

§ 203.46 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum, except that where an application for commitment was received by the Secretary before October 12, 1981, the mortgage may bear interest at the maximum rate in effect at the time of application.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE**Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage**

4. Section 213.511 is amended by revising paragraph (a) to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum, except that where an application for commitment was received by the Secretary before October 12, 1981, the mortgage may bear interest at the maximum rate in effect at the time of application.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE**Subpart A—Eligibility Requirements—Individually Owned Units**

5. Section 234.29 is amended by revising paragraph (a) to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum, except that where an application for commitment was received by the Secretary before October 12, 1981, the mortgage may bear interest at the maximum rate in effect at the time of application.

6. Section 234.75 is amended by revising paragraph (b) to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee

and the mortgagor, which rate shall not exceed 17.00 percent per annum, except that where an application for commitment was received by the Secretary before October 12, 1981, the mortgage may bear interest at the maximum rate in effect at the time of application.

7. Section 234.76 is amended by revising paragraph (c) to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum, except that where an application for commitment was received by the Secretary before October 12, 1981, the mortgage may bear interest at the maximum rate in effect at the time of application.

(Section 3(a), 82 Stat. 113; 12 USC 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., October 9, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-30151 Filed 10-16-81; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION**38 CFR Part 3****Veterans Benefits; Persons Included as Having Served on Active Duty**

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulation concerning persons who shall be included as having served on active duty. The need for this action results from recent decisions of the Secretary of Defense that (1) Reconstruction Aides and Dietitians in World War I and (2) the group known as Male Civilian Ferry Pilots are considered to have served on active duty. The effect of this action is to confer veteran status for Veterans Administration benefit purposes on former members of these groups who were discharged under honorable conditions.

EFFECTIVE DATES: In the case of the Reconstruction Aides and Dietitians this action is effective July 6, 1981, and in the case of the Male Civilian Ferry Pilots,

July 17, 1981. These are the dates the Secretary of Defense held that service in the groups constituted active duty.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: The Veterans Administration is not providing for a public comment period since the decision of the Secretary of Defense concerning active duty status is binding on the Veterans Administration.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this regulation applies almost exclusively to individual veterans and their survivors. It will have no significant impact on small entities (i.e., small business, small private profit and nonprofit organizations, and small governmental jurisdictions.)

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change, in itself, is nonmajor for the following reasons:

(1) It will not have an effect on the economy of \$100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete for foreign-based enterprises in domestic or export markets.

(Affected Catalog of Federal Domestic Assistance program numbers are 64.002, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.019, 64.022, 64.100, 64.101, 64.102, 64.104, 64.105, 64.106, 64.109, 64.110, 64.113, 64.114, 64.116, 64.117, 64.118, 64.119, 64.200, 64.201, 64.202.)

(Sec. 401, Pub. L. 95-202)

Approved: October 2, 1981.

D. Custis,

Acting Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 as follows:

In § 3.7, paragraphs (x)(7) and (x)(8) are added as follows:

§ 3.7 Persons included.

(x) *Active military service certified as such under section 401 of Pub. L. 95-202.*
* * *

(7) Reconstruction Aides and Dietitians in World War I.

(8) Male Civilian Ferry Pilots.

[FR Doc. 81-30203 Filed 10-16-81; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

Veterans Benefits; Service Records as Evidence of Service and Character of Discharge

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulation governing evidence of service to again accept a copy of a discharge document certified as a true and exact copy by a public custodian of records. The need for this action results from the lengthy delays in claims processing we are experiencing as a result of having to request evidence of service from the service departments.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On June 19, 1981, the Veterans Administration published a proposed amendment to 38 CFR 3.203. See 46 FR 32036 (1981). We received one comment supporting the change. The amendment to § 3.203 is adopted as proposed.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this regulation applies almost exclusively to individual veterans and their survivors. It will have no significant impact on small entities in terms of compliance costs, reporting burdens, or effects on competition.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. It should have little or no effect on the economy.

(Catalog of Federal Domestic Assistance Program numbers 64.104, 64.109)

Approved: September 18, 1981.

Robert P. Nimmo,
Administrator.

PART 3—ADJUDICATION

In § 3.203, paragraph (a)(1) is revised as follows:

§ 3.203 Service records as evidence of service and character of discharge.

(a) *Evidence submitted by a claimant.* * * *

(1) The evidence is a document issued by the service department. A copy of an original document is acceptable if the copy was issued by the service department or if the copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody; and

[FR Doc. 81-30204 Filed 10-16-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organization Amendments of 1981

Cross Reference: For a document giving notice of statutory amendments which affect 42 CFR Part 110, *Health Maintenance Organizations*, see 46 FR 45694, September 14, 1981.

BILLING CODE 1505-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6048

[ES-20501]

Florida; Partial Revocation of Public Land Order No. 1131.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a withdrawal of national forest land for use by the Forest Service as an administrative site. This action will restore 1.25 acres fully to operation of the mining and mineral leasing laws. The land has been open to oil and gas leasing only; surface will remain under the administrative jurisdiction Forest Service by virtue of Proclamation 2293 of July 16, 1938, (53 Stat. 2462).

EFFECTIVE DATE: November 14, 1981.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren, Eastern State Office, 703-235-2844.

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. 1131 of April 15, 1955, which withdrew national forest lands for use by the Forest Service for the Lake Bryant Ranger Station is hereby revoked as to the following described land:

Ocala National Forest

Tallahassee Meridian

T. 15 S., R. 24. E.,

Sec. 24, E½, NE¼NE¼, SW¼NW¼.

The area described contains 1.25 acres in Marion County.

2. The subject land will remain under the administrative jurisdiction of the Forest Service and will be subject to the provisions of Proclamation 2293 of July 16, 1938 (53 Stat. 2462), creating the Ocala National Forest.

3. At 8:00 a.m. on November 14, 1981, the land will be opened to applications and offers under the mineral leasing laws, except for oil and gas, to locations under the United States mining laws, and to such forms of disposition as may be made of national forest lands. They have been and continue to be open to applications and offers for oil and gas leasing.

October 9, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-30210 Filed 10-16-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Part 520

[General Order 46, Rev.; Docket 81-16]

Exemption of Certain Agency Agreements From the Requirements of Section 15, Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This exempts agency agreements which provide for an agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The Commission has determined that this exemption will not substantially

impair effective regulation of common carrier practices, result in unjust discrimination or be detrimental to commerce.

DATE: Effective November 18, 1981.

ADDRESS: For further information contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 35 of the Shipping Act, 1916 (the Act) (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreements between persons subject to the Act from any requirement of the Act, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce. Under this authority the Commission previously announced (46 FR 12524) that it proposed to amend 46 CFR Part 520 (Commission General Order 46) to exempt agreements which provide for an agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water from the filing and approval requirements of section 15 of the Act.

Comments on the proposed rule were received from (1) Crowley Maritime Corporation (Crowley), (2) Matson Agencies, Inc. and Matson Agencies, (Matson), (3) eleven conference and rate agreements (Group of Eleven) and (4) TTT Ship Agencies, Inc. (TTT).

Crowley supports the rule as proposed. Matson and the Group of Eleven support the rule with various suggested modifications. TTT objects to the rule to the extent that it excludes from its coverage those ship agents' agreements which are between carriers competing in the same trade, or under which agents represent different carriers in the same trade.

Matson suggests that the scope of the proposed exemption be clarified to include certain "incidental functions" performed by agents. Specifically, Matson proposes that the definition of exempted agency agreements be expanded to include:

* * * other functions incidental to the performance of duties by agents including, but not limited to, processing of claims, container equipment control, collection and remittance of freight and reporting functions.

Matson's suggested definitional revision has merit and will be adopted except for the phrase "but not limited to," which the Commission finds to be too indefinite and uncertain. Also, in order to make it clear that the exempted

agency functions do not include the actual control over the use of container equipment, the incidental function of "container equipment control" will be modified to read "maintenance of a container equipment inventory control system."

The Group of Eleven requests clarification of the scope of the exception under Item (2) of § 520.12. Specifically, it suggests that the term "carriers" be substituted for the term "principals" to make it consistent with Item (1) of that section. This is an appropriate suggestion and will be adopted. The Group of Eleven also proposes that the term "which is otherwise subject to the Shipping Act" be added after the word "agent" in Item (2) to make it clear that the agent is, in fact, a person subject to the Act. This revision is unnecessary and will be rejected since the introductory statement of § 520.12 addresses this point.

TTT objects to the requirement that agency agreements falling within the scope of Items (1) and (2) of § 520.12 must be submitted for approval pursuant to section 15. TTT believes that the required filing and approval of agreements which contain terms of an economic and financial nature and the subsequent possible public disclosure of those sensitive terms poses a serious threat to the confidential nature of the relationship between a carrier and its agent. If agency agreements like those named in Items (1) and (2) must be approved under section 15, TTT seeks Commission assurance that all agency agreements filed with it will not be subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552). Alternatively, it believes ship agents subject to the Act should be allowed to file agency agreements which have terms of a sensitive economic nature deleted but which are provided to the Commission upon request and on a privileged and confidential basis.

We are not persuaded by TTT's suggestion that the scope of the exemption should be expanded to cover the two exceptions to the exemption set out in § 520.12 of the rule. These two exceptions involve potential conflicts of interests as well as possible market sharing, and therefore, we believe that they should continue to be subject to section 15. In addition, we cannot guarantee TTT's alternate request for confidential treatment of certain sections of agreements filed with the Commission. Such agreements are required to be available for inspection and copying by the public. 46 CFR 503.32. While 46 CFR 503.35 does

provide that commercially or financially sensitive information submitted to the Commission will generally not be made available, that limitation is subject to the requirements of the FOIA. Because determinations as to whether particular information can be withheld under FOIA can only be made on an *ad hoc* basis, no blanket assurances of the type sought by TTT may be given.

One final matter, not raised by the comments, needs to be discussed. As presently worded, Item (2) of § 520.12 could be misinterpreted to apply only where an agent has established an agency relationship with two carriers in one document. Because Item (2) is intended to include any and all arrangements between an agent and an individual carrier which would permit that agent to enter into similar agency agreements with other competing carriers in the trade, it has been clarified accordingly.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. The exemption will not impose any reporting or record keeping requirements which might result in a compliance or reporting burden on small entities. The exemption will primarily benefit carriers. The shipping public, some of whom undoubtedly are small entities may enjoy a secondary benefit from this exemption but it is not foreseen that this benefit will amount to a "significant economic impact," within the meaning of 5 U.S.C. 605(b).

Accordingly, under section 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a) and 5 U.S.C. 553, the Federal Maritime Commission amends 46 CFR Part 520 as follows:

PART 520—EXEMPTION OF HUSBANDING AND AGENCY AGREEMENTS

1. Revise the Part title to read "Exemption of Husbanding and Agency Agreements."

PART 520 [REDESIGNATED AS SUBPART A]

2. Redesignate existing Part 520 as "Subpart A—Husbanding Agreements."

3. Add a new "Subpart B—Agency Agreements" reading as follows:

Subpart B—Agency Agreements

Sec.

520.10 Purpose and scope.

520.11 Definition.

520.12 Exemption.

520.13 Termination of approved agency agreements.

520.14 Optional section 15 approval.

Authority: Secs. 15, 35 and 43; 46 U.S.C. 814, 833a and 841a.

Subpart B—Agency Agreements

§ 520.10 Purpose and scope.

(a) Section 15 of the Shipping Act, 1916 requires that certain agreements between common carriers by water and other persons subject to the Act be filed with and approved by the Commission prior to implementation. Section 35 of the Act provides that the Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or detrimental to commerce.

(b) In the interests of minimizing unnecessary expense and delay in the implementation of agency agreements between persons subject to the Act, this part provides for the exemption of certain agency agreements from the filing and approval requirements of section 15.

(c) The exemption does not apply to agency agreements: (1) Where a common carrier is to be an agent for a competing carrier in the same trade, or (2) which permit an agent to enter into similar agreements with more than one carrier in a trade.

§ 520.11 Definitions.

As used in this part, agency agreements are agreements between persons subject to the Shipping Act, 1916, which provide for the agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water. Such agreements may or may not also include husbanding service functions and other functions incidental to the performance of duties by agents including processing of claims, maintenance of a container equipment inventory control system, collection and remittance of freight and reporting functions.

§ 520.12 Exemption.

Agency agreements between persons subject to the Act except those: (a) where a common carrier is to be an agent for a competing carrier in the same trade, or (b) which permit an agent to enter into similar agreements with more than one carrier in a trade, are exempted from the filing and approval requirements of section 15. Exempted agreements shall be kept on file by the parties and shall be available for

inspection by the Commission during the term of the agreement and two years thereafter.

§ 520.13 Termination of approved agency agreements.

Agency agreements which have received section 15 approval shall continue to be approved for the duration of their term or until terminated by the parties. When such approved agreements are terminated by the parties, such parties shall immediately notify the Commission.

§ 520.14 Optional section 15 approval.

Notwithstanding the provisions of this part, persons who desire approval of agency agreements may continue to submit such agreements to the Commission for section 15 consideration in accordance with ordinary filing procedures.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29852 Filed 10-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-397]

Amendment of the Commission's Rules to Reflect a Change in the Office of the Executive Director

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending § 0.11 of its Rules to transfer its audiovisual staff from the Office of Public Affairs to the Office of Executive Director (OED). This action was taken to enhance the training and support aspects of the audiovisual support systems generally. No public impact is anticipated.

EFFECTIVE DATE: October 16, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles L. Marietta, Jr., Office of Executive Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 0 of the Commission's Rules to reflect a change in the Office of Executive Director; Order.

Adopted: July 31, 1981.

Released: October 2, 1981.

By the Commission.

1. The Commission has before it for consideration a proposed transfer of the audiovisual staff from the Office of Public Affairs to the Office of Executive Director. Implementation of the proposal would require an addition to § 0.11 of the Commission's Rules and Regulations.

2. The Commission's audiovisual production staff is responsible for recording Commission meetings and special presentations. These recordings serve as a record of Commission actions, used by both the staff and the public for reference. Portions of the films are sent to the field offices to ensure awareness of current actions. To emphasize the Commission support and training aspects of the audiovisual function, the audiovisual staff is being transferred to the Office of Executive Director, the location of other administrative support systems.

3. The amendment adopted herein pertains to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. Therefore, it is ordered, effective October 16, 1981, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. § 0.11, paragraph (h) is added to read as follows:

§ 0.11 [Amended]

(h) Provide audio and visual support services for the Commission, including recording and filming Commission meetings, reproduction and distribution of the tapes as required, and the production of video presentations for internal and external use.

[FR Doc. 81-30152 Filed 10-16-81; 8:45 am]

BILLING CODE 6712-01-M