to the Federal Register notice of proposed rulemaking. One commenter supported the proposed rules and urged their adoption as final rules. One commenter disagreed with the proposed changes and recommended that they be rejected. The latter commenter supported the existing regulations, pointing out that Congress has explicitly established in section 504(e) that the Act be fully implemented by a date certain. The commenter, although agreeing that one of the purposes of section 504(e) is to provide for a smooth transition from Federal to State regulation, asserted that section 504(e) also requires that the permanent regulations be implemented in a timely manner to protect the rights of citizens. The commenter also stated that OSM would not have the financial or human resources to work on both a State and Federal program simultaneously and noted the hardship imposed on States, industry, individuals and citizen groups who would have difficulty commenting responsibly if a State and Federal program are developed at the same time.

The Secretary has carefully considered the commenter's points and agrees that section 504(e) was intended to provide that the permanent program regulations be implemented in a timely manner. The Secretary, however, believes that the proposed rule changes will not frustrate this purpose and would in many cases provide for earlier implementation of the permanent regulatory program in a State. Allowing a State to resubmit its program before a Federal program is implemented, particularly if much of the State program was approved earlier, could result in a shortened rulemaking period and an earlier implementation of the permanent regulatory program in that State. A Federal program, by contrast, involves publishing both proposed and final rules and could take considerably longer to be implemented.

Regarding the commenter's second point that OSM does not have the resources available to work on both a State and a Federal program, the Secretary is committed to implementing the Act and the permanent regulatory program. Sufficient resources are available to OSM and will be used to the full extent necessary. While State primacy is clearly anticipated by the

Act, citizen rights and environmental safeguards will not be sacrificed.

It should also be noted that although the States, industry and citizen groups may be asked to comment on both a State and a Federal program, a Federal program for a State must consider and incorporate where appropriate the State laws and regulations. Thus, there should not be such a burden on commenters since much of the programs will duplicate each other.

Note.—I have determined that, pursuant to 702(d) of the Act, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on these rules. I have also determined that these rules are not major rules under Executive Order 12291 and have further certified that the rules will not have a significant economic effect on a substantial number of small entities as the rules are essentially a procedural change with no direct or indirect impact on small entities.

Dated: September 23, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

For the reasons set out in the preamble, Subchapter C, Chapter VII of Title 30, Code of Federal Regulations, is amended as set forth below.

PART 731—SUBMISSION OF STATE PROGRAMS

1. 30 CFR 731.12 is amended by redesignating paragraphs (b)(1), (b)(2) and (b)(3) as (b)(2), (b)(3) and (b)(4) and adding a new paragraph (b)(1) to read as follows:

§ 731.12 Submission of State programs.

* * * * *

(b) States may submit a proposed program at any time, if:

(1) By a final decision, the State program submitted under 30 CFR 731.12(a) is disapproved; or

(2) Implementation of a Federal program under 30 CFR Part 736 has been completed; or

(3) There have been no surface coal mining and reclamation operations since August 3, 1977, but coal exploration or surface coal mining operations are anticipated; or

(4) A State program has been enjoined by a court of competent jurisdiction, in which case the requirements of 30 CFR 730.12 shall apply.

* * * * *

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

2. 30 CFR 732.14 is revised to read as follows:

§ 732.14 Resubmission of State programs.

If, by a final decision, the program is disapproved, the State may submit another proposed State program to the Regional Director at any time after the date of the final decision, or at any time after implementation of a Federal program for that State under 30 CFR Part 736. Resubmitted State programs must meet the requirements of 30 CFR 731.14 and will be acted upon pursuant to 30 CFR 732.12–732.16.

(30 U.S.C. 1253)

[FR Doc. 81-29303 Filed 10-7-81; 8:45 am]

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Federal Register

Thursday
October 8, 1981

Part IV

Department of Health and Human Services

Office of the Secretary

Model Act for the Adoption of Children With Special Needs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Model Act for Adoption of Children With Special Needs; Final Legislation

AGENCY: Department of Health and Human Services.

ACTION: Publication of final model State Legislation.

SUMMARY: Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 [Pub. L. 95-266], which was signed into law on April 24, 1978, mandates issuance of model State adoption legislation by the Secretary of Health and Human Services. Pursuant to this Act, draft model State legislation proposed by the Model Adoption Legislation and Procedures Advisory Panel was published for comment in the Federal Register on February 15, 1980. Comments on the Panel's proposal were received from 17,202 persons, including 9,838 petitioners. After review of the comments and further study of the issues, and in accordance with Pub. L. 95-266, the Department herein is publishing final model legislation, entitled the Model Act for the Adoption of Children with Special Needs.

The major distinction between the draft version of the model legislation published previously and the final version published now is the particular focus in the final version on special needs children, i.e., the large numbers of children who are not readily placed in adoptive homes because of characteristics such as age, race, ethnic background, sibling relationship, medical condition, or physical, mental, or emotional handicap. These children often remain in institutional or foster care throughout childhood, deprived of the benefits of permanent home environments and loving families. Because of the tragic dimensions of this problem for these children and in keeping with the intent of Congress as revealed by the legislative history of Pub. L. 95-266, the Secretary has determined that the model legislation should concentrate on the elimination of barriers to the permanent adoption of special needs children.

To encourage and facilitate such adoptions, the final Model Act provides for financial assistance to families who adopt special needs children, expands the grounds for adjudications freeing such children for adoption, clarifies the roles of adoption agencies and State adoption administrations in arranging and providing support services for adoption, and includes various other provisions to promote and assist the permanent adoptive placement of special needs children.

Several sections included in the earlier draft of the model legislation which were not relevant to facilitating the adoption of special needs children were omitted from the final verion. These include provisions concerning revocation of relinquishment, putative fathers, and private (unlicensed) adoptive placement.

The provisions on adoptive records were rewritten to protect the privacy of birth parents while assuring that adoptees and adoptive families have access to information concerning the adoptee's medical and genetic history.

The legal status of this final Model Act should be emphasized. It is not Federal law nor Federal regulation, nor does it set conditions for the receipt of Federal aid. It is simply model State legislation, all or parts of which individual State legislatures may choose to enact into State law.

DATES: The recommendations of the Model Adoption Legislation and Procedures Advisory Panel were published in Volume 45, Number 33 of the Federal Register of February 15, 1980 at page 10622. Comments were solicited and reviewed following that publication and were considered in the preparation of the final version. As this is simply model legislation, parts or all of which State legislatures have the option to enact, there is no "effective date".

ADDRESS: For further information please write to: Warren Master, Acting Commissioner, Administration for Children, Youth and Families, 400 6th Street, S.W., Washington, D.C. 20201.

Dated: September 25, 1981.

Approved:

Richard S. Schweiker,

Secretary.

Model Act for the Adoption of Children With Special Needs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

September 1981

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Introduction

The development of the Model Act for the Adoption of Children with Special Needs was mandated by the United States Congress in Title II of Pub. L. 95-266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. In Title II—Adoption Opportunities, Congress found that many thousands of children with special needs remain in institutional or foster care because of barriers which exist to the adoption of these children. As one means to eliminate these barriers, Congress provided for the development and issuance of model adoption

legislation and procedures which can be used by the States and territories of the United States to facilitate the adoption of children with special needs.

Philosophy of the Model Act

The Model Act is the first comprehensive adoption law for children with special needs developed under Federal sponsorship. It has been written at a time when national attention has been focused on the many children in institutional or foster care for whom adoption might offer a permanent family. To increase the likelihood that children with special needs who need adoption services are identified and then placed for adoption, the Model Act focuses on ameliorating or eliminating various obstacles to adoption which exist in present law and practice. The Model Act concentrates on those obstacles which an adoption law can reasonably be expected to reach: the barriers in the legal process and in the operation of public and voluntary adoption agencies. The Model Act also provides for a range of adoption services to these children. Counseling and other services are made available to birth parents, adoptive parents, and prospective adoptive parents at critical junctures throughout the adoption process. The purpose of these services is to provide all parties with the full information they need to make informed decisions, decisions which will have a life-long effect both for themselves and for a child.

Use of the Model Act

The Model Act appears at an opportune time, when attention has been drawn to the need to improve adoption services to children with special needs and their families. The Model Act is suggested legislation for the States to enact. It is not Federal law or regulation, nor will States be required to enact it in order to receive Federal reimbursement for services. Each State remains free to select from among the many provisions of the Model Act those which it finds will improve its existing adoption services for children with special needs and their birth and adoptive parents. The severability of the various provisions is expected to increase the likelihood that the Model Act will be used as Congress intended: To eliminate barriers to adoption and to provide home environments for waiting children with special needs who would benefit by adoption. States will not have to undertake complete revisions of their adoption laws but can follow an incremental approach by selecting specific provisions which address their most critical needs. Nor will a State be confronted with a dilemma if it finds certain portions of the Model Act to be unnecessary or inconsistent with its philosophy and practice of adoption; the various parts can be severed without major redrafting of the titles and sections which remain.

Preamble

The legislature finds that family life is optimal for the rearing of children with special needs, and that there are many special needs children in the State who are without permanent families. It further finds that for those children, age, race, ethnic background, handicap, or the need to be placed with siblings must not preclude the benefits of family life. It is the policy of this State that adoption is a positive social and legal process intended as a service to include those children with special needs.

Title I—General Provisions

Section 101. Policy and Purposes

(a) *Philosophy of Act.* It is the policy of this State to encourage the adoption of children with special needs who are without permanent families and who would benefit by adoption. Although there are qualified persons seeking to adopt special needs children, many such children remain in institutions or foster homes because of legal and other barriers to their placement in permanent adoptive homes. It is the intention of this State to facilitate the elimination of such barriers to adoption and to promote the provision of stable and loving family environment of special needs children who are without permanent families.

(b) *Purposes of Act.* The purposes of this Act are to provide adoption services without cost to each child with special needs in the State who needs such services; and

(1) To provide procedures and services which will safeguard and promote the interests of each child with special needs who is in need of adption and which will protect the rights of all parties concerned;

(2) To provide legal procedures for promptly terminating parental rights after the birth parents have been provided or offered appropriate services and cannot or choose not to care for their special needs child;

(3) To establish a system which will identify each special needs child who is in need of adoption services, and which will monitor and assure that such services are provided;

(4) To identify persons willing to assume the responsibilities and accept the privileges of parenthood, and to encourage them to apply their parenting skills and desires on behalf of children with special needs who are in need of adoption;

(5) To provide financial assistance to make possible the adoption of any child with special needs;

(6) To assure that any reimbursement paid to any agency placing a special needs child for adoption is reasonable and does not exceed the cost of the services provided.

(c) *Construction.* The provisions of this Act shall be liberally construed to effectuate the purposes thereof.

Commentary to Section 101

The purpose of the Model Act for the Adoption of Children with Special Needs, hereafter referred to as the Model Act, address a number of serious problems in the delivery of adoption services by the States.

Many children with special needs who need adoption services are not receiving them. A primary purpose of the Act is to assure that adoption services are provided to these children, whether in institutional, foster, or other substitute care—formal or informal, public or voluntary. Often children with special needs to do not receive services because of State or agency failure to identify such children as adoptable. Such failure may be due to the lack of adequate case review or to obstacles which could be removed through legal or other action, particularly the termination of parental rights, or through interstate efforts to recruit adoptive parents for children formerly viewed as unadoptable. The identification of children with special needs in need of adoption, removal of obstacles to their adoption, and vigorous recruitment of appropriate adoptive families are all express purposes of the Act.

The costs associated with adopting a child with special needs may constitute a further obstacle to adoption. The Act provides for a financial subsidy to persons who adopt special needs children. In addition, the Model Act prohibits the charging of fees by agencies. Voluntary agencies who provide services to children with special needs and their birth and adoptive parents will be reimbursed for these services by the State, since they receive no direct public support. *See* Model Act section 107 (hereinafter cited as M.A.)

Section 102. Definitions.

(a) As used in this Act, unless the context otherwise requires:

(1) "Adoptee" means a person of any age who has been legally adopted.

(2) "Adoption" means the judicial act of creating the legal relationship of

parent and child where it did not exist previously.

(3) "Adoptive parent" means an adult who has become the mother or father of a child through the legal process of adoption.

(4) "Adult" means a person 18 or more years of age.

(5) "Agency" means any entity authorized pursuant to the laws of any jurisdiction within the United States to place children preliminary to adoption.

(6) "Birth parent" means the mother or father of genetic origin of a child, but does not include a putative father of a child.

(7) "Child" means a son or a daughter by birth or by adoption, who has special needs and is under the age of 18 years.

(8) "Court" means the [ ] court.

(9) "*De facto* parent" means a person, other than a parent, who has exercised physical care, custody, or control of a child for at least eighteen months, has developed a parental relationship with the child based upon significant emotional and psychological ties between them, and wishes to assume the status of *de facto* parent.

(10) "Family assessment" means a comprehensive study of prospective adoptive parents or, in the case of single parent adoptions, of a prospective adoptive parent by an agency for the purpose of determining whether the prospective adoptive parent can provide a suitable adoptive home for a specific child with special needs or a category of children having certain special needs.

(11) "Genetic and social history" means a comprehensive report, when obtainable, on the birth parents, siblings to the birth parents, if any, other children of the birth parents, if any, and parents of the birth parents, which shall contain the following information:

(a) Medical history;

(b) Health status;

(c) Cause of and age at death;

(d) Height, weight, eye and hair color;

(e) Ethnic origins; and

(f) Where appropriate, levels of educational and professional achievement.

(12) "Guardian *ad litem*" means an attorney or other person appointed by the court during litigation to represent the interest of a party.

(13) "Health history" means a comprehensive report of the child's current health status and medical history, including neonatal, psychological, physiological, and medical care history.

(14) "Minor" means a person under eighteen years of age who has not been emancipated according to the laws of this State.

(15) "Parent" means the birth or adoptive mother or the birth or adoptive father whose parental rights have not been terminated.

(16) "Parent-child relationship" means the rights, powers, privileges, immunities, duties, and obligations existing between parent and child, as defined by State law.

(17) "Putative father" means any man not deemed or adjudicated under the laws of a jurisdiction of the United States to be the father of genetic origin of a child and who claims or is alleged to be the father of genetic origin of such child.

(18) "Relinquishment" means the informed and voluntary release in writing of all parental rights with respect to a child by a parent to an agency for the purpose of the adoption of the child.

(19) "Special needs" means those characteristics of age, race, ethnic background, sibling relationship, medical condition, and physical, mental, or emotional handicap which constitute a barrier to the adoption of a child.

(b) As used in this Act, pronouns of the masculine gender include the feminine.

Commentary to Section 102

The following definitions should be noted:

"Agency." Adoption agencies which exclusively serve American Indian families and are expressly so empowered by Indian tribal law should be considered agencies for the purposes of this definition.

"Birth parent." Several different terms are presently used in various States and agencies to denote a child's mother or father of genetic origin—"biological" parent, "natural" parent, "birth" parent, "original" parent, "genetic" parent—and there is some controversy surrounding the use of each of these terms. Arguments have been raised, for example, that "natural" implies that an adoptive parent is unnatural, and "genetic" and "biological" seem overly technical for general usage. The term "birth parent" is used in the Model Act because of the increasing preference for the use of that term among the individuals to whom it refers.

"Child." The provisions of the Model Act are designed only for children with special needs who need adoption services or who have already been adopted. Thus, the narrow definition of child as one "who has special needs." *See* M.A. section 102(a)(19) for the definition of "special needs."

"Court." The court designated by the legislature in this definition will be that court with jurisdiction over all the types of proceedings set out in the Model Act: termination of parental rights (and perhaps the related area of child abuse and neglect adjudications), child custody and child placements, adoption, and appointment of guardians. Because of the broad knowledge and expertise which should reside in this court, it is recommended that the court be a division of, or equal in stature to, the highest trial court of general jurisdiction. *See* ABA Comm. on Standards for Judicial Administration, *Standards Relating to Court Organization*, section 1.10 (1974).

"*De facto* parent." This concept is introduced in the Model Act in order to confer some legal standing upon persons who, as a result of assuming parental caretaking responsibilities for an extended time, develop a parental relationship with a child based upon strong emotional and psychological bonds. For example, a foster parent with custody of a special needs child for the required time might be a *de facto* parent, provided that sufficient emotional ties have developed. Short-term interruptions of the physical caretaking function, as in the case of a child intermittently hospitalized during the foster care period, should not preclude the foster parent from fitting the definition of *de facto* parent.

"Minor." The age limit specified here may require adjustment in accordance with individual State law.

"Parent." There are two circumstances in which an identifiable birth parent would not be considered to be the present parent of a child. The first is where the birth parent's rights have been terminated. If the child is subsequently adopted, the adoptive parent is thereafter the "parent" unless and until his rights are terminated. If the child has not been adopted, the child's court-appointed guardian exercises the authority of a legal parent, but the child has no present parent. The second situation is where the child was born under circumstances in which State law has presumed another man to be the child's father, as when conception occurred as the result of intercourse between the child's married mother and a man not her spouse. The law presumes that such a child is the product of the marital union; the legal father of the child is the mother's husband unless he asserts evidence to rebut the presumption. Similarly, the legal father of a child born as the result of artificial insemination would be the spouse of the woman who so conceived rather than the sperm donor.

All "parents," as defined in this subsection, possess full legal rights with

respect to their children. The Model Act does not distinguish between the parental rights of wed and unwed birth parents, nor between the parental rights of birth mothers and birth fathers. Because the definition of "birth parent" expressly excludes putative fathers, however, the term "parent" likewise does not extend to them.

"Special needs." The definition of the conditions which, singly or in some combination, constitute special needs is derived from section 473(c)(2) of Pub. L. 96–272, the Adoption Assistance and Child Welfare Act of 1980. To be eligible for services under the Model Act, children in need of adoption must have one or more of the characteristics or conditions listed in the definition.

Section 103. Who May Be Adopted: Who May Place a Special Needs Child For Adoption

(a) *Who may be adopted.* Any minor who has been characterized a child with special needs may be adopted if the requirements of this Act are met, and such minor has not living parent or the parental rights of all living parents and of any putative father of such minor have been terminated according to the laws of this State or of another jurisdiction. Nothing in this Act shall be deemed to establish any new rights of putative fathers beyond those rights otherwise established under existing law.

(b) *Who may place a special needs child for adoption.* A special needs child may be place for adoption by an agency only.

Commentary to Section 103

This section sets forth the principle that termination of parental rights should in every case precede a court decree of adoption. Because parental rights are terminated prior to adjudication of the adoption petition, the only consent required for a child's adoption under the Model Act is that of the guardian of the child's person or of an agency empowered to consent to the adoption of a special needs child following a formal relinquishment by the child's parent. It should be noted that although the termination of parental rights is a precondition to adoption, this provision does not make termination contingent upon the availability of an adoptive home.

There are three major reasons for bifurcating the adoption process. A two-step adoption process provides the most beneficial framework for agency efforts on behalf of the children with special needs who have been in the foster care system for too long. Many of these children have been considered ineligible for adoption because their parents, while not effectively exercising custodial rights of parental responsibilities, nonetheless refuse to consent to their adoption. The fact that termination of parental rights, such a proceeding should be initiated without delay. In addition, when termination of parental rights can be accomplished prior to placement of the special needs child for adoption, the child and potential adoptive parents will benefit from knowing that the child is legally free for adoption.

Section 104. Character and Effect of Termination of Parental Rights and of Adoption of a Child With Special Needs

(a) *Effect of relinquishment and termination of parental rights.* A relinquishment to an agency or a judicial order terminating the relationship between a parent and a child with special needs divests the parent and the special needs child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other, except that:

(1) No relinquishment or termination order entered pursuant to this Act shall deprive a child with special needs of any benefit due him from any third person, agency, State, or the United States; nor shall any action under this Act affect any rights and benefits that such child derives as a member of an American Indian tribe;

(2) The right of the special needs child to inherit from and through the parent whose rights have been terminated shall be eliminated only by a final order of adoption;

(3) Any debt incurred by the parent on behalf of a son or daughter with special needs prior to the termination of parental rights shall be enforceable against the parent; and

(4) No relinquishment to an agency shall deprive a child with special needs of any right to support due him under any other law.

(b) *Effect of adoption.* Adoption creates the legal relationship of parent and child. There is no legal distinction between an adoptee and a person not adopted except that adoption of a child shall not affect any right to benefits conferred by the Federal government, or any legal rights created by law for an American Indian child.

Commentary to Section 104

Subsection (a). Because termination of parental rights itself does not substitute a new parent for the parent whom the child loses, this subsection protects against the loss of inheritance or other rights and benefits to which a child may be eligible through the parent whose rights are terminated. Hence the provision implements, for State benefits, a policy comparable to that enabled under Title II of the Social Security Act. For example, a child with special needs who has been receiving social security benefits on the basis of a parent's disability is eligible to continue to receive such benefits until and, in some instances, after, he has been adopted by another person; custody or other parental rights with respect to the child are not eligibility criteria. 42 U.S.C. 402(d) (1976). An example of a benefit due from a third person would be a gift by trust or will made to the child as the son or daughter of the named parent. Such a gift, likewise, will not be lost by the termination of parental rights.

Subsection (b). Most adoption statutes contain a provision similar to this one, stating the principle that the adoptive family, for all legal purposes, supersedes the birth family. This Model Act provision, likewise, emphasizes the character of adoption as a process with lifelong implications for the family and the social relationships of the parties involved. Upon completion of the adoption, the adoptee becomes in all legal respects as the birth son or daughter of the adopting persons, and, through them, acquires relationships to other adoptive family members. These new relationships are, for inheritance and all other purposes, equivalent to those of a son or daughter born to the adoptive parents.

Section 105. Jurisdiction of Courts

(a) Exclusive and continuing jurisdiction. The [ ] court shall have exclusive original jurisdiction over all proceedings arising under this Act. The court may make orders necessary or appropriate thereto and relating to the placement and care of children, and shall review at least annually the case of every child with special needs over whom it has retained jurisdiction, until the child is adopted or attains majority.

(b) Jurisdiction after child reaches majority. The court having jurisdiction over a child with special needs with respect to whom parental rights have been terminated but who has not been adopted may, for good cause shown, continue its jurisdiction after the child reaches majority, but shall review the continuation of its jurisdiction at least annually.

Commentary to Section 105

Subsection (a). The principle is well established that all proceedings relating to the custody of children and their personal guardianship and welfare should be under the exclusive

jurisdiction of one court with broad authority. *See* ABA Comm. on Standards for Judicial Administration, *Standards Relating to Court Organization* section 1.10 (1974). Such a court is more likely to foster consistent and informed application of the law and judicial discretion than a variety of specialized courts with overlapping jurisdiction.

It is highly recommended that statutes or court rules regarding venue consider primarily the residence of the child, and that transfer of venue be required when a proceeding involving a child is brought in one county while another proceeding involving the same child is pending in another county.

Subsection (b). This provision allowing the court to retain jurisdiction beyond the age of majority is intended to meet the need of handicapped or other persons who could remain eligible for financial assistance or other governmental benefits so long as there is a judicial mandate for such services.

Annual court review of continued jurisdiction is explicitly required, not only under this subsection, but also under termination of parental rights and adoption titles of this Act. *See* M.A. sections 206,502. Mandatory periodic judicial review is also required for all other cases in which the court retains jurisdiction. Such review helps to assure that children with special needs do not remain in the foster care system merely due to inadvertence of the court or agency involved and to move these children more rapidly toward a stable long-term placement.

Section 106. Governing Law

(a) *Full faith and credit.* Full faith and credit shall be given to the public acts, records, and judicial proceedings of an American Indian tribe or another State or jurisdiction of the United States. The courts and agencies of this State shall extend recognition, in accordance with applicable principles of comity, to the public acts, records, and judicial proceedings of a jurisdiction outside the United States whenever the interests of the child or the adopted person will be served thereby.

(b) *Law governing American Indian children.* The validly enacted laws of the United States relating to termination of parental rights and adoption of American Indian children shall be given effect in any case to which they apply.

Commentary to Section 106

Subsection (a). In spite of the constitutional mandate of "full faith and credit," which provides some uniformity of treatment to citizens beyond the boundaries of their own States, the lives of adoptees have traditionally been plagued with legal uncertainties. The fact that a decree of adoption is recognized by a State different from the issuing State does not assure consistent treatment of all adoptees, since the legal effects accorded the adoptive status, particularly with respect to matters of inheritance, vary among the States.

Although an adoption may not be subject to attack in the State which granted it, the courts of other States need not apply the same statute of limitations, or may cite due process considerations in overturning the decree. Unless each of the jurisdictions of the United States enacts a uniform adoption law, there will continue to be some element of uncertainty in the legal implications of adoption for the parties directly and indirectly involved. Two points should be made regarding these uncertainties. First, the courts and officials of each State should strive to build a record that will tend to withstand collateral attack and merit full faith and credit. And second, courts considering arguments based upon the principle of full faith and credit should seek to protect the interests of the adoptee.

Subsection (b). The regulation of affairs of federally-recognized Indian tribes is primarily within the province of the Federal government. For that reason, any valid Federal law regarding the subject of this Act supersedes State law in all circumstances to which the Federal law applies.

Section 107. Fees

(a) *Charging of fees prohibited.* No agency, public or voluntary, shall charge fees:

(1) For adoption services to children with special needs who are the responsibility of an agency, or to the birth or prospective adoptive parents of such children; or

(2) For postadoption services to the adoptive family of any child with special needs who, immediately prior to adoption, was the responsibility of an agency.

(b) *Reimbursement of expenses.* The State adoption administration shall reimburse voluntary agencies which provide adoption or postadoption services to persons to whom fees may not be charged pursuant to subsection (a) hereto. Such reimbursement shall not exceed the actual cost of services provided, and shall be in accordance with purchase of service rates established by the State adoption administration.

(c) *Penalty for illegal fees.* Any person, agency, association, or corporation who gives, requests, receives, or accepts payment of cash or other consideration in violation of this Section 107 shall be guilty of [misdemeanor].

Commentary to Section 107

The Preamble to the Model Act establishes the principles that adoption is a service to children, and that children with special needs should not be denied the benefits of family life. In keeping with this philosophy, the Model Act abolishes fees for services to these children, their birth parents, and their prospective adoptive families. By their nature, fees may act as deterrents to families who seek to adopt a child; they may erect psychological or very real financial barriers to families, thereby reducing the chances a child has to be adopted.

A primary purpose of the Model Act is to remove barriers to the adoption of special needs children awaiting adoption. Proscription of fees for services to or on behalf of these children removes one of the obstacles to their adoption.

The financial burden for the extension of adoption services is transferred back to the State through the requirement that it reimbures voluntary agencies. Implementation of the philosophy of the Model Act demands that comprehensive services be available at no cost if the thousands of special needs children awaiting adoption are to be placed with permanent families. Legislators debating enactment of the Model Act, when weighing the benefits against the potential for increased costs, should consider the potential for continued (and perhaps even increased) costs to the State of not enacting this provision: the expense of keeping a special needs child in foster care, including social and medical services, or the expense of a child re-entering the foster care system if an adoption breaks down because the necessary postadoption services were not available. In addition, any financial argument must be balanced against the social benefits of securing permanent homes for the waiting children.

Section 108. Priority of Proceedings; Judicial Review

(a) *Priority on court calendar.* Judicial proceedings for emergency protection of children, termination of parental rights, and adoption of children with special needs, and objections thereto, shall be considered to have the highest priority and shall be advanced on the dockets of trial and reviewing courts so as to provide for their earliest practicable disposition. An adjournment or continuance of a proceeding under this

Act shall not be granted without a showing of good cause therefor.

(b) *Judicial review.* Any party aggrieved by an order, judgment, or decree of the court in a suit for emergency protection of children, termination of parental rights, or adoption may, within thirty days after notice of its entry, file notice of an appeal to the [ ] court. Procedures for an appeal are governed by the rules applicable to appeals from the [ ] court in civil cases. A petition for the child's adoption may not be heard pending the appeal of a decree terminating a parent-child relationship.

(c) *Priority of appeals.* Appeals from orders under this Act shall be given priority in the reviewing court and shall take precedence over all other matters, except for already docketed appeals from orders in other termination or adoption proceedings and other matters which are given priority by specific statutory provision. No postponements, continuances, recesses, or adjournments for longer than three days shall be granted except with the consent of all the parties, and none shall be granted after the appeal has been docketed for sixty days. An apeal from an order under this Act shall be decided within ninety days of filing.

(d) *Decree judgment-proof after one year.* Subject to the disposition of an appeal, upon the expiration of one year after a decree of termination of parental rights or of adoption is issued, such decree cannot be questioned by any person including the petitioner, in any manner upon any grounds whatsoever, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction over the parties or over the subject matter.

Commentary to Section 108

Subsection (a). The policy articulated supports the right of children with special needs to have matters regarding their interests adjudicated with the greatest promptness. The provision pays deference to the great significance which the passage of time has in the life of a young person. The requirement that a person who requests a continuance must show cause for the postponement is designed to discourage unnecessary delay.

Subsection (b). The time limits imposed upon appeals are deemed the maximum that should be allowed in light of the commitment to affording stability and permanence to the children with special needs who come within the court's jurisdiction.

Subsection (d). The interest of an adopted child in a stable and permanent family also underlies the one-year statute of limitations which is imposed upon collateral attack of termination or adoption decrees. The rationale of the present provision, which is intended to cut off attacks based upon any error, is grounded upon a balancing of the interests of the child with special needs, other parties, and society. When such a child has been in an adoptive home for one year or more, that child's right to continuation of a stable and permanent family environment outweighs the right of a parent who, for whatever reason, has not been involved enough with the child to have had knowledge of the decree in question; the child's right also outweighs society's interest in protecting the integrity of the judicial process in cases of fraud.

Section 109. Severability

If any provision of this Act or the applicability thereof is held invalid, the remaining provisions of this Act shall not be affected thereby.

Commentary to Section 109

The severability clause is a common device to ensure the continued effectiveness of other provisions of the Model Act in the event that any single section or subsection is declared invalid.

Section 110. Effective Date

This Act shall take effect on

Commentary to Section 110

Generally, an effective date should be set at three to six months after enactment to afford sufficient time to adopt whatever administrative changes are necessary to implement the Act.

Section 111. Prior Laws Repealed

The following laws or portions thereof are hereby repealed [suspended] by this Act:

[ ].

Commentary to Section 111

Since many States already have statutes dealing with child abuse and neglect, child protective services, termination of parental rights, foster care and adoption, each State which adopts parts or all of this Model Act should make a special attempt to maintain consistency as to definitions and other aspects of adoption law.

Title II—Termination of Parental Rights of a Child With Special Needs

Section 201. Relinquishment of Parental Rights With Respect to a Child With Special Needs; Voluntary Judicial Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Effect of relinquishment.* A voluntary relinquishment to an agency shall be effective to terminate the parental rights of the person executing it and shall transfer from the parent to the agency all powers of such parent, including the right to place a special needs child for adoption and to consent to the adoption of the child. Relinquishment of a child by one parent does not diminish the parental rights of the other parent of the child, nor does it relieve either parent of a duty otherwise provided by law to support the child until such child has been adopted or such parent's parental rights have been terminated by judicial decree.

(b) *Relinquishment by American Indian parent.* A voluntary relinquishment by an American Indian parent who is a member of a federally-recognized tribe shall conform to requirements of Federal law.

(c) *Procedures for relinquishment.* Except as provided in the following subsection (d), procedures for a voluntary relinquishment of a special needs child shall be the same as for voluntary relinquishments generally.

(d) *Counseling of parent prior to relinquishment.* Prior to taking a relinquishment, the agency shall counsel the parent of a special needs child regarding relinquishment, adoption, and the alternatives to relinquishment, and shall assist him in understanding and exploring the assistance and services which may be available to his special needs child if he chooses not to relinquish the child.

(e) *Court termination required when parents fail to understand process.* If the agency doubts the comprehension by the parent of the meaning or consequences of relinquishment, or if the parent so requests, the agency shall not proceed to take a relinquishment, but shall assist the parent in petitioning the court for voluntary termination of parental rights.

(f) *Procedures for voluntary judicial termination of parental rights.* Except as provided in the following subsection (g), procedures for voluntary judicial termination of parental rights with respect to a special needs child shall be the same as for voluntary terminations generally.

(g) *Confirmation of counseling.* At the hearing on a petition for voluntary termination of parental rights, the court shall ascertain that the petitioner has been counseled by the agency regarding termination and adoption and regarding the assistance and services which may be available to his special needs child if he chooses not to terminate his rights as to the child, and that the petitioner voluntarily chooses to terminate his rights.

(h) *Disposition upon denial of petition.* Where the court denies a petition for voluntary termination of parental rights, the court shall order an agency to assess the needs of the child, the care the child is receiving, and the plan of the unsuccessful petitioner for the child with special needs. The agency shall submit a report on its investigation to the court within thirty days of such order.

Commentary to Section 201

There are two means by which a parent may give up a special needs child for adoption: by signing a legally binding relinquishment of parental rights, or by petitioning a court for termination of parental rights.

More than fifteen States presently allow a parent to relinquish a child to a licensed agency without court involvement or approval. In these States relinquishments are given binding legal effect as of the time of execution, or as of the expiration of a period of time in which the parent may revoke the relinquishment. The Model Act similarly provides for the finality of an agency relinquishment. *See* M.A. sections 201(a), 208. The arguments against such a method of terminating parental rights—that parents might be subject to undue agency pressure to give up their children and that due process protections of parents' and children's rights cannot be assured—are outweighed by a number of factors favoring agency relinquishments as one option for parents. Many parents are intimidated by judicial proceedings, and will use the services of an agency to place their children for adoption so that they can be spared the personal trauma of a court appearance. Some parents may wish to avoid the delays inherent in judicial proceedings, or the expense of hiring legal representation for a court appearance.

Parents' preferences between the two methods of termination will vary, as will the needs and preferences of agencies to which parents come for assistance in relinquishing their children with special needs. There will be cases in which agency personnel question the competence or understanding of the relinquishing parent; in those cases, the agency should have the opportunity to take the proceeding before a court. The agency would then assist the parent in filing a petition to terminate parental rights.

Subsection (b). This subsection brings to the attention of adoptive practitioners the fact that there are distinct Federal requirements applicable to relinquishments by American Indian parents who are members of federally-recognized tribes.

Subsections (d) and (g). These provisions protect against ill-considered relinquishments or termination by parents whose feelings of inability or unwillingness to rear their special needs child might be mitigated by information regarding available community resources.

Subsection (e). Subsection (e) requires the agency to remove the relinquishment to a court if a parent so requests or if doubts arise regarding the parent's mental competence or comprehension. Although this removal is mandated when such doubts arise, it should be noted that an agency is never required to take relinquishments without judicial supervision; if an agency prefers to take all of its parents before the court for judicial termination of the relationship between a parent and a child with special needs, the Model Act does not prevent such a policy.

Section 202. Restoration of Parental Rights Relinquished or Voluntary Terminated With Respect to a Child With Special Needs

(a) *Petition for restoration of parental rights.* Any time after one year after the execution of a relinquishment or issuance of a decree of voluntary termination of parental rights, if the special needs child as to whom parental rights were relinquished or terminated has neither been adopted nor is in an adoptive placement, the parent whose rights were relinquished or terminated may petition the [ ] court for restoration of parental rights. However, upon fifteen days notice to the petitioners and the court having jurisdiction of the petition, and unless otherwise ordered by the court, an agency may place a child for adoption during the pendency of the petition and such placement will have the effect of terminating the petition. In the case of an adoptive placement made during the pendency of such a petition, the prospective adoptive parent(s) with whom the child is placed shall be notified by the agency of the petition prior to placement.

(b) *Appearance by guardian or agency.* Any guardian of the child's person and the agency to which the child was relinquished shall have the right to receive notice and appear at the hearing to show cause why such restoration or rights should not occur. If the court finds upon clear and convincing evidence that restoration of parental rights would be in the best interest of the child with special needs, it shall order restoration.

Commentary to Section 202

The restoration of the parent-child relationship provided by this section is a provision appropriate to circumstances which can arise when termination of parental rights is a proceeding legally separate and distinct from adoption.

While termination of parental rights is a crucial first step in facilitating adoptive placement of the many children who have languished for years in a "temporary" foster care situation, it may actually contribute to instability for some children with special needs. When adoptive placements break down or are never effectuated, children whose parents surrendered them with expectations that they would be adopted into permanent home environments, may instead be living with temporary caretakers who cannot provide them with stability or permanence. If so desired by the parent and if the child is not in an adoptive placement, the parent may petition to resume the parental role.

Section 203. Procedures for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *General procedures.* Except as provided in this Section and Sections 204, 205, 206, 207, and 208, procedures for suits involving involuntary termination of parental rights with respect to a child with special needs shall be governed by the laws and rules applicable to involuntary termination of parental rights generally.

(b) *Filing a petition.*

(1) A petition seeking involuntary termination of the relationship between a parent and a child with special needs may be filed by any person or entity otherwise entitled under existing law to file such a petition and by:

(A) A public or voluntary child placement, child-caring or adoption agency having responsibility for the special needs child;

(B) Either parent with respect to the other parent;

(C) The guardian of the special needs child;

(D) Any attorney for or guardian *ad litem* of the child appointed in a prior proceeding, acting as friend of the child in the instant proceeding; or

(E) A *de facto* parent of a special needs child, as defined in Section 102 of this Act.

(2) A child placement or child-caring agency having custody of any special needs child it has reason to believe has been abandoned shall promptly seek an adjudication of [neglect or abandonment consistent with State statute]. The circumstances constituting abandonment are defined in Section 205.

Commentary to Section 203

Subsection (b). Included in the list of persons eligible to petition for involuntary termination of parental rights of a child with special needs are those deemed to have a ligitimate interest in the welfare of the child with special needs.

(1)(A)—There will be cases in which an agency with custody, guardianship, or other legal interest in a child will deem it in the child's best interest to seek involuntary termination of parental rights. Such an agency need not be an "agency" as defined in Section 102 of the Model Act; any child placement agency, whether or not authorized to place for adoption, may petition, as may a child-caring agency.

The distinction between these two types of agencies is that a child placement agency is a public or voluntary agency authorized to place children for foster care or adoption, or both; a child-caring agency is one such as a group home or a residential treatment center which is authorized only to exercise custody and control of children, but not to perform placement services.

(1)(B)—A parent may petition for involuntary termination of the parental rights of the child's other parent.

(1)(C) and (1)(D)—The child's present legal custodian or guardian may petition to sever the parent-child relationship. A guardian *ad litem* or attorney for the child appointed in previous proceedings regarding the child may also petition for involuntary termination of parental rights.

(1)(E)—In some instances, the child's *de facto* parent is in the best situation to know the child, the frequency and quality of contacts between the child and the birth parent, and the efforts of any involved agency in fostering a permanent, stable situation for the child.

Section 204. Assessment of Child With Special Needs and Report

(a) *Assessment required in contested actions.* A court with jurisdiction of a contested suit for involuntary termination shall order an assessment of needs of the child with special needs who is the subject of the suit. Such assessment shall be conducted by a non-party agency selected by the court. Reasonable costs for the assessment shall be paid or reimbursed by the State adoption administration.

(b) *Time for completion of assessment; court's use of report.* A report of the assessment shall be submitted within thirty days after the court directive, unless the court grants a request for an extension. The report may be introduced into evidence in accordance with the rules of evidence. In the absence of an objection, the report may be used by the court whether or not introduced into evidence, in deciding whether the petition for involuntary termination of parental rights shall be granted.

(c) *Contents of assessment.* The assessment shall include but not be limited to the physical, mental, and emotional conditions of the child and parents, history of intrafamily relationships, services offered in an attempt to reunify the family, the proposed plan to meet the special needs of the child, and the wishes of the child according to his maturity of judgment.

Commentary to Section 204

When the parent whose parental rights are subject to involuntary termination appears and contests the petition, the judge is required to order an assessment of the child's needs and to delay adjudication of the petition until a report of the assessment has been submitted to the court. The court will need full information on the background and condition of the child to evaluate adequately the factors making up the grounds for involuntary termination.

Section 205. Grounds for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Grounds for involuntary termination of parental rights.* An order of the court for involuntary termination of the legal parent-child relationship shall be rendered if the court finds that the termination is in the best interest of the child, and that one or more of the following circumstances or any other grounds for involuntary termination otherwise provided by State law, exist:

(1) The identity or location of the parent is unknown and the parent has not claimed the child for a period of sixty days after the child is found; despite deiligent efforts to ascertain the parent's identity and location;

(2) As a ground for an order of involuntary termination against the father or putative father, the child was conceived as the result of an act of forceible rape; or, as a ground for an order of involuntary termination against the father, putative father, or mother, the child was conceived as the result of an act of incest;

(3) The child has been adjudicated to have been abused [or neglected or dependent—insert appropriate term from State statue] in a prior proceeding. In determining whether termination of parental rights would be in the best interest of the child in such case, the court shall consider and make written findings regarding the factors contained in subsection (b) of this Section 205 and the following conditions or acts of the parent:

(A) Emotional illness, mental illness, mental deficiency, or use of alcohol or controlled substances rendering the parent unable to care for the immediate and ongoing physical or phsychological needs of the child; or

(B) Any proven act or acts of abuse or neglect toward any child in the family subsequent to the adjudication of abuse or neglect; or

(C) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for his physical, mental, or emotional health and development; but a parent who, legitimately practicing his religious belief, does not provide specified medical treatment or education for a child, is not for that reason alone a negligent parent;

(4) The child has been out of the physical custody of the parent for one year; or the parent, including the father whose paternity has been adjudicated, has failed to take physical custody of the child within sixty days of the birth or adjudication; and:

(A) The conditions which led to the separation still persist, or similar conditions of a potentially harmful nature continue to exist;

(B) There is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future; and

(C) The continuation of the legal parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent family.

In determining whether termination of parental rights would be in the interest of the child under this subsection (4), the court shall consider and make written findings regarding the factors contained in subsection (b) of this Section 205;

(5) The child has been out of the physical custody of the parent for a period of eighteen months and;

(A) The child has developed an emotionally stable relationship with his *de facto* parent;

(B) The *de facto* parent has expressed an intent to adopt the child; and

(C) The child wishes to be adopted by the *de facto* parent.

(b) *Factors to be considered in certain instances.* In determining whether to terminate parental rights under subsections (a)(3) or (a)(4) of this section, the court shall consider and make written findings regarding:

(1) The timeliness, nature, and extent of services offered or provided to the parent and the child to facilitate reunion of the child with the parent;

(2) The terms of any social service contract agreed to by an authorized agency and the parent, and the extent to which all parties have fulfilled their obligations under such contract;

(3) The feelings and emotional ties of the child with respect to his parents; and

(4) The effort the parent has made to adjust his circumstances, conduct, or conditions to make it in the best interest of the child to return him to his home, including:

(A) The extent to which the parent has maintained regular visitation or other contact with the child as part of a plan to reunite the child with the parent;

(B) The payment of a reasonable portion of substitute physical care and maintenance if financially able to do so;

(C) The maintenance of regular contact or communication with the custodian of the child; and

(D) Whether available additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within a reasonable period of time.

(c) *Factors to be considered in all instances.* Where any of the circumstances in subsections (a)(1) through (a)(5) of this Section 205 exist, the court shall consider:

(1) The contents of the assessment and report, if any, submitted pursuant to Section 204 of this Act;

(2) The specific benefits to the child of continuing the legal parent-child relationship;

(3) The wishes of the child regarding termination of the legal parent-child relationship.

(d) *Rehabilitation of parent.* The maintenance of a legal parent-child relationship for the purpose of rehabilitation of a parent shall not be sufficient grounds for continuation of such relationship.

(e) *Deprivation of custody through divorce, separation, act of other parent.* Notwithstanding any other provisions of this section 205, no legal parent-child relationship may be terminated solely because a parent has been deprived of the legal custody of a child by reason of a divorce or a legal separation, or of the physical custody of a child by the act or conduct of the other parent of the child.

Commentary to Section 205

The section sets forth several supplemental grounds for involuntary termination of the legal relationship between a parent and a child with special needs. These grounds are in addition to grounds for involuntary termination otherwise provided by State law.

Subsections (a), (b), (c). Subsection (a) articulates supplemental grounds for a court order terminating the legal parent-child relationship; subsections (b) and (c) add a number of factors the court must consider in various termination situations.

With regard to the nature of the grounds for termination, several questions are often debated: whether the State's termination of the parent-child relationship ought to be based upon parental unfitness or upon consideration of the child's "best interests," and, if both criteria are used, what relative weight should be accorded to each.

In the Model Act the court is directed to consider both the best interests of the special needs child and parental conduct indicating unfitness or non-involvement. Both factors should be weighed before a termination order is entered. The decision as to what course of action would be in the child's best interests is to be made with specific reference to the type of parental conduct alleged in the petition.

Parental Conduct. Except for the prior adjudication of abuse or neglect (subsection (a)(3)), the parental conduct criteria for termination of parental rights all constitute some degree of non-involvment in the child's past or present life. These are grounds which presume such inability, unsuitability, or lack of interest in parenting the child that further consideration of parental conduct is unnecessary.

When the child has never been in the physical custody of his parents, or when the child has been out of the parent's care for a year or more (subsection (a)(4)), the potential for the parent's initial or renewed involvement with the child must be considered before the parental conduct criterion for termination is met. That potential will be influenced by the current conditions surrounding the child which characterize him as a special needs child.

In the type of situation delineated in subsection (a)(5), a parent who cannot be faulted for miscoduct or lack of present parenting ability nevertheless may be deemed to have forfeited the parent-child relationship. In these cases the parental conduct criterion is included in the Model Act in response to the need to remove obstacles to adoption of children who have long been in need of permanent homes. Some of these children have been in the long-term care of foster parents willing to adopt them but unable to do so because of the belated reappearance of a parent. The parent, perhaps out of touch with the child for many years through no fault of his own (perhaps having been lost to the agency, or neglected by an understaffed agency, or not understanding the legal means for regaining custody of the child), may be capable of reassuming custody and parenting his child. In such a case, if the child wishes to remain in his present home and be adopted, the birth parent's interest in custody and control of the child has effectively been superseded by that of a new family unit whose right to continued integrity should not be violated.

Where the child has previously been adjudicated to have been abused or neglected (subsection (a)(3)), the "parental conduct" criterion for termination of parental rights is deemed to have been met, and the second standard, the child's best interests, is controlling in the determination to terminate parental rights.

Best Interests of the Child. Subsections (b) and (c) are intended to provide quidance to the court in determining whether, given certain parental conduct or circumstances, termination of parental rights would be the child's best interests.

In two sets of circumstances—prior abouse or neglect, and absence from the parent's care for a year or failure of the parent to take custody of his child—the child's best interests are deemed to be inextricably related to the parent's demonstrated potential to care for the child in the future. This potential is defined by specific acts or omissions of the parent with respect to the child or his siblings. Subsection (b) requires that, if termination is sought pursuant to subsections (a)(3) and (a)(4), the services offered to the family by the State be considered in evaluating the parent's past efforts and future parenting potential.

Where prior abuse or neglect has been found (subsection (a)(3)), it is critically important that agency intake and service practices reflect an understanding of families which abuse or neglect their children. Treatment

services should be offered by trained workers who have the capacity to encourage positive growth.

Where the child has been out of the partent's physical custody for a year or the parent has not taken physical custody of his child (subsection (a)(4)), and where there has been a prior adjudication of neglect or abuse (subsection (a)(3)), the court must also consider whether the parent maintained regular visits, assumed reasonable support and maintenance obligations, and cooperated with the agency (subsection (b)(4)). These factors are important indices of whether additional services are likely to bring about a lasting parental adjustment which will permit the child's return to the parent. Where parental contact has been sporadic, such as sending an annual birthday card, and does not indicate any pattern of ability to sustain ongoing communication, the court should probably regard such contact as insignificant evidence of parental interest in the child.

In conjunction with the grounds enumerated in subsection (a)(1) through (5), the court should always consider the assessment of the child, the opportunities the child will have to remain in touch with his heritage, and the child's wishes regarding termination.

Subsection (d). Subsection (d) provides that, although the parent's need for a relationship with the child may be considered, such a need may not control the court's decision regarding termination of that relationship.

Subsection (e). Divorce, separation, or unlawful deprivation of the custody of a child do not constitute parental conduct criteria upon which a termination action can be based. This subsection eliminates any ambiguities with respect to these issues which may be created by the grounds for termination in subsection (a).

Section 206. Disposition of Petition for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Disposition upon granting petition.* If, after considering all the evidence at the adjudicatory hearing, the court finds that sufficient grounds exist for involuntary termination of the legal parent-child relationship, it shall:

(1) Enter an order terminating the legal parent-child relationship; and

(2) If such order has the effect of terminating the parent-child relationship with respect to both parents or to the last surviving parent, appoint an individual or Agency guardian of the child's person. The guardian of the child's person shall report to the court within ninety days on a permanent placement plan for the child with special needs. At least every six months thereafter, a report shall be made to the court on the implementation of such plan. The court shall review the plan for the special needs child no less than once a year.

(b) *Denial of petition.* (1) If the court finds that sufficient grounds for involuntary termination of the legal parent-child relationship do not exist, it shall make an appropriate order with respect to the custody and protection of the special needs child, and may either continue its jurisdiction or dismiss the petition as may be appropriate in the circumstances.

(2) If the court finds that the services or social service contract as described in Section 205 (b)(1) and (b)(2) of this Act were insufficient or inadequate, the court may order an agency to develop a plan of service for the child with special needs and his parents.

(3) Any order the court makes under subsection (b)(1) of this Section 206 shall specify what residual rights and responsibilities remain with each living parent, and shall designate the period of time the order shall remain in effect, with mandatory review by the court no later than six months thereafter and at subsequent intervals of not more than one year.

(c) *Court reviews of permanent placement plan.* In conducting reviews pursuant to subsections (a)(2) and (b)(3) of this Section 206, the court or a hearing officer designated by the court shall hold a hearing and require the presence of the guardian of the child's person or any other person the court or the hearing officer deems necessary to conduct the review.

Commentary to Section 206

Subsection (a). If the court finds that the dual criteria of parental conduct and best interests of the child with special needs have been met, it must enter an order terminating parental rights. Since the rights of one parent may be terminated without affecting the rights of the other, it is possible that the entry of a termination order would not necessitate the appointment of a legal guardian for the child. If the child will be left without a guardian, however, the court must appoint one.

Any person or agency appointed as guardian pursuant to this subsection must report back to the court on the completed placement plan for the child. This mandate attempts to ensure that, following a termination decree, a child in fact is adopted or settled into a permanent placement. By retaining jurisdiction, a judge has the power to hold a hearing and to make further orders should that be deemed necessary.

Subsection (b). Where the court finds that grounds do not exist to grant the petition for termination of parental rights, the petition may be dismissed. Even if the court dismisses the petition for termination, it retains the power to enter further orders to protect the welfare of the special needs child. Depending on the circumstances surrounding a particular case, it may be in the child's best interest for the court to continue its jurisdiction so the court can monitor the case through periodic reviews until such time as facts warrant a further hearing on the petition.

Subsection (c). The importance of periodic case review in assuring that a child receives appropriate adoptive and other services is widely acknowledged. *See* M.A. Section 301(b) (commentary). Many States require regular court review of the cases of children who are under the jurisdiction of the court. To prevent these reviews from becoming a *pro forma* submission of a social services report which receives scant judicial attention, this subsection requires a court hearing at which serious consideration of the child's situation is much more likely to occur. The hearing does not demand rigid procedural formality and may be held by a court official other than a judge. Personal testimony by individuals familiar with the child's case should, however, be required.

Section 207. Court Order Granting Termination of Parental Rights of a Child With Special Needs

(a) *Form and content of orders.* Every order the court makes pursuant to Section 206 of this Act shall be in writing and shall recite the findings upon which the order is based, including findings pertaining to the jurisdiction of the court. Every order must fix responsibility for the support of the child with special needs.

(b) *Finality of orders.* Except as otherwise provided for an interlocutory order, all orders are final, effective, and binding on all persons after the date of entry unless stayed pending an appeal.

Commentary to Section 207

The requirement that every order be in writing and recite the findings upon which it was base will facilitate meaningful appellate review. The order must also fix responsibility for the child's support with the birth parent whose rights have not been terminated or the guardian of the child's person, as appropriate.

The fact that all orders are deemed to be final from the date of entry ensures that an aggrieved party may take an immediate appeal.

Section 208. Effect of Termination Decree or Relinquishment of a Child With Special Needs

(a) *Effect of termination.* Upon relinquishment of a special needs child or termination of parental rights with respect to a child with special needs through a court decree, the parent ceases to be the legal parent of the child as to whom rights have been terminated, as set forth in Section 104 of this Act. No such parent has a right to notice of proceedings for adoption of the special needs child by another or to object to the adoption or otherwise to participate in the proceedings.

(b) *Parental rights independently terminable.* The legal parent-child relationship may be terminated with respect to one parent without affecting the legal relationship between the special needs child and the other parent.

(c) *Agency to provide notice if termination challenged.*

(1) If the validity of a relinquishment or court order terminating parental rights with respect to a child with special needs is challenged in a court of this State, the court in which such challenge is filed shall:

(A) Notify any agency to which the child was relinquished, which is presently responsible for the child, which placed the child for adoption, or which provided postplacement services; and

(B) Hold a hearing to determine if any notice shall be provided the child and if so, the nature of the notice. At such hearing the court may appoint an attorney *ad litem* to represent the child.

An agency which is notified under section (c)(1)(A) of this section shall notify the adoptive parents of a child who has been adopted or, if the child has not been adopted, the prospective adoptive parents, if any. Such notice shall inform the parties of the pendency of the challenge and of their right to be heard regarding such challenge. The agency issuing such notice shall certify to the court in which the attack was filed that the requirements of this subsection have been met.

(2) If the validity of a relinquishment or court order terminating parental rights with respect to a child with special needs is challenged in a court of any other jurisdiction, any agency of this State which learns of such challenge by any means shall notify the agency responsible for the child prior to his placement or adoption, which in turn shall notify the adoptive or proposed adoptive parents, if any, of the pendency of a proceeding which may affect their status with respect to the child.

Commentary to Section 208

Subsection (a). The provisions follows the traditional approach of divesting both parent and child of all rights towards one another, except that the child's right to inherit from his birth parent is terminated only upon a final order of adoption. *See* M.A. Section 104. This approach is consistent with a public policy commitment to the best interests of the child.

This subsection underscores the finality of the decree and the fact that following termination a parent will have no standing to object to an adoption or other planning on behalf of the child with special needs.

Subsection (c). Whenever a relinquishment or termination decree is collaterally attacked, the special needs child and any adoptive or prospective adoptive parents clearly have a vital stake in the outcome of the action. The adoptive or prospective adoptive parents or agencies which have an interest in the child should be provided with notice and made parties to a collateral attack. This provision assures a complete examination of the issues, and apprises these parties of the potential modification in legal status of the child.

More important, however, providing notice to adoptive or proposed adoptive parents prevents their belated discovery of a matter of critical importance to them. For prospective adoptive parents, the possible reversal of the termination of parental rights may affect their decision to commence adoption proceedings. For adoptive parents this early notification and, perhaps, intervention in the collateral attack proceedings may prevent an extended legal battle with potential harmful consequences for the child.

The agency serves as a conduit for the provision of notice in these cases. This protects the anonymity of the birth and adoptive parents, and prevents birth parents from discovering the whereabouts of a child as to whom they have no rights as that point.

Agencies of one State which learn of a collateral attack filed in another jurisdiction are required to notify the agency responsible for the child prior to placement or adoption, which in turn shall notify the adoptive or prospective adoptive parents of the challenge. If the agency which learns of the out-of-state challenge to the termination of parental rights is not the agency that was responsible for the child prior to placement or adoption, it shall ascertain the identity of the agency which has or had responsibility for the child from the State adoption administration.

Section 209. Authority and Duties of Guardian of Child's Person

(a) *Authority to consent.* The guardian of the child's person has the authority without limitation to consent to marriage and enlistment in the military service of the United States, to consent to any medical, psychiatric, or surgical treatment, and to consent to the adoption of the child unless the child has a living parent whose rights have not been terminated.

(b) *Right to custody of child.* The guardian of the child's person has the right to physical custody of the child or to determine an appropriate placement for the child, subject to the review of the court. When he does not have physical custory of the child, the guardian of the child's person or his designee has the duty of reasonable visitation with the child.

(c) *Responsibilities.* The guardian of the child's person has the responsibility to ensure that the child receives adequate support, care, nurture, and education, and to ensure that the child has legal representation in legal actions.

(d) *Reports to court.* An individual or agency appointed as guardian of the child's person shall report to the court within ninety days on a permanent plan for the child. At least every six months thereafter, a report shall be made to the court on the implementation of such plan.

Commentary to Section 209

The terms "legal custodian" and "legal custody" are frequently confused with "guardianship" in discussions of child welfare laws of different States. The occasions for appointment of a guardian of a child's person differ from State to State. The distinction between the two terms is frequently blurred, particularly when States make use of concepts such as "temporary guardianship" or "permanent custody."

The concept of "guardian" is usually broader than that of "custodian" or "legal custodian." As used in the Model Act, the authority and duties of a guardian encompass those of the legal custodian and also include the authority to make decisions permanently affecting the child's welfare, including consent to the adoption. However, to provide enough flexibility to accommodate variations in State law, the Model Act also presumes that a court may appoint a guardian without terminating parental rights. *See* M.A. section 206(b). Also in

the interest of flexibility, the definition of "guardian" does not preclude delegation of the physical custody of the child while still maintaining the duty of overseeing the child's physical care and control through visitation.

Legislatures considering enactment of the Model State Adoption Act may need to adjust these definitions to fit previously established usages in their own jurisdictions.

Title III—Adoption Services For Children With Special Needs

Section 301. Duties of the State Adoption Administration

It is the duty of the State to ensure that all children with special needs in the State who need adoption services receive them in an appropriate and timely fashion and to ensure that all adoption services provided to these children meet accepted standards of practice. To promote the effective discharge of these duties, [there is hereby created] the State adoption administration, [which] shall have responsibility for the [administration] [supervision] of all public adoption programs for children with special needs within the State and shall, at a minimum, have the following duties:

(a) *Regulation of Agencies.* Consult with the [State licensing agency] to develop regulations designed to ensure that all public and voluntary providers of adoption services to children with special needs meet accepted standards of practice.

(b) *Linkages with foster care; case planning and review system.* Establish linkages between adoption services and public and voluntary foster care services, to ensure that adoption is evaluated as one option for special needs children in foster care and that adoption services are available for children according to their special needs. To carry out this responsibility, the State adoption administration shall implement or cause to be implemented a short-term and long-term case planning system in all public and voluntary adoption agencies in the State and shall cooperate with the [State foster care agency] in conducting periodic case reviews. All children with special needs in the care or the responsibility of public and voluntary adoption agencies in the State shall be included in the case planning and case review systems.

(c) *Specialized programs for children with special needs; recruitment of adoptive parents.* To meet the needs of children with special needs:

(1) Provide specialized programs, staffed by persons whose skills are specifically suited to meeting the special needs of such children; and

(2) Regularly recruit or ensure the recruitment of adoptive parents to meet the special needs of such children.

(d) *Family assessments.* Provide or ensure the provision of a family assessment to any adult, married or unmarried, who applies to adopt a child with special needs.

(e) *Persons to be served.* Provide or cause to be provided preplacement, placement postplacement, and postadoption services:

(1) For all children with special needs who are the responsibility of the State and for whom adoption is the plan; and

(2) As appropriate, for the birth parents, prospective adoptive parents, and adoptive parents of such children.

(f) *Public information.* Publish and disseminate information to the public regarding adoption programs and services for children with special needs within the State. Such information shall include, at a minimum:

(1) The numbers and characteristics of the special needs children available for adoption;

(2) The requirements for persons who seek to adopt a child with special needs; and

(3) The steps in the adoption process, and the services and financial assistance available to persons who adopt a child with special needs.

(g) *Public education.* Conduct a program of public education on adoption of children with special needs.

(h) *Adoption resource exchange.* Establish and maintain, or cause to be established and maintained, a Statewide adoption resource exchange or listing service of children with special needs awaiting adoption and potential adoptive parents of such children.

(i) *Training of staff.* Provide or ensure the provision of appropriate training for persons performing services leading to the adoption of children with special needs and required by this Act.

(j) *Statistics.* Keep statistics relating to adoption which will be designed to present a true and accurate account of adoption services provided to children with special needs within this State and to such children outside this State whose physical custodian or guardian is a resident of this State. The court and each agency shall provide such statistical information to the State adoption administration as may be required by it in order to carry out the purposes of this subsection (j).

(k) *Forms.* Develop forms which may be employed to implement the provisions of this Act.

(l) *Standards for record keeping.* Establish standards for the compiling and maintenance of agency records.

Commentary to Section 301

The opening sentence of the section is a statement of policy, emphasizing the affirmative duty of the State to strive to provide permanent homes through adoption for the State's children with special needs.

The State adoption administration created or designated by the legislature may be an already existing unit within the State government. The individual public agencies which provide adoption services will usually provide foster care services as well, so the umbrella State adoption administration will be intimately involved with the operation of public foster care programs. The precise administrative role of the umbrella authority will be determined by whether the State's social service system is State-administered or county-administered and State-supervised.

Subsection (a). This provision is an essential element in a scheme to provide adoption services of high quality on a Statewide basis for children with special needs. The positive and negative sanctions inherent in the licensing and regulation processes, although not the only tools for maintaining or upgrading agency performance, are among the most effective. Licensing and regulation serve not only to eliminate poor service providers; agencies are encouraged, by the very existence of mandatory standards, to keep their performance from falling to unacceptable levels. Because States have their own licensing statutes and regulations, the Model Act has not addressed this matter *per se*.

Subsection (b). The linking of adoption resources with the foster care system is a vital first step in serving the large numbers of children who are spending their childhood in "temporary" foster care. A recent nationwide study of children in such temporary care showed that forty-five percent had already spent more than two years in foster care. U.S. Dept. of Health, Education and Welfare, National Study of Social Services to Children and their Families 120 (1978). (*See also* H. Maas, "Children in Long-Term Foster Care," 48 *Child Welfare* 321 (1969).)

One problem in serving these children has been the inability to identify them. Some States have already met this problem by instituting mandatory administrative foster care case reviews similar to this subsection.

Because of the close organizational link between public adoption and public foster care agencies, the duty of the

State adoption administration under this subsection should be fairly simple within the public sector. The more complicated task will be linking voluntary foster care services with public adoption services, and public foster care with voluntary adoption resources.

Subsection (c). A primary value of a Statewide adoption authority is its ability to equitably distribute State adoption funds and resources to serve the children who need them most. Through use of the statistical data compiled pursuant to subsection (j), the Statewide agency can identify broad segments of the foster care population for whom special recruitment of potential adoptive parents may be needed. The importance of active recruitment of appropriate families is illustrated by the frequent disparity between the types of child needing adoption and the types of children that unrecruited applicants are willing to adopt.

Subsection (d). Closely related to the State's duty to oversee active recruitment of adoptive parents suitable to the population of waiting children with special needs is the duty to provide family assessments to applicants who repond to these special recruitment efforts. The problem of allocation of agency resources between providing family assessments and performing other adoption services is a longstanding one. M.A. § 303 (commentary). However, the value of providing these assessments to all persons who express an interest in adopting a child with special needs cannot be overemphasized.

Subsection (e). In addition to providing Statewide planning and coordination, the State agency is responsible for ensuring the provision of adoption services to all children with special needs and their families.

Subsection (f) and (g). Public information and education is an essential part of the recruitment process. Awareness of the types of children with special needs needing homes, and of the State assistance which may be provided to adoptive children and families (for example, adoption assistance, *see* Title IV of the Model Act), can be useful in recruiting potential adoptive parents. Public education also fosters greater understanding of issues and attitudes which affect the lives of children with special needs and their families.

Subsection (h). As of July 1980, forty States had established State adoption exchanges. Child Welfare League of America, Inc., *A Report of 10 Regional Needs Assessment Workshops to Develop and Strengthen Adoption Exchanges* (1980). The remaining States provide some information and referral services to assure that all potential adoptive homes in the State may be considered in the search for a family for any particular child. It should be emphasized that this resource is of optimal value only when it is actively used as a recruitment tool. The State adoption exchange should be linked with all State adoption agencies and with any available regional or national exchanges to facilitate planning for the adoption of children with special needs.

Subsection (i). While the State adoption administration can be expected to offer special expertise and training resources, the training programs pursuant to this subsection should be jointly planned by the State agency and the local agency involved, as the latter can draw upon the unique perspective and particular problems of its own workers. As those most directly involved in adoption services, adoptees, adoptive parents, and birth parents should not be overlooked as training resources in the preparation of these programs. Trainees should include not only adoption personnel, but also foster care workers, lawyers, judges, court officials, and other citizens having an interest in the adoption of children with special needs.

Subsection (j). The maintenance of statistical data by the State agency is necessary to facilitate planning of adoption programs for children with special needs, to account for the interstate movement of children, and to monitor the provision of services of public and voluntary agencies.

The statistics kept pursuant to this subsection should include, but need not be limited to: (1) The number and characteristics (such as age, sex, race, ethnicity, handicap, length of time in care) of children with special needs in foster care for whom adoption is the appropriate plan, and a division of the numbers of such children according to those whose parents' rights have and have not been terminated, and the number and characteristics of those who have no living legal parent but who have not been placed for adoption, as well as those children with special needs placed for adoption by agencies within the State; (2) the number and characteristics of special needs children placed into subsidized adoptions; (3) the number and characteristics of birth parents of children with special needs to whom adoption services have been provided, with such data to be collected in three categories: Those whose parental rights were terminated through relinquishment, through voluntary court actions, and through involuntary court action; and (4) the numbers of inquiries from potential adoptive applicants, applications to agencies for family assessment and adoption, applicants who have received family assessments and have been approved as adoptive families, and approved applicants who have had children placed in their home for adoption.

Subsection (l). The importance of good recordkeeping in adoption practice is increasingly recognized. Information in individual case records serves as a base for compiling of agency and State data concerning placement and adoption of children with special needs. Agency records of parental relinquishment are vital in documenting due process safeguards. Furthermore, agency records often are the primary source of the child's medical and social history prior to adoption.

Section 302. Adoption as the Plan for the Child With Special Needs

(a) *Determination that adoption is the best plan for the child.* A child with special needs shall be placed for adoption only upon a determination by the agency responsible for planning for the child that adoption is the best available plan to meet the physical and emotional needs of the child during his minority. Such a determination shall be made only after consideration of alternative short-term and long-term plans for meeting the needs of the child for a family and home.

(b) *Purpose of services to parents.* The services to parents offered under Section 201 of the Act shall be provided with the primary purpose of assisting the parents in arriving at the best available permanent plan for their special needs child. Provisions of such services to a parent shall not be dependent upon the decision of such parent to relinquish a child with special needs for adoption.

Commentary to Section 302

Subsection (a). The provision imposes upon the agency having responsibility for the child with special needs the legal duty of making an affirmative decision that adoption is preferable to other possible alternatives for the child's long-term care, before the child is placed for adoption.

Subsection (b). The services referred to are the counseling and referral services of the agency to the parents. *See* M.A. Sections 201. A parent cannot make an informed decision regarding the special needs child's best long-term interest without knowledge of alternative resources and arrangements.

Section 303. Placement for Adoption of a Child With Special Needs

(a) *Actions required before placement of a child.* An agency shall make a placement for adoption of a special needs child only:

(1) When there is satisfactory evidence that all parental rights over the child have been terminated according to the laws of this State or of another jurisdiction, except that a child may be placed in the home of the prospective adoptive parents of the child prior to the termination of all parental rights if the agency informs the prospective adoptive parents, in writing, that the child may not be adopted if parental rights are not terminated; and

(2) When a family assessment of the prospective adoptive parent or parents has been completed and has found the prospective parent or parents suitable for the special needs child in question.

(b) *Who may apply for a family assessment.* Any adult, married or unmarried, may apply to an agency for a family assessment. If an applicant is married, the application shall be made by both spouses jointly.

(c) *Priority for receipt of family assessment.* Any person who applies to the State adoption administration and expressly requests to adopt a specific child or type of child with special needs shall be given priority for a family assessment. The assessment may be performed by the State adoption administration or by another public or voluntary agency, but the State adoption administration shall ensure that any applicant described in this subsection (c) receives an assessment within six months of his request therefor.

(d) *Arbitrary eligibility criteria prohibited.* An agency shall not exclude from consideration as a potential adoptive parent the foster parent of a special needs child solely because of his status as the child's foster parent, or any applicant solely by virtue of restrictive criteria unrelated to the potential parent's ability to care for a special needs child.

(e) *Denial of application.* When an agency denies the application of a person who has applied to adopt pursuant to subsection (c) of this section, the agency shall inform the applicant, in writing, of the denial and of the reasons therefor.

(f) *Agency responsibilities prior to placement of a child with special needs.* Before making a placement for adoption of a child with special needs, an agency shall:

(1) Obtain a current health assessment of the child, including any necessary psychiatric and psychological evaluation, and the present physical, intellectual, and emotional needs of the child;

(2) Compile a written report describing the services provided to the birth parents of the child;

(3) Determine that adoption is the best available permanent plan for the child;

(4) Complete a family assessment of the prospective adoptive parent or parents, including their suitability for the child to be placed, and prepare a written report thereof;

(5) Compile a detailed written health history and genetic and social history of the child, including information from the current health assessment referred to in (1) above, which:

(A) Excludes information which would identify any birth parent or members of a birth parent's family and is set forth in a document that is separate from any document containing such identifying information;

(B) Shall be retained by the agency until at least sixty years after the attainment of majority of the child, and an agency which ceases to function as an agency shall transfer to the State adoption administration any documents and information retained pursuant to this subsection (f)(5);

(C) Shall be supplemented throughout the period of time referred to in (B) above with any further information received by the agency which is relevant to the child's health history or genetic and social history but which excludes information identifying any birth parent or member of a birth parent's family;

(D) Shall be available, throughout the period of time referred to in (B) above, only to:

(i) The adoptive parents of the child or, in the event of the death of the adoptive parents, the child's guardian;

(ii) The adoptee upon reaching the age of eighteen;

(iii) In the event of the death of the adoptee, the adoptee's spouse if he is the legal parent of the adoptee's child or the guardian of any child of the adoptee;

(iv) In the event of the death of the adoptee, any progeny of the adoptee who is age eighteen or older.

(6) Provide to the prospective adoptive parent or parents a copy of the health history and genetic and social history compiled in accordance with subsection (5) above; and

(7) Provide such other services as may be necessary to carry out the purposes of this Act.

(g) *Reports.* The report required by subsection (f)(2) of this section hereof shall be submitted to the court with the petition for termination of parental rights or, if such petition is not filed, with the petition for adoption. All other reports required by this subsection (f) shall be retained by the agency and used to prepare the report accompanying the petition for adoption. If any information for any report required by this subsection (f) cannot be obtained, the report shall state the reasons therefor.

(h) *Confidentiality of records.* Notwithstanding any other law concerning public hearings and records, all court files containing records of judicial proceedings conducted under this Act, and any health, genetic and social, medical, and any other information relating to children with special needs submitted to the court in such proceedings, shall be kept in separate sealed files and withheld from public inspection by anyone, including the adoptee, the adoptive parents, other parties to the adoption proceedings, the birth parents, or any other persons, except under court order. In the absence of a court order, the only information relating to the birth parents or members of a birth parent's family which may be disclosed is the health history and genetic and social history compiled pursuant to subsection (f)(5) of this section; this information may be disclosed by the adoption agency only, and only as provided by subsection (f)(5) of this section.

(i) *Penalty.* A person who knowingly obtains or discloses information or aids and abets another in obtaining or disclosing information or who willfully destroys or fails to record or preserve information violation of the provisions of this Title, shall be punished by a fine of up to $10,000 or up to six months imprisonment, or both.

Commentary to Section 303

The section sets out the adoptive placement procedures which agencies must follow for children with special needs.

Subsection (a). When a child with special needs is placed with a family, the parties involved should understand that the placement cannot lead to adoption unless the child is legally free for adoption; that is, unless all parental rights with respect to the child have been terminated. *See* M.A. Section 103(a). The fact that a child has been freed for adoption prior to placement relieves the child, the prospective adoptive parents and agency of the uncertainty inherent in the birth parents' continued legal interest in the child. When placement occurs only after termination of parental rights, all parties' efforts may be wholeheartedly devoted to the creation of a viable

family bond between child and adoptive parents.

There will be some special circumstances, however, in which it may be in the interest of a child with special needs to be placed with a prospective adoptive family before all parental rights have been terminated. This section would not preclude such placements. When an agency has located an appropriate adoptive family for a child with special needs and the process of terminating the rights of an uninvolved parent has just begun, the child should not be expected to forego the benefits of living with the potential adoptive family for the months necessary to complete termination proceedings.

Under the Model Act such pre-termination placements are subject to the State's foster care regulations and licensure requirements. It should be emphasized, however, that these are a special category of foster care placement since all parties have, at the outset, a set of expectations which are quite different from the usual expectations of foster care placements. Because of the hazards inherent in combining the role of foster parent with the status of potential adoptive parent, two points should be emphasized.

First, such placements with prospective adoptive families should occur only when clearly appropriate conditions exist. There should be a strong likelihood that all parental rights will be terminated within a short time after the placement, as, for example, when one parent has already relinquished, the other parent is absent and has not been located after good faith efforts, and a court hearing to involuntarily terminate his parental rights has already been scheduled.

Second, the potential adoptive family with whom a child with special needs is placed prior to termination of all parental rights should be made fully aware, by the placing agency or the court, that the change from a foster care to an adoptive placement is contingent upon termination of all parental rights with respect to the child.

Subsection (c). The limited resources of adoption agencies and the consequent delays in applicants' obtaining approval as potential adoptive parents are well known. To facilitate the elimination of barriers to the adoption of children with special needs and to provide permanent and loving home environments for these children, the Model Act attempts to assure optimal use of agency resources for the adoptive placement of children with special needs. Providing family assessments to applicants willing to adopt older, handicapped and other special needs children is a crucial step in facilitating placement of these children.

Subsection (d). The first restriction imposed by subsection (d) relates to two traditionally controversial issues: (1) Should foster parents be precluded from eligibility as adoptive parents in order to maintain integrity of the foser care system? (2) If not precluded, should foster parents be given priority consideration to be adoptive parents for children who have been in their care? Subsection (d) explicitly answer the first of these questions in the negative. With respect to the second issue, some foster parents (i.e., *de facto* parents) should indeed receive priority consideration as adoptive parents. Some of the factors which an agency might find relevant in designating particular foster parents as eligible for priority consideration are: length of time the child has been placed with the foster parents, evidence of emotional and psychological bonds between the child and the foster parents, and the effects of this relationship upon the special needs child's total development.

Subsection (e). As one means of preventing an agency from screening out applicants arbitrarily, this subsection requires the agency to notify an applicant, in writing, of the denial of his application and to include a statement of the reasons for the denial. An application to adopt might be denied on the basis of objective criteria, independent of the family assessment, or on the basis of the findings of that assessment. Denial may be appealed in accordance with Section 305 of the Model Act.

Subsection (f). The provision for an extensive record of the adoptee's health and genetic history is of particular importance for special needs children, many of whom may suffer some health disorder. The purpose of the sixty-year retention requirement is to ensure that a biological child of the adoptee will have access to information which may bear on his own health or the health of his children.

Section 304. Postplacement Services for Children With Special Needs

(a) *Postplacement services and report required.* After a placement for adoption of a special needs child is made, the agency which made the placement shall provide or cause to be provided supportive services to the adoptive family and the child with special needs until the planned adoption has been completed. Such services shall include periodic visitation and may include counseling. The agency shall provide reports on the placement as required by the court.

(b) *Agency services to ensure timely filing of adoption petitions.* The agency which is providing postplacement services shall inform the adoptive family that a petition for adoption shall be filed within twelve months of the special needs child's placement for adoption, and shall provide such services as are appropriate to assist the adoptive family to file the petition in a timely manner.

(c) *Removal of a child with special needs from adoptive placement; agency and court responsibilities.* If, after the placement has been made and before the final decree of adoption, the agency providing postplacement services determines that the placement is no longer in the interests of the child with special needs, the agency which placed the child shall:

If no interlocutory decree of adoption has been entered, remove the child or cause the child to be removed from the custody of the prospective adoptive parents only after ten days' notice and an opportunity to appeal the removal in accordance with Section 305 of the Act, except that no prior notice shall be required if the agency determines that the child is in immediate danger; or

(2) If the court has entered an interlocutory decree of adoption, immediately recommend to the court that the child with special needs be removed from the custody of the prospective adoptive parents and state the grounds upon which removal is recommended. The court shall provide the prospective adoptive parents an opportunity to be heard before ordering removal of the child, unless the court finds the child to be in immediate danger.

(d) *Dismissal of petition and vacation of interlocutory decree.* If the child with special needs is removed from the custody of the prospective adoptive parents, the court shall dismiss any petition for adoption which has been filed and vacate any interlocutory decree of adoption which has been entered.

(e) *Agency services to unsuccessful petitioners.* The agency which provided postplacement services to a family from which a special needs child was removed pursuant to subsection (c) hereof shall offer and, upon the family's request, provide such counseling services as may be necessary to assist the family in adjusting to the removal of the child.

Commentary to Section 304

Subsections (a) and (b). In order to maximize the positive character of

agency involvement with the adoptive family after placement, the provision mandates performance of supportive services as well as the traditional reporting function performed by the agency at this stage.

Subsection (c). Fair hearing procedures have been imposed upon an agency which decides to remove a special needs child from the custody of the proposed adoptive parents. Unless the child is in immediate danger, notice of the intent to remove and the grounds for such action must be timely provided to permit the adoptive applicants to seek administrative appeal of the agency decision. if an interlocutory decree of adoption has been entered, however, the agency cannot remove the special needs child without prior approval of the court.

Section (e). The agency which provided postplacement services should continue its involvement with the proposed adoptive family in the event that a child with special needs is removed from their home. Counseling services should be offered to aid in their adjustment to the child's removal.

Section 305. Agency Appeals

(a) *Right of appeal.* Any person who meets one or more of the following criteria shall have the right of appeal to the State adoption administration:

(1) Is entitled to a family assessment under Section 303(c) of this Act and has been refused a family assessment to which he is entitled, or has not had a family assessment begun within sixty days or completed within six months after his application to the agency; or

(2) Has been notified by an agency that has application to adopt a child with special needs has been denied; or

(3) Has applied for, but been refused, financial assistance for the adoption of his foster child; or

(4) Has received notice that a child with special needs is to be removed from an adoptive placement in his home.

(b) *Time for filing appeal.* An appeal pursuant to this section shall be filed within sixty days of the action which constitutes the basis for the appeal, except that an appeal of the removal of a special needs child from an adoptive placement shall be filed within ten days of receipt of notice from the agency of the intended removal of the child.

(c) *Time limit on agency action on appeal.* All appeals to the State adoption administration shall be approved or denied within sixty days of the date the appeal is filed.

Commentary to Section 305

This section provides an appeal process for aggrieved parties and specifies time limitations for bringing such appeals. The purposes of the provision are to achieve certainty for the legal status of the special needs children involved, to facilitate their adoptive placement, and to protect agencies from untimely challenges to their relinquishment and placement procedures.

Subsection (a). Subsection (a) enumerates a variety of grounds upon which parties adversely affected by agency action may bring an appeal to the State adoption administration.

Subsections (b) and (c). Such administrative appeal must be filed with the State adoption administration within the sixty-day limitation period. The adoption administration is then required to act upon an appeal within sixty days after it is filed.

Title IV. Adoption Assistance For Children With Special Needs

Section 401. Purpose and Administration

The State adoption administration shall establish an ongoing program of adoption assistance payments to make possible the adoption of every child with special needs who might not be adopted without financial assistance.

Commentary to Section 401

Adoption assistance may be viewed as a new program financed in part with Federal financial participation, or it may be seen as a continuation of a State's existing adoption subsidy program since some children with special needs may not be eligible for assistance payments matched with Federal funds. In such cases adoption assistance and services under this title may be funded from State foster care appropriations or other States sources.

The concept of adoption assistance for children with special needs is not new, although until the 1970's the idea was slow to gain acceptance in the face of the traditional idea that an adoptive family should assume full responsibility for the needs of the adoptee. Since the first adoption subsidy act was passed by the New York State Legislature in 1978, forty-nine States and two jurisdictions have enacted legislation to subsidize adoptions. The purpose of these laws is to provide financial assistance to assure the adoption of children whose handicap, age, minority background, or sibling group membership might otherwise prevent their placement and adoption.

It has been shown that the assistance concept can faciliate the adoption of children with special needs, and at the same time save communities a sizable portion of the expenditures which would be necessary to keep the same children in foster and institutional care.

As stated in the comments accompanying the Model State Subsidized Adoption Act published by HEW, an adoption assistance program is meant to be a part of the usual, ongoing child welfare services of a State. It is not intended to discourage vigorous recruitment of the most desirable adoptive families for children with special needs waiting in the foster care system to be adopted.

For a more comprehensive discussion of the Model State Subsidized Adoption Act and for model regulations to accompany the Act, *See* U.S. Dept. of Health, Education, and Welfare, *Subsidized Adoption in America (1976).*

Section 402. Eligibility for Adoption Assistance

(a) *Requirements for eligibility.* Any child with special needs is potentially eligible for adoption assistance who is the responsibility of an agency, legally free for adoption, and not likely to be adopted by reason of one or more special needs, such as:

(1) Physical or mental disability,

(2) Emotional disturbance,

(3) Recognized high risk of physical or mental disease,

(4) Age,

(5) Sibling relationship, or

(6) Racial or ethnic factors.

(b) *Certification of unconditional eligibility.* A child who is potentially eligible for adoption assistance pursuant to subsection (a) hereof must be certified as eligible by the State adoption administration. Any child who meets one or more of the requirements of subsection (a) of this section shall be certified as unconditionally eligible after reasonable efforts to find an appropriate adoptive family who would adopt the child without adoption assistance have proved unsuccessful, except that when the child has developed significant emotional ties with his foster parents who seek to adopt him, no such efforts are required.

(c) *Means test.* There shall be no income eligibility test (means test) for the prospective adoptive parent(s) of a special needs child certified under subsection (b) of this section in determining eligibility for adoption assistance to cover medical and other expenses which are related to the child's special needs, or to cover expenses related to the adoption process, such as the legal and court costs of adoption. An income eligibility test shall be applied in determining eligibility for general adoption assistance to cover expenses

unrelated to the child's special needs or the adoption process.

(d) *Notification of eligibility.* Any agency or person who has physical custody of a child with special needs shall be notified in writing when the child is certified as eligible for adoption assistance.

Commentary to Section 402

To be potentially eligible for adoption assistance pursuant to this section, the child must be in the custody of a public or voluntary agency and be legally free for adoption. In addition, the child must be unlikely to be adopted for reasons like those enumerated in subsection (a). A child who meets the above criteria must be certified as eligible for adoption assistance by the State adoption administration.

There will be many children in need of adoption assistance who do not meet the criteria for Federal financial participation and States will have to utilize State funding to provide for the special needs of these children. However, States will need to draft regulations ensuring that no Federal reimbursement is claimed for children eligible under Model Act for adoption assistance but not eligible for Federal financial participation.

Subsection (a). Regarding the enumerated reasons for which a child might be certified as unconditionally eligible for a subsidy under subsection (a), the following deserve comment: "Emotional distrubance"—the cause for such a disturbance is irrelevant. "Recognized high risk of physical or mental disease"—an example would be the occurrence of an injury at birth or the potential of an inherited condition which could manifest itself in mental or physical disability later in life. "Age"—the exact age criterion may vary; any age is relevant so long as it is a factor inhibiting the child's adoption. "Sibling relationship"—this factor refers to sibling groups who should be placed as a unit whenever possible. "Racial or ethnic factors"—these criteria are general because they will vary according to geographic area and social climate.

The "reasonable efforts" that must be made to find an adoptive family for a child with special needs prior to certifying him as unconditionally eligible for adoption assistance should include affirmative recruitment of adoptive parents, use of adoption resource exchanges, and referral to appropriate specialized agencies. For the child who has developed significant emotional ties with his foster parents and whose foster parents wish to adopt him, no search for another adoptive family is required.

Subsection (c). It should be emphasized that the basis for the adoption assistance is the special need of the child. Hence subsection (c) prohibits consideration of the family's financial ability to meet medical and other expenses related to the child's special needs, as well as expenses related to the adoption process.

Section 403. Adoption Assistance Agreement

(a) *Requirements of assistance agreement; when assistance payments may begin.* Before any adoption assistance payments may be made to the prospective adoptive parents who have been determined to be eligible for adoption assistance, there must be a written agreement between the parent(s) entering into the assisted adoption and the State adoption administration through its designated agency. This agreement must be completed within one year after the final decree of adoption.

(1) Adoption assistance in individual cases may commence with the adoptive placement, or at the appropriate time after the interlocutory or final decree of adoption, and will vary with the needs of the child as well as the availability of other resources to meet the child's needs.

(2) The assistance may be for special services only or for money payments, and either for a limited period or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term adoption assistance may in no case exceed that which would be allowable from time to time for such child under foster family care, or in the case of a special service, the reasonable fee for the service rendered.

(b) *Annual certification of eligibility.* When adoption assistance is for more than one year, the adoptive parents shall present an annual certification that:

(1) The adopted child remains under their care; and

(2) The conditions which caused the child to be certified as eligible for adoption assistance continue to exist.

(c) *Continuing special need required for certification.* For the purpose of the annual recertification, the special need(s) which caused the child to be certified shall be deemed to continue to exist if the child was certified as eligible pursuant to:

(1) Subsections (a)(1) or (a)(2) of Section 402 of this Act, and the physical or mental disability or emotional disturbance has not been corrected; or

(2) Subsection (a)(3) of Section 402 of this Act, and the recognized high risk of physical or mental disease continues to exist; or

(3) Subsections (a)(4), (a)(5), or (a)(6) of Section 402 of this Act.

(d) *Duration of assistance; modification.* The adoption assistance agreement shall be continued in accordance with its terms but only so long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues, except that in the absence of other appropriate resources provided by law and in accordance with regulations issued pursuant to this Act, it may be continued after the adopted child reaches majority. Termination of modification of the assistance agreement may be requested by the adoptive parents at any time.

(e) *Certification not affected by adoptive parents' residence or change of child's residence.* A child who is a resident of another State when eligibility for assistance is certified by that State shall be considered certified and eligible to receive assistance by this State upon becoming a resident of this State, subject to the annual recertification requirements of this section. The domicile or residence of the adoptive parents at the time of application for adoption, placement, legal decree of adoption, or thereafter shall not affect the certification of a child who has been certified as eligible for adoption assistance by this State.

Commentary to Section 403

Subsection (a). It is anticipated that, in virtually all cases, the adoption assistance agreement will be completed prior to the final decree of adoption. However, there may be unusual circumstances which would justify an exception to this general rule.

Assistance payments may begin after an agreement is signed—as early as the time of placement or after an interlocutory or final adoption decree has been issued. Adoption assistance may be made available for costs related to the adoption process, such as legal and court costs of adoption, other costs incidental to adoption placement, or costs for medical treatment or other needs.

Time-limited assistance is designed to help with expenses of integrating the child into the family or to provide funds for a specific short-term service. Long-term adoption assistance is designed for children who cannot be adopted unless their long-term financial needs are met by subsidy. The ceiling on the subsidy to accord with foster family allowances is based on current practice in a majority of the States. One objective of the adoption assistance program is to

provide permanent adoptive homes for children in foster care at no more cost to the State than foster care.

Subsections (b), (c), and (d). These subsections have been drafted to give the State the flexibility to provide adoption assistance with either Federal or non-Federal funds. Such variations can be covered by the State regulations accompanying the Model Act. For example, Federal financial participation may be available only until the child reaches age 18 (or 21 if a physical or mental handicap is established). A State may, however, deem it necessary in some cases to extend financial assistance for a limited period of time to allow a child to complete schooling, for instance. Also, some children under the program will need special care, treatment, and services for an indeterminate period, and the termination of the subsidy at the age of maturity could work a hardship for them before other benefits can be found.

For the purposes of recertification, a special need "continues to exist" (subsection (c)) unless there has been a change in the child's need for the services or support which the adoption assistance provides. If the special need is a medical handicap which eventually warrants no further therapy, the assistance to provide such therapy would terminate. But if the special need is a characteristic which makes general support payments necessary in order to find a permanent home for the child, the special need—and hence the assistance—should be continued until the child no longer needs to be supported.

Subsection (e). Since the adoption assistance is designed to provide a child in special circumstances with a permanent adoptive home, certification of the child in another State or interstate movement of the adoptive family should not affect such assistance.

Title V. Adoption Proceedings for Children With Special Needs

Section 501. Procedures for the Adoption of a Child With Special Needs

Except as provided in section 502, court procedures for the adoption of a child with special needs shall be governed by the laws and rules applicable to adoptions generally.

Section 502. Plan for the Special Needs Child

(a) *Retention of jurisdiction.* If the court denies a petition for adoption, the court may not terminate its jurisdiction until or unless another court or agency accepts or assumes jurisdiction sufficient to plan for the care of the child with special needs and to cause the plan to be implemented. However, if the placement of the child with special needs was made pursuant to the Interstate Compact on the Placement of Children and the jurisdiction of the sending agency has not been legally terminated under Article V(a) of the Compact, the court shall not exercise its jurisdiction in a manner contrary to or inconsistent with the Compact.

(b) *Plan for the child.* If the court which denies a petition for adoption retains jurisdiction over the child with special needs, it shall order such child removed from the home and care of the petitioner, unless the court approves an agency plan for continued placement for foster care with the unsuccessful petitioner. The agency which made the placement for adoption or another agency shall, with the approval of the court, make a plan for the child with special needs which takes into consideration those factors which characterize him as a child with special needs. Where appropriate the plan shall include arrangements for another placement of the special needs child for adoption. If adoption is not practicable, the plan shall include a full statement of the reasons therefor and the measures to be taken to secure an alternative permanent placement for the child with special needs.

(c) *Report and review of plan.* The plan shall be filed with the court, and the agency or person responsible shall file with the court a report thereon at least every six months until the child with special needs is adopted or until the court otherwise terminates its jurisdiction. No less frequently than once a year, the court or a hearing officer designated by the court shall hold a hearing and require the person or agency responsible for the special needs child to personally appear and report on the progress toward implementation of the plan.

Commentary to Section 502

Subsection (a). The provision is designed to assure that future proceedings involving a special needs child who is the subject of an unsuccessful petition for adoption shall be conducted before a court familiar with the child and his circumstances, including his unique special needs. The court which denied the petition for adoption may, however, terminate its jurisdiction if there is good cause. Circumstances established good cause include the fact that another court of this or another State presently has or previously had jurisdiction over the special needs child, or that a second adoption petition is filed by a family whose residence is elsewhere.

Subsections (b) and (c). The requirement that a long-term plan for the child with special needs be submitted to the court and regularly reported upon protects the child from becoming an inappropriate resident of foster care institutions through the simple inadvertence of agency personnel, and encourages efforts to again place the child for adoption if possible. Adoption remains the plan of preference and, therefore, an explanation is required if the plan submitted does not find adoption to be practicable for the child with special needs.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	MSPB/OPM		DOT/FHWA	MSPB/OPM
DOT/FRA	LABOR		DOT/FRA	LABOR
DOT/MA	HHS/FDA		DOT/MA	MSPB/FDA
DOT/NHTSA			DOT/NHTSA	
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing October 7, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S.J. Res. 65 / Pub. L. 97-54 Proclaiming Raoul Wallenberg to be an honorary citizen of the United States, and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom. (Oct. 5, 1981; 95 Stat. 971) Price: $1.50.