consultation cited above. Other considerations for award should be inclusion in the work plan of mechanisms for participation by practicing professions, voluntary agencies, academic groups, commercial interests, and the public at large. Further, the affected jurisdiction(s) should provide tangible proof of their interest in undertaking the preparedness effort as evidenced by assignment of resources to the project.

(1) The following earthquake areas are identified: San Francisco, Los Angeles/San Diego, Puget Sound, Salt Lake City, Anchorage, Honolulu, Boston, Charleston (SC), Central United States, Upper New York State, and Puerto Rico (studies or plans for some of which have already been funded).

(2) The following hurricane areas are identified: Corpus Christi, Galveston/Houston, New Orleans, Tampa Bay, Miami/Miami Beach, Savannah, Charleston (SC), Chesapeake Bay, Long Island/New Jersey Barrier Coast, Matagorda (TX), Sabine Lake (TX-LA), Mobile, the Mississippi Gulf Coast, the Florida Keys, Lake Okeechobee, Pamlico Sound, Delaware Bay/Coast, Buzzards Bay/Cape Cod, Puerto Rico, Virgin Islands, Hawaii, Guam, Samoa, and the Trust Territories.

(3) The lists contained in paragraphs (d) (1) and (2) of this section are not all inclusive nor exclusive. They appear as examples and are dynamic. Consideration for these and other areas will be in accordance with the criteria listed in paragraph (d) of this section.

(e) The grant (or a cooperative agreement or contract, if more appropriate) would usually be to a State—as defined by the Disaster Relief Act of 1974—but could be to a combination of substate jurisdictions or an interstate consortium. FEMA may, if it determines appropriate, arrange for a vulnerability analysis to be performed under a procurement contract or an interagency agreement.

(f) Grants are discretionary and thus must be approved by the Director or the Director's designee (the Office of the Comptroller) or, upon delegation of approval authority, by the Regional Director. Unless otherwise stipulated, funding will be managed and projects monitored and reviewed by the cognizant FEMA Regional Office.

(g) A preapplication conference with involvement of affected State agencies, local governments, and the cognizant Regional Office is needed to review and discuss the grant Work Plan in draft. FEMA technical assistance is available for application preparation.

(h) A grant request must be in writing from the Governor or Governor's authorized representative to the appropriate Regional Director. Unless otherwise indicated herein, application, reimbursement, reporting, and auditing procedures shall follow the same guidelines as set forth in § 300.5 (h) and (i) of these regulations and in other applicable Federal regulations.

(Secs. 201 and 601 of the Disaster Relief Act of 1974)

Dated: September 22, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28003 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-251; RM-3700]

FM Broadcast Station in Gurdon, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Gurdon, Arkansas, in response to a petition filed by Paul Root. The assignment would provide a first local aural broadcast service to Gurdon.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Gurdon, Arkansas); Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 18, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 23496, published April 27, 1981, proposing the assignment of Channel 228A to Gurdon, Arkansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Paul Root ("petitioner"). Comments in support of the proposal were filed by the petitioner. Opposing comments were filed by Multimedia Radio, Inc., licensee of FM Station KMBQ, Shreveport, Louisiana, to which petitioner responded.[1]

2. Gurdon (population 2,707),[2] in Clark County (population 23,326), is located approximately 120 kilometers (75 miles) southwest of Little Rock, Arkansas. It has no local aural broadcast service.

3. In his comments, petitioner restated the information contained in the *Notice* which demonstrated the need for a first FM assignment to Gurdon, and reiterated his intent to apply for the channel, if assigned. Petitioner noted the community's economic and population growth and its commercial and cultural vitality supports the proposal.

4. Multimedia, in opposing comments, restated its earlier opposition to the proposal. It contends that the Commission in BC Docket 80-90, 45 FR 17602, published March 19, 1980, stated that it is in the public interest for Class C stations designed to serve substantial regional areas and populations, to operate with higher power and antenna height. Based on the premise, it filed an application to relocate its transmitter site (File No. 810609 AD), which could provide service to an additional 148,981 persons. Multimedia claims that its proposed transmitter site would, due to shortspacing, preclude Channel 228A at Gurdon even with a site restriction of 1.4 miles north-northeast of the city, as proposed in the *Notice*. Additionally, it states that there is no area in Gurdon, in which a non-short-spaced transmitter could be located and still provide a city-grade signal to all of Gurdon on Channel 228A, however, the alternate proposal to allocate Channel 224A to Gurdon is still available. Multimedia argues that under § 73.208(b)(4) of the Commission's rules, a petition to amend the Table of Assignments, must take into account the proposed coordinates of pending applications, citing the case at *Paterson, New Jersey*, 50 F.C.C. 2d 80, 81 (1974), where an applicant opposing an allocation had filed an application for a site change subsequent to the issuance of a rule-making *Notice*, but prior to action on it, and the application was considered in the Commission's decision. Since this proceeding warrants consideration of its pending application, Multimedia maintains that Channel 224A, rather than 228A, should be allocated to Gurdon.

5. Petitioner in reply comments states that the opposition's proposed

[1] Multimedia filed supplemental comments although the Commission's rules do not provide for filing of responses to reply comments. Since Multimedia provided us with no compelling reasons to consider the pleading, we have not accepted it.

[2] Population figures are taken from the 1980 U.S. Census.

transmitter relocation was not mentioned in its earlier comments, although it had known of the proposed rule making for months. Root claims that Multimedia's pending application to change its antenna site further from Shreveport, Louisiana, and so close to Gurdon as to make it short-spaced with petitioner's rule making, is a contrived effort to foreclose competition in the area. Petitioner further states that he is willing to accept Channel 224A to avoid a delay in the proceeding.

6. As stated in the *Notice*, the petitioner requested the assignment of Channel 224A or 228A to Gurdon and we proposed Channel 228A since it necessitated a lesser site restriction. Multimedia has since requested a transmitter site change which would preclude the assignment of Channel 228A to Gurdon, however, another channel (224A) is available to Gurdon, and the petitioner is willing to accept the latter channel with the greater site restriction. In view of the apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 224A to Gurdon, Arkansas. In so doing, Station KMBQ's site change can also be accommodated. The transmitter site will be restricted to 4.8 kilometers (3 miles) west of Gurdon to comply with mileage spacing requirements.

7. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community listed below:

City	Channel No.
Gurdon, Ark.	224A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28059 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-325; RM-3711]

FM Broadcast Station in Delta, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Delta, Colorado, and modifies the Class A permit of Station KDTA(FM) to specify the Class C channel, at the request of the permittee, Jimmie D. and Ruth M. Gober, d/b/a Delta Radio Company.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Delta, Colorado); Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 26509, published May 13, 1981, proposing the substitution of Class C Channel 236 for Channel 237A at Delta, Colorado, in response to a petition filed by Jimmie D. and Ruth M. Gober d/b/a Delta Radio Company ("petitioner"), permittee of Station KDTA-FM, Delta, Colorado. The *Notice* also proposed modification of the permit for Channel 237A to specify operation on Channel 236. Supporting comments were filed by the petitioner, restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Delta (pop. 3,931),[1] seat of Delta County (pop. 21,225), is located in western Colorado, approximately 288 kilometers (180 miles) southwest of Denver. It is served locally by full-time AM Station KDTA, licensed to the petitioner, and KDTA-FM (Channel 237A), a construction permit issued to the petitioner.

3. Petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a Class C assignment, noting that the principal justification for the substitution of channels is the need for a facility which would serve the entire county. Petitioner also states that, in comparison, a neighboring city, Montrose, seat of Montrose County, has two Class C channels, although the county in which it is located has 4,000 less persons than Delta County.

4. As stated in the *Notice*, the proposed substitution of channels will cause preclusion on all seven adjacent channels. Petitioner's study of alternate available channels focused on three communities within the precluded area (study included the assignment of Channel 237A to Delta) and surmised that alternate channels would be available throughout the precluded area. Due to the remoteness of the region, we have confirmed that a number of channels are available to the precluded communities. The *Notice* also requested the petitioner to submit a *Roanoke Rapids/Anamosa* study, but petitioner failed to do so. A staff study based on a transmitter site 11 miles northwest of the city shows that the assignment of Channel 236 to Delta will provide no first FM service and very little second FM service. We also note that four FM stations place a 60 dBu or better signal over Delta.[2]

5. After careful consideration of the proposal, we have determined that the public interest would be served by the substitution of channels, inasmuch as it would provide expanded service to the surrounding area and population. Since alternate channels are available to the precluded areas, we believe the preclusion impact is minimal. The transmitter site is restricted to 18.2 kilometers (11.3 miles) northwest of the city. We have also authorized in paragraph 7 a modification of petitioner's construction permit for Station KDTA-FM, to specify operation on Channel 236, since there has been no other expression of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

6. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that

[1] Population figures are taken from the 1980 U.S. Census.

[2] The four stations providing such coverage are KQIX, Grand Junction, KUBC and KWDE, Montrose, and KDTA, Delta, Colorado.

effective November 17, 1981, the FM Table of Assignments, section 73.202(b) of the Rules, is amended with respect to Delta, Colorado, as follows:

City	Channel No.
Delta, Colo.	236

7. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding permit held by Jimmie D. and Ruth M. Gober, d.b.a. Delta Radio Company, for Station KDTA-FM, Delta, Colorado, is modified, effective November 17, 1981, to specify operation on Channel 236 instead of Channel 237A. Station KDTA-FM may continue to operate on Channel 237A for one year from the effective date of this action or until it is ready to operate on Channel 236, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 236;

(b) At least 10 days prior to commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit measurement data required of an applicant for an FM broadcast station license; and

(c) The permittee of Station KDTA-FM shall not commence operation on Channel 236 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28057 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Ch. II

Maritime Administration

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-164]

Organization and Delegation of Powers and Duties; Maritime Administration

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT amends the description of its organization and its delegations of authority to reflect the transfer of the Maritime Administration (MarAd) to DOT from the Department of Commerce under the Maritime Act of 1981, and issues and amends the MarAd regulations accordingly.

DATE: Effective date of this amendment is August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

On August 6, 1981, President Reagan signed the Maritime Act of 1981, Pub. L. 97-31, transferring MarAd, its functions, personnel, and resources to DOT from the Department of Commerce. This amendment reflects that transfer in the description of DOT's organization, delegates to the Maritime Administrator the functions vested in the Secretary by the statute, and amends the MarAd regulations to substitute "Transportation" for "Commerce" everywhere that it appears.

In consideration of the foregoing, the Code of Federal Regulations is amended as follows:

TITLE 46, CHAPTER II (PARTS 200 TO 399) [AMENDED]

1. In Title 46, Chapter II (consisting of Parts 200 to 399) is issued as a DOT regulation in the exact form in which it appeared on August 6, 1981 (August 6, 1981 is the effective date of the Martime Act of 1981), except that the word "Transportation" is substituted for the word "Commerce" everywhere that it appears in text and title.

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

2. The heading for Title 46, Chapter II is changed to read "Maritime Administration, Department of Transportation" as set forth above.

(See The Maritime Act of 1981, Pub. L. 97-31; sec. 9(e) of the Department of Transportation Act, (49 U.S.C. 1657(e)))

2. In Title 49—

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

a. The Table of Contents for Subpart C—Delegations is amended by adding at the end thereof § 1.66 and § 1.67—

Subpart C—Delegations

* * * * *

Sec.
1.66 Delegations to Maritime Administrator.
1.67 Delegations to Maritime Subsidy Board.

b. Section 1.2 is amended by adding at the end thereof a new paragraph (i), to read as follows:

§ 1.2 Definitions.

As used in this part, "Administrator" includes—

* * * * *

(i) The Maritime Administrator.

c. Section 1.3(b) is amended by adding at the end thereof a new subparagraph (9), to read as follows:

§ 1.3 Organization of the Department.

* * * * *

(b) The Department is comprised of the Office of the Secretary and the following operating elements, the heads of which report directly to the Secretary:

* * * * *

(9) The Maritime Administration, headed by the Administrator and including within it the Maritime Subsidy Board composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Maritime Administration.

* * * * *

d. Section 1.4 is amended by adding at the end thereof new paragraphs (j) and (k), to read as follows:

§ 1.4 General responsibilities.

* * * * *

(j) *The Maritime Administration.* Is responsible for:

(1) Fostering the development and maintenance of an American merchant marine sufficient to meet the needs of

the national security and of the domestic and foreign commerce of the United States;

(2) Awarding and administering construction-differential subsidy contracts and operating-differential subsidy contracts to aid the American merchant marine, and trade-in allowances for new ship construction;

(3) Entering into and administering agreements for capital contruction funds (excepting fishing vessels) and construction reserve funds;

(4) Providing insurance on construction loans and ship mortgages or guarantees on ship financing obtained from private sources for ship construction and reconstruction (excepting fishing vessels);

(5) Providing assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships;

(6) Promoting development of ports and intermodal transportation systems;

(7) Promoting development of the domestic waterborne commerce of the United States;

(8) Overseeing the administration of cargo preference statutes;

(9) Entering into and administering charters and general agency agreements for operation of Government-owned merchant ships;

(10) Maintaining custody of, and preserving, ships in the National Defense Reserve Fleet;

(11) Selling surplus Government-owned ships;

(12) Supervising design and construction of ships for Government account;

(13) Furnishing war risk insurance on privately-owned merchant ships;

(14) Administering the foreign transfer program regarding ships and other maritime properties;

(15) Training merchant marine officers;

(16) Conducting research and development to improve and promote the waterborne commerce of the United States; and

(17) Issuing rules and regulations with respect to the foregoing functions.

(k) *The Maritime Subsidy Board (Within the Maritime Administration).* Is responsible for:

(1) Making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, (i) the contract for the construction, reconstruction, or reconditioning of a vessel, and (ii) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy.

(2) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VII, and sections 301 (except investigations, hearings, and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act").

(3) Making readjustments in determinations as to operating cost differentials under Section 606 of the Act.

(4) Approving the sale, assignment, or transfer of any operating subsidy contract under Section 608 of the Act.

(5) Investigating and determining (i) the relative cost of construction of comparable vessels in the United States and foreign countries, (ii) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (iii) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act.

(6) Performing so much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as they relate to the functions of the Board.

(7) Performing as much of the functions specified in Section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under paragraphs (k) (1) through (6) of this section.

e. Section 1.44 is amended by inserting "and § 1.66 and § 1.67" after "§ 1.45 through § 1.53" in the beginning sentence, and adding a new paragraph (q), to read as follows:

§ 1.44 Reservations of authority.

The delegations of authority in § 1.45 through § 1.53 and § 1.66 and § 1.67 do not extend to the following actions, authority for which is reserved to the Secretary of his delegatee within the Office of the Secretary:

* * * * *

(q) *Review and finality of actions by Maritime Subsidy Board.* (1) Review of any decision, report, and/or order of the Maritime Subsidy Board, as described in 46 CFR Part 202, as amended.

f. New §§ 1.66 and 1.67 are added after § 1.65, to read as follows:

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Commandant of the Coast Guard in § 1.46(b) and (d), and the Maritime Subsidy Board in section 1.67 of this part, and to the extent authority has been vested in the Secretary of Transportation under Pub. L. 97-31 or subsequent statutes, the Maritime Administrator is delegated authority to:

(a) Carry out sections 9, 12, 14a, 21a, 37, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.);

(b) Carry out the Merchant Marine Act, 1920, as amended (46 U.S.C. 861 et seq.), including the Ship Mortgage Act, 1920, as amended (46 U.S.C. 921 et seq.);

(c) Carry out the Merchant Marine Act, 1928, as amended (46 U.S.C. 891 et seq.);

(d) Carry out section 7 of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.);

(e) Carry out the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under section 607 thereof and the granting of financing guarantees under Title XI thereof, with respect to vessels in the fishing trade or industry;

(f) Carry out the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 et seq.);

(g) Carry out the Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.);

(h) Carry out the Civilian Nautical School Act, 1940 (46 U.S.C. 1331 et seq.);

(i) Carry out the Act of June 2, 1951 (46 U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund";

(j) Carry out the Act of August 9, 1954 (50 U.S.C. 196 et seq.) commonly called the Emergency Foreign Vessels Acquisition Act;

(k) Carry out the Act of July 24, 1956 (46 U.S.C. 249 et seq.) commonly called the Merchant Marine Medals Act of 1956;

(l) Carry out the Maritime Academy Act of 1958, as amended (46 U.S.C. 1381 et seq.);

(m) Carry out the Act of May 16, 1972, as amended (86 Stat. 140) authorizing sale or purchase of certain passenger vessels,

(n) Carry out the Act of August 22, 1972 (86 Stat. 618) authorizing sale of Liberty ships for use as artificial reefs,

(o) Carry out section 717 of the Act of October 26, 1972 (86 Stat. 1184) commonly known as the Department of Defense Appropriations Act, 1973, and similar subsequent enactments, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency,

(p) Carry out Executive Order 10480, as amended, and Executive Order 11490, as amended, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal, and overseas shipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto,

(q) Exercise the authority delegated by the Administrator of the General Services Administration, dated August 15, 1967, to appoint uniformed guards as special police officers, with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), as amended, for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York, which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction,

(r) Carry out the responsibilities of the National Shipping Authority (initially established by the Secretary of Commerce effective March 13, 1951) in the capacity of Director, National Shipping Authority,

(s) Carry out the Maritime Education and Training Act of 1980 (46 U.S.C. 1295), as amended,

(t) Carry out all other activities previously vested in the Secretary of Commerce and transferred pursuant to Pub. L. 97-31.

§ 1.67 Delegations to Maritime Subsidy Board.

(a) The Maritime Subsidy Board is delegated authority to:

(1) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, and section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.).

(2) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 103(e) of Reorganization Plan No. 7 of 1961 and section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in paragraph (a)(1) of this section.

(3) Execute and sign, by and through any member of the Board or the Secretary or an Assistant Secretary of the Board, contracts and other documents authorized or approved by the Board pursuant to paragraphs (a)(1) and (a)(2) of this section. The execution of such contracts or documents may be attested, under the seal of the Department of Transportation, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

(b) The Maritime Subsidy Board may exercise other authorities of the Secretary of Transportation as applicable to performing the functions assigned to the Board in this part.

(c) The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Transportation designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Transportation, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Transportation and exercise judgment independent of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairperson of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

(d) The Chairperson of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

4. In 46 CFR Parts 200 to 399, the words "Assistant Secretary" should be changed to read "Maritime Administrator" every place they appear. Also, the words "Assistant Secretary of Commerce for Maritime Affairs" should be changed to read "Maritime Administrator, Department of Transportation" every place that they appear in Parts 200 to 399.

5. In 46 CFR Parts 200 to 399, the figures "20230" and "20235" should be changed to read "20590".

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on August 25, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-28055 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register

Vol. 46, No. 187

Monday, September 28, 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 993

[Docket No. F&V AO 201-A8]

Dried Prunes Produced in California; Decision and Referendum Order on Proposed Further Amendment of the Marketing Agreement and Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision pertains to the proposed amendment of the California dried prune marketing order. Prune producers will be given the opportunity to vote in a referendum to determine if they favor the proposed amendment of the order. The proposed amendment would eliminate the use of the smallest prunes in manufactured prune products each year; change the name of the Prune Administrative Committee to the Prune Marketing Committee; add a public member to the Committee with full voting privileges; and specify a basis for sharing cooperative Committee representation among cooperative marketing associations. The purpose of the proposed changes is to improve the effectiveness of the program.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1980 to July 31, 1981.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued November 18, 1980, and published November 24, 1980 (45 FR 77448).

Notice of Recommended Decision—Issued May 27, 1981, and published June 1, 1981 (46 FR 29271).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 12 handlers.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held at San Francisco, California, December 2, 1980. Notice of the hearing was published in the November 24, 1980, issue of the Federal Register (45 FR 77448). The notice contained proposals submitted by the Prune Administrative Committee. The hearing was held 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 (7 CFR Part 900).

On the basis of the evidence introduced at the hearing and the record therof, Deputy Administrator Manley, on May 27, 1981, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision which contained notice of the opportunity to file by July 1, 1981, written exceptions thereto. Three comments were filed. One comment supporting the proposals was submitted by Ken Lindauer for Lindauer River Ranch. Two exceptions in opposition were submitted; one by Ronald and Ruth Waltenspiel for Timber Crest Farms, and the other by the law firm of Mezzetti and Testa on behalf of the Valley View Packing Company; Danna and Danna, Inc.; J. and A. Freitas; Mrs. Ottmer Nieschulz; Jim Thomas; W. L. and Dorothy Parnow; John I. Ramos; Lazar Fruit Company; and Carl Holmes.

Rulings on Exceptions

One of the exceptors contended that regulating the removal of undersized prunes from the marketable supply on the basis of quality was not necessary because it only interferes with the mechanics of the marketplace and the prices processors are willing to pay should determine what sizes are acceptable for use in prune products. Evidence at the hearing supported the removal of the undersized prunes to ensure that such prunes, which are of inferior quality, do not become commingled with larger size prunes and then used as manufacturing prunes. While it is true that handlers will purchase these very small prunes from producers for use as a filler in prune products, this does not override the hearing testimony and the purpose of this amendment; namely, that undersized prunes are of such inferior quality that they should not be marketed for human consumption in any form.

Another exceptor objected to a continuing undersized regulation, contending that it should be used only on a seasonal basis to enhance the orderly flow of dried prunes to market to avoid unreasonable fluctuations in supplies and prices. This exceptor further contended that marketing orders can be enacted solely for this purpose.

Orderly supply flow is one of the policies established by Congress (7 U.S.C. 602(4)) for consideration in the enactment of marketing orders. However, there are others, including establishment of minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities, including dried prunes, in interstate commerce as will effectuate the orderly marketing of such commodities and be in the public interest (7 U.S.C. 602(3)). As discussed in the recommended decision, there is authority to regulate prunes in terms of minimum standards of quality or more restrictive grades or sizes in addition to regulating quantities. Initially, the undersized regulation (§ 993.49(c)) was established to provide a method for controlling the quantity of manufacturing-size prunes placed in marketing channels during seasons of excessive production. The evidence presented at the December 1980 hearing supported the changes proposed in § 993.49(c) to establish a continuing undersized regulation based on a quality related minimum. Nothing in the act precludes amending the order to meet changing industry needs.

Testimony at the hearing further supported a continuing undersized regulation on the basis that the sizes to be removed by this proposed amendment would be the smallest prunes in the crop (those having an average count of approximately 160 prunes per pound) and that such small-sized prunes are not acceptable for use as prunes or in prune products. Prunes of this size, which are on the small end of the manufacturing size range, are inferior in quality to larger-sized prunes used for manufacturing purposes. In order to produce an acceptable consumer product, processors must blend these small prunes with larger prunes so that their undesirable taste can be masked by that of the larger-sized prunes. Testimony at the hearing revealed that the small prunes diminish rather than improve the quality of the product in which they are used. Therefore, their use in products like juice or concentrate is not in the long-term interest of the industry. Prune juice and concentrate, the industry's most important manufacturing outlets, account for about 42,000 tons of prunes each year. The quantity of prunes that would be affected by the continuing undersized regulation generally represents about 4 percent of the total crop of natural condition prunes.

The proposed change in § 993.49(c) should not preclude the Committee from recommending a change in the size of the openings from those prescribed in § 993.49(c) for the purposes of quantity control when supply conditions warrant. Such larger openings would only be applicable when supply conditions warranted the regulation of a larger quantity of prunes as undersized prunes, and not for the purpose of establishing a new quality-related minimum. Section 993.52 currently provides and would continue to provide that the openings prescribed in § 993.49(c) may be modified by the Secretary on the basis of a recommendation of the Committee or other information when such modification would tend to effectuate the declared policy of the act.

This exceptor also objected to the use of prior findings and conclusions in connection with the justification of the proposed minimum undersized regulation. As stated in the General Findings contained in the recommended decision, issued May 27, 1981 (46 FR 29271), the findings set forth in that decision are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each amendment thereto. The General Findings also ratified and affirmed all of the said prior findings and determinations, except that pertaining to the base period for parity computation and any findings and determinations that may be in conflict with those contained in that recommended decision. Nothing in the record of evidence developed at the December 1980 hearing conflicts with the prior findings and conclusions regarding the quality of small-sized prunes, and the Administrator was not estopped from referring to those prior findings.

The exceptor also contended that the impact of the marketing order and particularly the proposed amendment of § 993.49(c) was disparate in counties in the marketing area covered by the marketing order, and thus, that the area of production covered by the marketing order makes necessary different terms and provisions applicable to different parts of such area. The recommended decision recognized that any undersized regulation may impact some counties more than others in a given crop year. However, data introduced at the hearing clearly show that all of the prune-producing counties in California produce undersized prunes. The percentage of these undersized prunes, for any given county, fluctuates from year-to-year and, for any given year, varies widely by county. However, there is nothing in the record to substantiate the exceptors' contention.

The exceptor further contended that insufficient time was afforded opponents to prepare for the hearing and that the statistics presented by the Prune Administrative Committee were not available for review prior to the hearing. Considerable effort was made by the Department and the Committee to bring the hearing to the attention of all producers, handlers, and others so that all parties would have sufficient time to prepare for the hearing. Those efforts were described in considerable detail in the recommended decision and further recitation of those efforts in this decision would be redundant.

The statistics supplied by the Prune Administrative Committee consisted of data regularly published by the Committee, and furnished to all handlers, producers, and other interested persons requesting such information. Thus, the exceptor's contention that the statistics presented by the proponents were not available for review prior to the hearing is not warranted. In any event, there is no requirement that data or other evidence to be presented at the hearing be disseminated prior to the hearing. The purpose of the hearing is to determine the need for amending the program and ascertain whether or not the proposed amendment fits that need. Evidence is presented and developed on each and every provision of the proposal. Interested persons in favor of, or opposed to, the proposal are provided an opportunity to introduce testimony and evidence in the hearing record. all witnesses at the hearing are subject to croos-examination on the testimony they present. Any questions regarding the data presented could have been raised in cross-examination of witnesses when they presented their testimony.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the comments to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the comments, such comments are hereby overruled for the reasons previously stated in this decision.

Findings and Conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the June 1, 1981, issue of the **Federal Register** (46 FR 29271) are hereby incorporated herein and made a part hereof, subject to the following corrections.

Page	Column	Paragraph	Column line	Correction
29271	1	Title	18	Change "maketing" to "marketing".
29271	2	6 line 3	35	Change "resect" to "respect".
29273	3	4 line 3	50	Change "inpact" to "impact".
29275	2	4 line 5	21	Change "carrier" to "carried".

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Dried Prunes Produced in California", and "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement, are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with the decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of dried prunes produced in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1980 to July 31, 1981.

The agents of the Secretary to conduct such referendum is hereby designated to be Martin J. Kelly and J. S. Miller, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

Signed at Washington, D.C. on: September 22, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California

Findings and Determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto. Except for the finding as to the base period for parity computation and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said previous findings and determinations are hereby ratified and affirmed.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultual 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), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of dried prunes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial acitivity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary terms and provisions applicable to different parts of such area; and

(5) All handling of dried prunes produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of dried prunes produced in California shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision, issued by the Deputy Administrator on May 27, 1981, and published in the Federal Register on June 1, 1981 (46 FR 29271), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1 Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding § 993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

* * * * *

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These elegibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

* * * * *

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section 993.28(b) is revised to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 993.28 Nominees.

* * * * *

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

* * * * *

6. Section 993.33 is revised to read as follows:

§ 999.333 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

* * * * *

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-french prunes 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

* * * * *

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

[FR Doc. 81-27888 Filed 9-25-81; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-51]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, Leesburg, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Leesburg, Florida, Transition Area and will lower the base of controlled airspace in the vicinity of Leesburg Municipal Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A standard instrument approach procedure has been developed and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before November 13, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 13, 1981, will be considered before action is taken on the proposed amendment. The proposal 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 public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Prsons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Leesburg, Florida, Transition Area. A new standard instrument approach procedure (NDB Runway 31) has been developed for Leesburg Municipal Airport utilizing the proposed Leesburg NDB (nonfederal, nondirectional radio beacon). This proposed action is necessary to provide the required controlled airspace to protect aircraft conducting Instrument Flight Rule operations.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Leesburg, Florida

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Leesburg Municipal Airport (lat. 28°49'20" N.; long. 81°48'35" W.), within 3 miles each side of the 126° bearing from the Leesburg RBN (lat. 28° 49'44" N.; long. 81°49'08" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on September 16, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-27884 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PR-81-14]

14 CFR Ch. I

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawls of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before November 27, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 18, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Docket No.	Petitioner	Description of the rule requested
		Petitions for Rulemaking
		DESCRIPTION OF PETITION
21622	Beech Aircraft	To amend 14 CFR 135.179(c) to read: "Without regard to the requirements of paragraph (a)(1) of this section, an aircraft with inoperable instruments or equipment may be operated in compliance with procedures contained in the certificate holder's manual if the Administrator finds that in a particular situation literal compliance with those equipment requirements is not necessary in the interest of safety."
22084	Executive Air Fleet Corporation (EAF)	To delete provisions of § 135.25 (b) and (c) that require a Part 135 operator to have the exclusive use for at least 6 months of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications.
		Petitions for Rulemaking: Withdrawn or Denied
		DESCRIPTION OF PETITION
None this period.		

[FR Doc. 81-27859 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M