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January 29, 1981

Bonneville Power Administration
LIBRARY
Portland, Oregon

Highlights

9679 **Grant Programs—Mini-Grants** ACTION prints final guidelines and solicits applications for its program designed to utilize and promote volunteering and voluntary action; effective 3–16–81

9579 **Veterans** VA changes its rule governing exclusions from countable income under the Improved Pension Program; effective 1–1–79

9747 **Grant Programs—Environmental Protection** EPA solicits preproposals by 3–9–81, for an Epidemiological Study of Particulates Program for FY 81

9880 **Hazardous Materials Transportation** DOT/MTB and RSPA authorize the use of two new packaging specifications for intermodal portable tanks; effective 5–1–81 (Part V of this issue)

9787, 9788 **Continental Shelf** Interior/GS publishes notices of proposed development and production plans for oil and gas and sulphur operations (2 documents)

9637 **Water Resources** DOE/FERC proposes to adopt rules governing "short-form" applications for certain water power projects; comments by 2–27–81

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

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

9661 **Grant Programs—Audit** CSA proposes to implement OMB Circular A–102, Attachment "P" as a basic CSA audit policy for all private, non-profit Community Action Agencies (CAAs); comments by 1–30–81

9862 **Buses** DOT/UMTA issues final policy and regulation for grants to aid in bus rehabilitation projects for mass transit systems; effective 2–25–81 (Part II of this issue)

9670 **Motor Vehicle Safety** NHTSA denies petition to set capability of "cruise control" devices to 55 mph

9838 **Highway Safety** DOT/FHWA solicits problem statements by 4–29–81, on safety research and development program for fiscal years 1983 and 1984

9642 **Highways and Roads** DOT/FHWA proposes to consolidate, revise, and streamline policy and procedures with regard to specifying material for use on Federal-aid highway projects; comments by 3–30–81

9670 **Railroads** ICC proposes regulations that will define the term "reasonably expected costs" for use in determinations of surcharges on certain joint-line traffic; comments by 3–2–81

9665 **Radio** FCC proposes implementation of Frequency Allotment Plan; comments by 3–6–81

9557 **Immigration** Justice/INS eliminates requirements of a schedule of specific graduated payments for the quarterly remittance of naturalization fees by courts other than U.S. Federal Courts; effective 1–29–81

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9680 Arms Control and Disarmament Agency
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9847 **Sunshine Act Meetings**

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9868 **Part III, DOT/FAA**
9872 **Part IV, ED**
9880 **Part V, DOT/MTB and RSPA**

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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.

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AGENCY: General Accounting Office.

ACTION: Correction to a final rule.

SUMMARY: FR Doc. 80-40093, appearing on page 84954 of the issue for December 24, 1980, made certain technical and conforming amendments to Title 4, Code of Federal Regulations. However, while it was intended that the EFFECTIVE DATE of these amendments was to be the date of their publication, this information was inadvertently omitted from the document. This correction is intended to overcome this oversight.

FOR FURTHER INFORMATION CONTACT:
Richard T. Cambosos, Attorney Adviser, Office of General Counsel, United States General Accounting Office, 441 G Street, NW., Washington, D.C. 20548 (202) 275-5544.

Accordingly, FR Doc. 80-40093, appearing on page 84954 of the issue for December 24, 1980, is corrected to indicate that its effective date shall be December 24, 1980.

Elmer B. Staats,
Comptroller General of the United States.

[FR Doc. 81-3348 Filed 1-28-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 507]

Navel 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 navel oranges that may be shipped to market during the period January 30-February 5, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 30, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel 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 Navel 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 designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final 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 January 27, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and 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). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.807 is added as follows:

§ 907.807 Navel Orange Regulation 507.

(a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 30, 1981, through February 5, 1981, are established as follows:

(1) District 1: 1,068,000 cartons;
(2) District 2: 108,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 24,000 cartons;

(b) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

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

Dated: January 28, 1981.

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

[FR Doc. 81-3598 Filed 1-28-81; 11:27 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR 1487

[Amend. 2]

Noncommercial Risk Assurance Program (GSM-101); Assuring Against Defaults Caused by Noncommercial Risk Occurrences

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the CCC Noncommercial Risk Assurance Program (GSM-101) to (1) clarify the definition of the term "foreign bank letter of credit" and (2) make it clear to assignees of CCC assurance agreements that CCC will not reduce its liability or annul its coverage with respect to assignees because of actions, omissions, or statements by exporters over which the assignees have no control, or because of other coverage which the exporter has obtained for the loss.

DATES: *Effective date:* January 28, 1981; *Comment date:* March 30, 1981.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain or Thomas Pomeroy, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447-3224. Actions of this kind were anticipated in developing the Export Credit Guarantee Program (GSM-102) [45 FR 64894] under the provisions of 7 CFR Part 1493 and were specifically considered in the Final Impact Statement prepared for that part. That Final Impact Statement, which describes the options considered in developing this final rule and the impact of implementing each option, is available on request from the above named individuals.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant."

Kelly M. Harrison, General Sales Manager, FAS has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because the changes in the regulations concerning the assignee's protection under the Noncommercial Risk Assurance Program are urgently needed in order to encourage certain state and national banks now participating in the GSM-101 Program to increase their participation in the newer Export Credit Guarantee Program.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendment required can be published in the **Federal Register** as soon as possible.

This amendment modifies several sections of the GSM-101 regulations to make certain definitions and procedures consistent with those provided in the Export Credit Guarantee Program (GSM-102). The GSM-102 Program embodies several improvements based on experience during the first year of operation of the GSM-101 Program. These changes will eliminate unnecessary uncertainty for assignees of GSM-101 assurance agreements, and improve the operation of the program.

The amendment will change the definition of "foreign bank letter of credit" to clarify the types of instruments permitted, and make the definition consistent with the GSM-102 regulations. The amendment will make it clear that the foreign buyer's bank may guarantee payment to the U.S. exporter's assignee through a deferred payment letter of credit, or alternatively, through a sight letter of credit supported by a related obligation. In either case, the foreign buyer's bank must provide an irrevocable guarantee to make the payments called for in the final payment schedule submitted by the exporter.

In addition, the amendment will make clear to assignees of assurance agreements that where commodities have been exported, CCC does not intend to hold them responsible or take any action or raise any defense against any assignee for any action, omission or statement made by an exporter over which the assignee has no control, provided the exporter submits the report required under 7 CFR 1487.7 and the exporter or the assignee provides the statements, documents and evidence specified in Sections 1487.8 and 1487.9. However, CCC still retains its rights to annul the assurance agreement with respect to commodities which have not been shipped in the situation above-described.

The amendment will also assure that CCC will not withhold any portion of the amount due from CCC to assignees under CCC's payment guarantee where the exporter has obtained other coverage for the same loss. CCC's rights are protected in this regard since the exporter and assignee are required under Section 1487.10 to turn over to CCC any monies received from any source for the defaulted payment.

Accordingly, 7 CFR Part 1487 Subpart—Assuring Against Defaults Caused by Noncommercial Risk Occurrences, is amended as follows:

1. Section 1487.2, paragraph (i), is amended to read as follows:

§ 1487.2 Definition of terms.

* * * * *

(i) "Foreign bank letter of credit" means (1) an irrevocable commercial letter of credit providing for deferred payments and issued in favor of the exporter by a banking institution in the destination country pursuant to an export credit sale requiring payment in U.S. dollars; or (2) an irrevocable commercial letter of credit issued in favor of the exporter by a banking institution in the destination country pursuant to an export credit sale requiring payment in U.S. dollars, which is supported by a related obligation providing for deferred payment in U.S. dollars from the banking institution issuing the letter of credit to a financial institution in the United States.

2. Section 1487.9 is amended by revising paragraph (b) and adding a new paragraph (f) to read as follows:

§ 1487.9 Payment of loss.

* * * * *

(b) CCC's maximum liability will be limited to the assured value as shown in the assurance agreement. If the assured value covers only a percentage of the port value exported, the liability of CCC shall be limited to such percentage of the loss.

* * * * *

(f) Notwithstanding any other provision of the regulations set forth in this Subpart to the contrary, with regard to commodities shipped to which the payment guarantee is applicable, CCC will not hold the assignee responsible or take any action or raise any defense against the assignee for any action, omission or statement by the exporter over which the assignee has no control provided that (1) the exporter complies with the reporting requirements under Section 1487.7 and (2) the exporter or the exporter's assignee furnishes the statements, documents and evidence specified in Sections 1487.8 and 1487.9.

3. Section 1487.12 is revised to read as follows:

§ 1487.12 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the assurance agreement and that there is

no agreement or understanding for any commission, percentage, brokerage, or contingent fee for soliciting or securing the assurance agreement, except in the case of bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this or other obligations or warranties undertaken by the exporter in regard to a GSM-101 assurance agreement, CCC shall have the right notwithstanding other rights provided under these regulations to annul coverage for any commodities not yet shipped and/or to proceed against the exporter.

(Sec. 5(f), 62 Stat. 1072 (15 U.S.C. 714c(f)))

Signed at Washington, D.C., on January 23, 1981.

Kelly Harrison,

Vice President, Commodity Credit Corporation, and General Sales Manager, Foreign Agricultural Service.

[FR Doc. 81-3446 Filed 1-28-81; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 344

Fees Collected by Clerk of Court Remittance

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service eliminates the requirement of a schedule of specific graduated payments for the quarterly remittance of naturalization fees by courts other than U.S. Federal Courts. The amendment will also eliminate any potential conflict between the regulation and Section 344 of the Immigration and Nationality Act in assuring the courts their statutory share of fees collected in naturalization matters. The courts will continue to receive a maximum of $3,000 per fiscal year as prescribed by statute.

EFFECTIVE DATE: January 29, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information, Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information, Keith C. Williams, Acting Assistant Commissioner, Naturalization, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3320.

SUPPLEMENTARY INFORMATION: This final rule making order amends 8 CFR 344.3 with respect to the graduated schedule of the remittance of collected naturalization fees by courts other than federal courts.

The existing regulation mandates that where the collections of fees for naturalization matters of any fiscal year equal or exceed $1,500 in the first quarter, the clerk shall remit all in excess of $750, and whenever such collections for the first and second quarter equal or exceed $3,000, the clerk shall remit all in excess of $1,500, and whenever the collections for the first three quarters of the fiscal year equal or exceed $4,500, the clerk shall remit all in excess of $2,250. Whenever the total for any fiscal year shall equal or exceed $6,000, the clerk shall remit all fees or moneys collected in excess of $3,000.

The existing schedule of remittance could in some instances conflict with section 344(c) of the Immigration and Nationality Act, 8 U.S.C. 1455(c), which provides only that the clerk of any naturalization court other than federal courts, "shall account and pay over to the Attorney General one-half of all fees up to the sum of $6,000, and all fees in excess of $6,000 collected by any such clerk in naturalization proceedings in any fiscal year." Conceivably, then under the existing schedule of remittance, a court whose receipts are substantial in the first two quarters and negligible in the last two quarters might not receive their fare share of the allotted $3,000 maximum specified by statute.

This amendment eliminates any possible conflict between statute and regulation and calls for the remittance of 50% of all fees collected in naturalization matters each quarter. Further, when the court has retained its statutory allowance of $3,000, all fees collected in excess shall be remitted as required.

Compliance with the provisions of Section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment eliminates a procedural requirement in possible conflict with Title 8 U.S.C. 344.

Accordingly, the following amendment is prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 344—FEES COLLECTED BY CLERKS OF COURT

In Part 344, § 344.3 is revised to read as follows:

§ 344.3 Fees in other than United States courts; remittance.

Clerks of courts other than United States courts shall similarly remit to the regional commissioner in the manner provided in § 344.2, one-half of all fees up to the sum of $6,000, and all fees in excess of $6,000, collected for declarations of intention and petitions for naturalization in any fiscal year.

(Sec. 103(a) and sec. 344 (8 U.S.C. 1103(a) and 1455))

Dated: January 26, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization Service.

[FR Doc. 81-3449 Filed 1-28-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-GL-18-AD; Amdt. 39-4027]

Airworthiness Directives; B. F. Goodrich Co. Brake Assemblies P/Ns 2-1195-7, 2-1195-8, 2-1367, 2-1367-1, 2-1367-2, 2-1147, 2-1147-3 and 2-1190

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This notice adopts an airworthiness directive (AD) that requires the removal from service within the next 60 days any of the following brake assemblies with the following brake lining cups manufactured by B. F. Goodrich Company:

Brake Assembly P/Ns: 2-1195-7, 2-1195-8, 2-1367, 2-1367-1, 2-1367-2, 2-1147, 2-1147-3 and 2-1190.

Brake Lining Cups with part no./date codes as follows:

342-58	342-64	342-94	342-95
E12 80	D18 80	D10 80	E7 80
E19 80	D28 80		
E20 80	E17 80		
G19 80	G13 80		
H9 80	G19 80		

The AD is needed since it was determined that these brake lining cups may have been defectively manufactured. This could result in separation of the cups from the stator during service and a possible brake lock-up.

DATES: Effective January 29, 1981.

Compliance required within the next 60 days after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT:
Mr. Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7135.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring that certain B. F. Goodrich Brake Assemblies be removed from service was published in the **Federal Register.** The proposal was prompted because it has been determined that the above identified B. F. Goodrich lining cups may have become defective when the buttons were overloaded during manufacturing causing a crack in the button. The button is located in the center of the lining cup and serves as the mount for the rivet which holds the lining cup on the stator. Failure of the button due to the overload during manufacturing and/or during riveting to the stator may cause separation of the lining cup from the stator. This may then result in a locked brake and possibly a blown tire. Due to the possibility of this condition existing, this AD requires that the above mentioned B. F. Goodrich brake assemblies, assembled with the above mentioned B. F. Goodrich lining cups, shall be considered as not meeting the applicable TSO requirements unless the lining cups have been inspected.

The inspection procedure is outlined in B. F. Goodrich Service Bulletins No. 390 (for the Lockheed L-1011) and No. 391 (for the Boeing 727) dated October 9, 1980.

B. F. Goodrich testing and service experience indicates that lining cups which are in operation on aircraft and have not separated from the stator during the first several landings, can be expected to function properly for the life of the lining cups. Therefore, the above mentioned B. F. Goodrich brake assemblies containing the above mentioned B. F. Goodrich lining cups which have been installed on aircraft prior to the closing date, are not affected by this AD.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Three comments were received and resulted in the following changes to the amendment:

(1) Date Code D17 80 was in error and was changed to E17 80.

(2) Paragraph (a) was rewritten to allow the option of replacing suspected defective lining cups rather than inspecting for cracks.

(3) Because operators utilize various systems to identify and control inspection and rework, paragraph (b) was rewritten to account for these differences.

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 Airworthiness Directive:

B. F. Goodrich. Applies to the following brake assemblies with the following brake lining cups:

Brake Assembly P/Ns: 2-1195-7, 2-1195-8, 2-1367, 2-1367-1, 2-1367-2, 2-1147, 2-1147-3 and 2-1190.

Brake Lining Cups with part no./date codes as follows:

342-58	*342-64*	*342-94*	*342-95*
E12 80	D18 80	D10 80	E7 80
E19 80	D28 80		
E20 80	E17 80		
G19 80	G13 80		
H9 80	G19 80		

These brake assemblies are used on but not limited to Boeing 727 and Lockheed L-1011 aircraft.

Within 60 days from the effective date of this AD, the above identified lining cups shall not be used on TSO'd brake assemblies unless the following has been accomplished:

(a) All spare assemblies (i.e. brakes, pressure plates, lining carriers and torque plates) which have been assembled from inventory containing suspected cups, to be visually inspected at the lining cup button cavity for cracks using 4X or greater magnification. Remove cups with visible cracks and replace with serviceable parts. An alternative to the inspection is replacement of suspected cups with parts which are not in the suspected part no./date code groups.

(b) Records must be kept to assure traceability of inspections and rework of all assemblies and brake assemblies which were assembled from inventory containing suspected cups.

(c) Brake assemblies installed on aircraft prior to the effective date of this AD do not require removal or inspection.

B. F. Goodrich Service Bulletins No. 390 (for the Lockheed L-1011) and No. 391 (for the Boeing 727) dated October 9, 1980 also apply to the subject matter of this AD.

This amendment becomes effective January 29, 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 11.85)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the Draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Mr. Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7135.

Issued in Des Plaines, Illinois on January 14, 1981.

James M. Dermody,
Director, Great Lakes Region.

[FR Doc. 81-3151 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-66-AD, Amdt. 39-4030]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends an existing Airworthiness Directive (AD) which requires inspection of the cool gas generator propellant cartridges which are part of the emergency escape slide activation system on Boeing Model 747 series airplanes. Recent service experience has shown that the temperature sensitive tabs, which are designed to change color if the propellant cartridges are exposed to high temperatures, may deteriorate to the point that they do not perform their intended function. The purpose of these tabs is to allow operators to determine if the propellant cartridges have been exposed to high temperatures, which may prevent the cartridges from functioning properly. This amendment requires operators utilizing the tabs to replace the present tabs with a reliable, improved design tab, or to discontinue using the tabs.

DATES: Effective date February 9, 1981.

FOR FURTHER INFORMATION, CONTACT:
Mr. Joseph M. Starkel, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

History

AD 78-05-08 (Amdt. 39-3155, 43 FR 9592 as amended by Amdt. 39-3458, 44

FR 25834 and Amdt. 39-3887, 45 FR 55707) requires annual inspection of the cool gas generator cartridges used in escape systems on Boeing Model 747 airplanes. This AD was necessary to detect defective cartridges which, when fired, could produce overpressure leading to a structural failure of the generator. Subsequent to the issuance of the AD, the FAA determined that the temperature sensing tabs allowed by paragraph B of the AD may deteriorate, and not perform their intended function.

Reports from operators have indicated that the two types of temperature sensing tabs presently utilized are not reliable. Rocket Research Corporation (RRC) tested the temperature tabs and found that prolonged (48 hours) exposure of both manufacturers' 100 degrees F temperature indicators to 95 degrees F temperatures desensitized the temperature indicating chemicals such that subsequent exposure to temperatures greater than 100 degrees F did not cause the indicators to change from white to black. Testing similar to that done by RRC was conducted by the tab manufacturers and the RRC results were confirmed. Subsequently, Telatemp Corporation developed a chemical formulation for their 100 degrees F tab which is not subject to the deterioration problem. This amendment is being issued to require replacement of the existing temperature tabs with improved tabs. Additional inspections of cartridges which utilize the existing temperature tabs are also being imposed. Paragraph G is also changed to reflect a new designation of the responsible FAA office.

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 the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive No. 78-05-08 (Amdt. 39-3155, 43 FR 9592 as amended by Amdt. 39-3458, 44 FR 25834 and Amdt. 39-3887, 45 FR 55707), as follows:

1. Delete paragraph B and replace with the following new paragraph B.

"B(1). Inspect all cool gas generator propellant cartridges installed on airplanes (regardless of flight hours or date installed) in accordance with paragraph E at intervals not to exceed one year. However, if an approved 100 degrees F temperature indicator (Telatemp Corporation, Part Number "Model 747-1-A", or an alternate indicator approved by the Chief, Seattle Area Aircraft Certification Office) was installed on the cool gas generator casing at the time a new cartridge or one that was inspected in accordance with paragraph E was installed, annually inspect the temperature tab. If the tab indicates that 100 degrees F has not been reached, Xray inspection of the propellant cartridge in accordance with paragraph E is not required. If temperature indication on temperature tabs exceeds 100 degrees F, Xray inspection of the cartridge in accordance with paragraph E is required.

B(2). Telatemp Corporation Part Number Hotspot 100°, and William Wahl Corporation Part Number 210 and Part Number 240 may no longer be installed and used to comply with paragraph B(1) after the effective date of this amendment. Propellant cartridges previously installed in cool gas generators using these temperature indicators to comply with paragraph B(1) must be X-ray inspected per paragraph E prior to May 1, 1981, or within one year since the cartridge was placed into service, or within one year since last X-ray inspection of the cartridge, unless it can be shown that the temperature tabs are functioning properly. Proper functioning may be shown by removing existing temperature tabs and placing them in an oven heated to a temperature between 100 degrees F and 102 degrees F. If the indicator changes color it may be assumed to be in good condition and the gas generator can be returned to service without Xray inspection."

2. Delete the third paragraph of paragraph G and replace with the following:

"Alternate inspections or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office."

This amendment becomes effective February 9, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 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 document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Issued in Seattle, Washington, on January 20, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-3302 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-GL-11-AD; Amdt. 39-4026]

Airworthiness Directives; Detroit Diesel Allison, Division of General Motors Corp.; DDA 501-D13 Stages 1, 2, 3, 4 Turbine Wheels

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which will require mandatory retirement for the DDA 501-D13 Stage 1, 2, 3, and 4 INCO 901 turbine wheels. This AD is being issued as a result of an extensive investigation, performed by Allison, concerning the failure of these wheels. A wheel failure, if it occurred, would be uncontained, and seriously jeopardize the safety of the aircraft.

DATE: Effective January 29, 1981. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable Detroit Diesel Allison 501-D13 Commercial Service Letter CSL-120 issued November 15, 1980, may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana 46206.

A copy of the service information is contained in the Rules Docket, Office of Regional Counsel, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mitchell Kaplan, Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illionois 60018, telephone (312) 694-4500, extension 308.

SUPPLEMENTARY INFORMATION: Detroit Diesel Allison recently changed the material used to fabricate the Stage 1, 2, 3, and 4 turbine wheels for the 501-D13 engine from a steel alloy (TIMKEN) to a nickel alloy (INCO 901). These nickel alloy wheels are identical in design and exposed to the same operational environment as the previously used steel alloys. These steel alloy wheels (Stages 1-4) have had cyclic limits established by previously issued ADs as a result of five in-flight failures.

As the only significant difference between the steel and nickel wheels is the material from which they are fabricated, Detroit Diesel Allison recognized the need for an establishment of cyclic lives for the INCO 901 wheels. An extensive analytical and experimental

investigation was undertaken by Detroit Diesel Allison to establish their cyclic lives. As this study is now completed, an AD is being issued which would require the nickel alloy wheels to be removed based upon the cycles accumulated in service. It should be noted that this cyclic limit is in addition to the existing hourly life limits specified in Detroit Diesel Allison Commercial Service Letter CSL–120.

Since a situation exists that requires the immediate adoption of the regulation, it was 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 the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Detroit Diesel Allison: Applies to Model 501–D13, 501–D13A, 501–D13D, 501–D13E, 501–D13H engines equipped with 1st stage turbine wheel, Part Number 6851511; 2nd stage turbine wheel, Part Numbers 6847142 and 6876892; 3rd stage turbine wheel, Part Numbers 6845883 and 6849743; and 4th stage turbine wheel, Part Number 6876468.

Compliance is required as indicated. The following limits were established by manufacturer conducted tests, and analyses and are being imposed to preclude the possibility of catastrophic wheel failures which could occur subsequent to the intervals noted. The schedule for wheel removal is as follows and is a function of the wheel spline interference fit:

Turbine wheel	Cyclic limits (spline fit 0.0000–0.0009T) (cycles)	Cyclic limits (spline fit 0.001–0.0025T) (cycles)
Stage 1	24,000	30,000
Stage 2	18,000	26,000
Stage 3	16,000	22,000
Stage 4	18,000	26,000

It is the operator's responsibility to obtain wheel-to-shaft spline fit data from their overhauler to determine which fit applies to their respective turbine or turbines. Only wheels that have conformed to a .001T min. fit throughout their entire utilization history qualify for the higher cyclic limits above.

Note.—If any turbine wheel has more than the number of cycles appropriate for its retirement as shown in this table above on the effective date of this AD, it must be replaced prior to accruing 100 additional cycles.

The above cyclic limits are in addition to the following existing hourly life limits which are specified in Detroit Diesel Allison Commercial Service Letter CSL–120.

Turbine wheel	Life limit, hours
Stage 1	9,700
Stage 2	11,000
Stage 3	9,900
Stage 4	11,000

Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, Great Lakes Region, may permit alternate actions which provide equivalent levels of safety if the request contains substantiating data to justify them.

This amendment becomes effective January 29, 1981.

(Sec. 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 (40 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—Due to the nature of this A.D. and the fact that certain operators of these engines and approaching the above established cycle limits, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation is being prepared and will be placed in the public docket for this action.

Issued in Des Plaines, Illinois on January 14, 1981.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 81–3150 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 21302; Amdt. 39–4033]

Airworthiness Directives; Messerschmitt-Bolkow-Blohm GmbH Model BO–105 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Messerschmitt-Bolkow-Blohm Model BO–105 series helicopters by individual telegrams. That AD requires a one time inspection of the Bendix drive shaft to detect nutplates with a material strength below specified value and which therefore do not have proper selflocking characteristics, and replacement as necessary. The AD is necessary to prevent failure of the helicopter drive system, which could result in loss of control of the helicopter.

DATES: Effective January 29, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80EU23, issued May 8, 1980, which contained this amendment.

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

ADDRESSES: The applicable service bulletin may be obtained from: Messerschmitt-Bolkow-Blohm GmbH, Unternehmensbereich Drehflugler, Kundendienst, Abt. DV04, Prandtlstrasse, 8012 Ottobrunn, Federal Republic of Germany.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202–426–8192.

SUPPLEMENTARY INFORMATION: On May 8, 1980, telegraphs AD T80EU23 was issued and made effective immediately as to all known U.S. owners and operators of Messerschmitt-Bolkow-Blohm Model BO–105 series helicopters. The AD required a one time inspection of the Bendix drive shaft to detect nutplates with a material strength below specified value and which therefore do not have proper selflocking characteristics. The AD also required replacement of Bendix drive shafts found to have defective nutplates with Bendix drive shafts which have the proper selflocking capability. AD action was necessary to detect possible defective nutplates in the engine to transmission Bendix drive shaft, which could cause failure of the helicopter drive system, and possible loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to all known U.S. owners and operators of Messerschmitt-Bolkow-Blohm Model BO–105 series helicopters by individual telegrams issued May 8, 1980. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of

the Federal Aviation Regulations to make it effective as to all persons. The driveshaft tab washer part number in paragraph (d)(1) of the telegraphic AD was incorrectly stated and has been corrected. In addition, editorial changes have been made concerning an FAA-approved equivalent to the manufacturer's service bulletin.

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:

Messerschmitt-Bolkow-Blohm GmbH.

Applies to Model BO–105 series helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the helicopter drive system, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, for all installed Bendix drive shafts, P/N 19E146–1 (all modification indices), hereinafter referred to as drive shaft, inspect all nutplates for selflocking capability in accordance with Action No. 1 of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of Messerschmitt-Bolkow-Blohm GmbH Alert Service Bulletin AB–19, dated March 7, 1980 (hereinafter referred to as the service bulletin), or an FAA-approved equivalent.

(b) If as a result of the inspection required in paragraph (a) of this AD, all selflocking nutplates are found to have the proper selflocking capability—

(1) Identify the drive shaft in accordance with Action No. 1, Item (6) of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of the service bulletin, or an FAA-approved equivalent; and

(2) Return the drive shaft to service in accordance with Action No. 1, Item (6), and Action No. 2 of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of the service bulletin, or an FAA-approved equivalent.

(c) If as a result of the inspection required in paragraph (a) of this AD, one or more selflocking nutplates are found to be defective, before further flight—

(1) Remove the drive shaft from service and replace the defective shaft with a serviceable or new shaft which has new selflocking nutplates, P/N LN 29679AM9 installed, or have been marked with a blue dot, in accordance with Action No. 3 of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of the service bulletin, or an FAA-approved equivalent; or

(2) Comply with paragraph (d) of this AD.

(d) If as a result of the inspection required in paragraph (a) of this AD on an installed drive shaft, one or more nutplates are found to have inadequate selflocking capability, the helicopter may be continued in service provided—

(1) Driveshaft tab washers, P/N LN 9023–B8–1.4544.9, are installed in lieu of the standard washer in accordance with Action No. 4 of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of the service bulletin, or an FAA-approved equivalent; and

(2) Paragraph (c)(2) of this AD must be accomplished before the accumulation of an additional 300 hours time in service.

(e) For all driveshafts held as spares, before release to service, inspect the selflocking nutplate for proper selflocking capability in accordnace with Action No. 2 of paragraph 2B, "ACCOMPLISHMENT INSTRUCTIONS," of the service Bulletin, or an FAA-approved equivalent.

(f) Helicopters may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspections and repairs required by this AD may be performed.

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

(h) Report defects found to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium. (Reporting approved by Office of Management and Budget under OMB No. 04–R0174).

Note.—Messerschmitt-Bolkow-Blohm GmbH telegraphic message to all operators, dated March 7, 1980, refers to the same subject.

This amendment becomes effective January 29, 1981, as to all persons except those persons to whom it was immediately effective by telegraphic AD T80EU23, issued May 8, 1980, which contained this amendment.

(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 document involves a regulation which is not significant under Excecutive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on January 22, 1981.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 81–3303 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 80–GL–19AD; Amdt. 39–4028]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on aircraft equipped with certain Stewart-Warner oil coolers by priority mail letter dated December 5, 1980, (AD No. 80–25–07). The AD is prompted by reports of oil cooler ruptures which could result in a loss of engine oil.

DATES: Effective—January 29, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kevin Mullin, Propulsion Engineer, Engineering and Manufacturing Branch, AGL–214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, telephone number (312) 694–7133.

SUPPLEMENTARY INFORMATION: There have been reports of oil cooler ruptures caused by inadequate salt bath removal on certain Stewart-Warner oil coolers that could result in a loss of engine lubricating oil. Since this condition is likely to exist or develop on other Stewart-Warner oil coolers of the same type design, an Airworthiness Directive is being issued which requires removal of affected oil coolers which have accumulated less than 10 hours time in service since new. Oil coolers which have accumulated more than 10 hours time in service which have not developed leaks may be continued in service until leakage is detected. A preflight check of the oil cooler by the pilot is required which will permit the pilot to detect any leakage.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation

Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

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

Stewart Warner Model Nos.	Beginning Serial Nos.	Ending Serial No.
8406J	12558	16212
8406L	1496	1763
8432K	514	541
8432L	631	964
10568C	1105	1141
10578B	2212	2316
10599A	7369	9013
10610A	815	1956
10614A	732	947
10622A	334	394
10634D	105	907
8446C	575	629
8437C	422	472
10641B	143	162
8493B	1269	1603

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

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

Bellanca Models: 7ECA, 7GCAA, 7GCBC, 7KCAB, 8GCBC, and 8KCAB. Cessna Models (including Reims Aviation): 152, A152, F152, FA152, 172I, 172K, 172L, 172M, 172N, 172P, 172RG, F172L, F172M, F172P, 177, 177A, 177B, 177RG, F177RG, R182, FR182, TR182, T182, A188B, T188C, 210N, T210N, and P210N.

Piper Model: PA-38-112.

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

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

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

Hughes Models: 269 Series.

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

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

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

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

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

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

B. If oil leakage is not detected:

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

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

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

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

3. Any equivalent method of compiance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, 2300 Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7133.

This amendment becomes effective January 29, 1981, as to all persons except those to whom it was made immediately effective by the priority mail letter dated December 5, 1980, which contained this amendment.

(Secs. 313(a), 601, 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.—Due to the nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation is being prepared and will be placed in the public docket for this action.

Issued in Des Plaines, Illinois on January 14, 1981.

James M. Dermody,

Acting Director, Great Lakes Region.

[FR Doc. 81-3152 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AEA-40]

Amendment to Additional Control Area and Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment expands Additional Control Area, Control 1149, at its terminus point and makes an editorial change to the description at Croak Intersection. Warning areas to the north and south of Control 1149 have expanded seaward and this action provides additional control area airspace necessary to ensure efficient use of the affected airspace.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On November 13, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Additional Control Area, Control 1149, to provide additional control area airspace within the corridor between warning areas located to the north and south which are being expanded by separate nonregulatory action (45 FR 74932). This amendment is necessary to realign Control 1149 consistent with the revised warning area boundaries and ensure efficient traffic flow. Concurrent with Control 1149 realignment is the establishment of new Warning Areas W-387A and W-387B (proposed as W-70 and W-71 in the notice of proposed rulemaking) collocated with the amended Control 1149. Sections 71.163 and 71.209 were republished in the **Federal Register** on January 2, 1981, (46 FR 449 and 757).

The Rule

This amendment to §§ 71.163 and 71.209 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends Additional Control Area, Control 1149, seaward approximately 15 miles and redescribes Croak Intersection using the appropriate geographic reference (73°00'00"W.) in lieu of the term "New York Oceanic CTA/FIR boundary." As a concurrent nonrulemaking action, Warning Areas W-387 A and B, Virginia Capes, Va., are established as indicated below. The priority for use of this collocated airspace will be retained by the FAA controlling agency and activation as Warning Areas W-387A and W-387B permitted only when Control 1149 is not required for en route traffic.

W-387A Virginia Capes, Va.

Boundaries. Beginning at Lat. 37°04'53" N., Long. 74°36'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 36°42'08" N., Long. 72°40'00" W.; to Lat. 36°47'15" N., Long. 74°36'00" W.; to point of beginning.

Altitudes. Surface to but not including FL 240.

Times of use. Continuous.

Using agency. FAA Washington ARTC Center.

Controlling agency. FAA Washington ARTC Center.

W-387B Virginia Capes, Va.

Boundaries. Beginning at Lat. 37°04'53" N., Long. 74°36'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 36°42'08" N., Long. 72°40'00" W.; to Lat. 36°47'15" N., Long. 74°36'00" W.; to point of beginning.

Altitudes. FL 240 to unlimited.

Times of use. Continuous.

Using agency. FAA Washington ARTC Center.

Controlling agency. FAA Washington ARTC Center.

Discussion of Comments

Of the comments received on the notice, none were objections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449,757) is amended, effective 0901 GMT, April 16, 1981, as follows:

1. In § 71.163 under Control 1149, the description is deleted in its entirety and the following is substituted therefor:

"That airspace bounded by tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75°32'00" W., to the circumference of an 18.1 mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 72°40'00" W., excluding the portion below 2,000 feet MSL outside the United States."

2. In § 71.209 under Croak, the words "New York Oceanic CTA/FIR boundary." are deleted and the following is substituted therefor:

"Long. 73°00'00" W."

(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.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044; as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on January 22, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-3153 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-4]

Designation of Temporary Control Zone, Anaheim, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the Anaheim Convention Center Heliport, Anaheim, California. This action will provide controlled airspace for helicopters operating within the control zone during the National Helicopter Association Convention.

EFFECTIVE DATE: January 18, 1981.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Anaheim Convention Center Heliport, Anaheim, California during the January 18, 1981 through January 21, 1981, time period.

A temporary control tower will be furnished by the Federal Aviation Administration with air traffic control services provided by air traffic controller personnel.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 553 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 18, 1981 through January 21, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

Anaheim, California

Within a two-mile radius of the Anaheim Convention Center Heliport (latitude 33°48'14" North; longitude 117°55'09" West).

(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 document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on January 16, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-2552 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-45]

Alteration of Control Zone and of Transition Area; Greenville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the control zone and transition area at Greenville, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to Majors Field. The circumstance which created the need for this action is that three new instrument approach procedures to the airport have been developed for use by the military. These will be TACAN approaches to Runways 17 and 35 and an ILS approach to runway 17. In addition, higher performance aircraft are utilizing the airport, which requires additional controlled airspace.

EFFECTIVE DATE: April 16, 1981.

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

SUPPLEMENTARY INFORMATION:

History

On October 23, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 70280) stating that the Federal Aviation Administration proposed to alter the Greenville, Tex., control zone and transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Greenville, Tex., control zone and transition area. This action provides controlled airspace from the surface for the protection of aircraft executing new proposed instrument approach procedures to the Majors Field Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356 and 45 FR 445) are amended, effective 0901 GMT, April 16, 1981, as follows.

In Subpart F, § 71.171 (45 FR 356), the Greenville, Tex., control zone is amended by deleting the present description and substituting the following:

Greenville, Texas

Within a 5-mile radius of the Majors Field Airport (latitude 33°04'07" N., longitude 96°03'47" W.); and within 3 miles each side of the 352° bearing of the airport extending from the 5-mile radius area to 7 miles north of the airport; and within 3 miles each side of the 191° bearing of the airport extending from the 5-mile radius area to 6 miles south of the airport.

In Subpart G, § 71.181 (45 FR 445), the Greenville, Tex., transition area is amended by deleting the present description and substituting the following:

Greeville, Texas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Majors Field Airport (latitude 33°04'07" N., longitude 96°03'47" W.).

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on January 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-3301 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 80-CE-23]

Alteration of Transition Area; Ames, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Ames, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Ames, Iowa, Municipal Airport, utilizing a localizer and outer marker as navigational aids. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMTATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENARY INFORMATION: A new instrument approach procedure to the Ames, Iowa, Municipal Airport is being established utilizing a localizer and outer marker which are being installed by the FAA at the airport as navigational aids. The establishment of an instrument approach procedure based on these approach aids entails the alteration of the transition area at Ames, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action it to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 73690 and 73691 of the **Federal Register** dated November 6, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Ames, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 G.m.t. April 16, 1981, by altering the following transition area:

Ames, Iowa

That airspace extending upward from 700 feet above the surface within a 5½ mile radius of Ames Municipal Airport (latitude 41°59'25" N, longitude 93°37'05" W) and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½ mile radius area to 7 miles southeast of the airport, and within 3 miles either side of the 330° bearing from Ames Municipal Airport extending from the 5½ mile radius to 8½ miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on January 13, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-2554 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 80-CE-24]

Alteration of Transition Area; Hutchinson, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Hutchinson, Kansas, to provide additional controlled airspace in order to preserve the 3,000-foot MSL cardinal altitude for IFR arrivals and departures on the 7DME ARC. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles A. Sears, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: It is necessary that additional controlled airspace be established in order to preserve the 3,000-foot MSL cardinal altitude for IFR arrivals and departures on the 7DME ARC. This airspace will also be used by aircraft operating between the Hutchinson VORTAC and the SALTT LOM. The requirement to contain IFR operations in controlled airspace entails alteration of the transition area at Hutchinson, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 74497 and 74498 of the **Federal Register** dated November 10, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Hutchinson, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 GMT April 16, 1981, by altering the following transition area:

Hutchinson, Kansas

That airspace extending upward from 700 feet above the surface within an 8½ miles radius of the Hutchinson, Kansas, Municipal Airport (latitude 38°03'56" N, longitude 97°51'37" W) counterclockwise from the 125° radial of the Hutchinson VORTAC, to 9½ miles northeast and 4½ miles southwest of the Hutchinson ILS Localizer northwest course extending to 18½ miles northwest of the Hutchinson ILS Outer Marker (latitude 38°07'25" N; longitude 97°55'35" W) and counterclockwise from 4½ miles southwest of the Hutchinson ILS northwest course via the 13 mile radius of the Hutchinson VORTAC (latitude 37°59'49" N, longitude 97°56'02" W) to the 125° radial of the Hutchinson VORTAC, to the 8½ mile radius of the Hutchinson Airport, excluding that airspace that overlies the Lyons, Kansas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, January 13, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-2551 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AWA-24]

Facility Name Change; Port of Columbus (Ohio) International Airport, Grandview LOM

Correction

In FR Doc. 81-597, published on page 2032, on Thursday, January 8, 1981, make the following corrections:

(1) In the third column, the last line of SUPPLEMENTARY INFORMATION "(46 FR 353)" should be corrected to read "(46 FR 455)".

(2) Also in the third column, the fifth line under **"Adoption of the Amendment"** "(46 FR 353)" should be corrected to read "(46 FR 455)".

BILLING CODE 1505-01-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 80-ASW-53]

Temporary Restricted Area

Correction

In FR Doc. 80-40613 appearing at page 18 in the issue for Friday, January 2, 1981, make the following correction: On page 18 in the second column, in the last line of first paragraph, following January 2, 1981, the reference now reading "(46 FR 307, 344, 709)" should read "(46 FR 409, 446, 813)."

BILLING CODE 1505-01-M

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14 CFR Part 97

[Docket No. 21280; Amdt. No. 1182]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorparated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective April 16, 1981*

Dubuque, IA—Dubuque Muni, VOR Rwy 13, Amdt. 7
Dubuque, IA—Dubuque Muni, VOR Rwy 31, Amdt. 10
Dubuque, IA—Dubuque Muni, VOR Rwy 36, Amdt. 3
El Paso, TX—West Texas, VOR/DME–A, Original

** * * Effective March 19, 1981*

McCook, NE—McCook Muni, VOR Rwy 21, Original
Atlantic City, NJ—Atlantic City, VOR Rwy 31, Amdt. 13
New York, NY—John F. Kennedy Intl, VOR hwy 31L, Amdt. 9
Williston, ND—Sloulin Field Intl, VOR/DME Rwy 29, Original
Philipsburg, PA—Mid-State, VOR Rwy 24, Amdt. 12
Vernal, UT—Vernal, VOR Rwy 34, Amdt. 6
Orange, VA—Orange County, VOR/DME–A, Amdt. 1

** * * Effective March 5, 1981*

El Monte, CA—El Monte, VOR–A, Amdt. 5
Redding, CA—Redding Muni, VOR Rwy 34, Amdt. 9
Redding, CA—Redding Muni, VOR/DME Rwy 34, Amdt. 7
Athens, GA—Athens Muni, VOR Rwy 2, Amdt. 8
Athens, GA—Athens Muni, VOR Rwy 27, Amdt. 8
Oskaloosa, IA—Oskaloosa Muni, VOR/DME Rwy 31, Amdt. 1
Allegan, MI—Padgham Field, VOR Rwy 28, Amdt. 9
Mackinac Island, MI—Mackinac Island, VOR/DME–A, Amdt. 4
Jackson, MS—Hawkins Field, VOR–A, Amdt. 15
Hastings, NE—Hastings Muni, VOR Rwy 14, Amdt. 12
Teterboro, NJ—Teterboro, VOR Rwy 24, Amdt. 2
Teterboro, NJ—Teterboro, VOR–B, Amdt. 1
Albuquerque, NM—Albuquerque Intl, VOR Rwy 8 (TAC), Amdt. 18
Taos, NM—Taos Muni, VOR/DME–B, Original
Elyria, OH—Elyria, VOR–A, Amdt. 5
Oklahoma City, OK—Will Rogers World, VOR Rwy 12, Amdt. 18
Mt. Pocono, PA—Pocono Mountains Muni, VOR Rwy 13, Amdt. 2
Giddings, TX—Giddings-Lee County, VOR/DME–A, Amdt. 1

** * * Effective February 19, 1981*

Marysville, CA—Yuba County, VOR Rwy 14, Amdt. 6
Marysville, CA—Yuba County, VOR Rwy 32, Amdt. 7
Los Angeles, CA—Los Angeles Intl, VOR Rwy 25R (TAC), Amdt. 9, cancelled
Los Angeles, CA—Los Angeles Intl, VOR or TACAN Rwy 25L/R, Amdt. 10
Harper, KS—Harper Muni, VOR–B, Original
Janesville, WI—Rock County, VOR Rwy 4, Amdt. 23
Janesville, WI—Rock County, VOR/DME Rwy 22 (TAC), Amdt. 1

** * * Effective January 8, 1981*

Statesville, NC—Statesville Muni, VOR/DME Rwy 10, Amdt. 3

** * * Effective December 31, 1980*

Austin, TX—Robert Mueller Muni, VOR/DME or TACAN Rwy 13R, Amdt. 6
Austin, TX—Robert Mueller Muni, VOR/DME or TACAN Rwy 17R, Amdt. 5

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective April 16, 1981*

Dubuque, IA—Dubuque Muni, LOC/DME BC Rwy 13, Amdt. 3

** * * Effective March 5, 1981*

Eagle, CO—Eagle County, LDA–A, Original
Redding, CA—Redding Muni, LOC/DME BC Rwy 16, Amdt. 4
Ames, IA—Ames Muni, LOC Rwy 31, Amdt. 1
Jackson, MS—Hawkins Field, LOC Rwy 16, Amdt. 1
Oklahoma City, OK—Will Rogers World, LOC BC Rwy 17L, Amdt. 2

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective April 16, 1981*

Dubuque, IA—Dubuque Muni, NDB Rwy 31, Amdt. 7

* * * *Effective March 19, 1981*

Basking Ridge, NJ—Somerset Hills, NDB–A, Amdt. 5
Philipsburg, PA—Mid-State, NDB Rwy 16, Amdt. 3

* * * *Effective March 5, 1981*

Brinkley, AR—Frank Federer Memorial, NDB Rwy 20, Amdt. 2
Hope, AR—Hope Municipal, NDB Rwy 16, Original
Redding, CA—Redding Muni, NDB Rwy 34, Amdt. 3
Denver, CO—Stapleton Intl, NDB Rwy 26L, Amdt. 35
Denver, CO—Stapleton Intl, NDB Rwy 26R, Amdt. 5
Oskaloosa, IA—Oskaloosa Muni, NDB Rwy 22, Amdt. 1
Plymouth, MA—Plymouth Muni, NDB Rwy 6, Amdt. 3
Jackson, MS—Hawkins Field, NDB Rwy 16, Amdt. 1
Teterboro, NJ—Teterboro, NDB Rwy 6, Amdt. 15
Socorro, NM—Socorro Muni, NDB Rwy 15, Original
Oklahoma City, OK—Will Rogers World, NDB Rwy 17L, Amdt. 1
Oklahoma City, OK—Will Rogers World, NDB Rwy 17R, Amdt. 20
Oklahoma City, OK—Will Rogers World, NDB Rwy 35R, Amdt. 2
Ponca City, OK—Ponca City Muni, NDB Rwy 17, Amdt. 1
Dumas, TX—Dumas Muni, NDB Rwy 1, Original

* * * *Effective February 19, 1981*

Globe, AZ—Globe-San Carlos Regional Air Facility, NDB–A, Original
Los Angeles, CA—Los Angeles Intl, NDB Rwy 24L/R, Amdt. 11
Eastland, TX—Eastland Muni, NDB Rwy 35, Original

* * * *Effective January 8, 1981*

Statesville, NC—Statesville Muni, NDB Rwy 20, Amdt. 5

* * * *Effective December 31, 1980*

Austin, TX—Robert Mueller Muni, NDB Rwy 31L, Amdt. 30

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective April 16, 1981*

Dubuque, IA—Dubuque Muni, ILS Rwy 31, Amdt. 9

* * * *Effective March 19, 1981*

Philipsburg, PA—Mid-State, ILS Rwy 16, Amdt. 3
Pittsburg, PA—Allegheny County, ILS Rwy 10, Amdt. 2

* * * *Effective March 5, 1981*

Redding, CA—Redding Muni, ILS Rwy 34, Amdt. 8
Denver, CO—Stapleton Intl, ILS/DME Rwy 8R, Amdt. 1
Teterboro, NJ—Teterboro, ILS Rwy 6, Amdt. 23
Albuquerque, NM—Albuquerque Intl, ILS Rwy 8, Amdt. 3
Oklahoma City, OK—Will Rogers World, ILS Rwy 17R, Amdt. 6
Oklahoma City, OK—Will Rogers World, ILS Rwy 35R, Amdt. 3
DuBois, PA—DuBois-Jefferson County, ILS Rwy 25, Amdt. 4
Franklin, PA—Chess-Lamberton, ILS Rwy 20, Amdt. 2

* * * *Effective February 19, 1981*

Los Angeles, CA—Los Angeles Intl, ILS Rwy 24L, Amdt. 13
Los Angeles, CA—Los Angeles Intl, ILS Rwy 24R, Amdt. 14
Los Angeles, CA—Los Angeles Intl, ILS Rwy 25L, Amdt. 14
Los Angeles, CA—Los Angeles Intl, ILS Rwy 25R, Amdt. 14
Newburgh, NY—Stewart, ILS Rwy 9, Amdt. 2

* * * *Effective January 8, 1981*

Tucson, AZ—Ryan Field, ILS/DME Rwy 6, Amdt. 1

* * * *Effective January 7, 1981*

Barrow, AK—Wiley Post-Will Rogers Memorial, ILS/DME Rwy 6, Amdt. 1

* * * *Effective December 31, 1980*

Austin, TX—Robert Mueller Muni, ILS Rwy 31L, Amdt. 29
Austin, TX—Robert Mueller Muni, ILS Rwy 13R, Amdt. 6

* * * *Effective October 21, 1980*

Fort Collins/Loveland/ CO—Fort Collins-Loveland Muni, ILS Rwy 33, Amdt. 2

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective March 5, 1981*

Grand Rapids, MI—Kent County Intl, RADAR–1, Amdt. 6
Reno, NV—Cannon Intl, RADAR–1, Amdt. 2, cancelled
Albuquerque, NM—Albuquerque Intl, RADAR–1, Amdt. 20

* * * *Effective December 31, 1980*

Austin, TX—Robert Mueller Muni, RADAR–1, Amdt. 13

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective April 16, 1981*

Dubuque, IA—Dubuque Muni, RNAV Rwy 36, Amdt. 3

* * * *Effective March 5, 1981*

Jackson, MS—Hawkins Field, RNAV Rwy 16, Amdt. 3

* * * *Effective January 8, 1981*

Statesville, NC—Statesville Muni, RNAV Rwy 2, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

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

John S. Kern,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-2553 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 936

The Point Reyes-Farallon Islands National Marine Sanctuary

Correction

In FR Doc 81-2483 appearing on page 7936 in the issue of Monday, January 26, 1981, make the following correction.

On page 7939, second column, the amendatory language reading "Accordingly, Part 936 is *proposed* as follows:" should have read "Accordingly, Part 936 is *added* as follows:"

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4 and 103

[T.D. 81-19]

Vessel Manifest Filing Procedure and Disclosure Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Pub. L. 96-275, an Act to protect the confidentiality of Shippers' Export Declarations, and to standardize export data submission and disclosure requirements, made changes in laws enforced by Customs. This document

amends the Customs Regulations to establish new procedures needed to reflect those changes.

Specifically, the amended regulations will (1) require that copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the outward manifest be attached to that manifest (now an alternative procedure), (2) modify the procedure whereby a shipper may request confidential treatment for certain information, (3) expand the information contained in an outward manifest subject to public disclosure, (4) allow the Secretary of the Treasury to withhold information from manifests on a shipment-by-shipment basis if disclosure "is likely to pose a threat of personal injury or property damage," and (5) provide a biennial renewal period for a shipper's certification claiming (application for) confidential treatment.

EFFECTIVE DATES: Amendment to § 4.63, Customs Regulations (19 CFR 4.63), January 29, 1981; amendment to § 103.11, Customs Regulations (19 CFR 103.11), March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Disclosure aspect: Doris Robinson, Regulations and Information Division (566–8681); manifest filing procedure aspect: Jerry Laderberg, Carriers, Drawback and Bonds Division (566–5706), or Pete D'Heur, Cargo Processing Division (566–5354).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96–275, an Act "to protect the confidentiality of Shippers' Export Declarations, and to standardize export data submission and disclosure requirements," was approved on June 17, 1980. Section 2 of the Act amends 46 U.S.C. 93 to require amendments to the Customs Regulations to implement new procedures established by the statute. Section 4(b) of the Act made the amendment to 46 U.S.C. 93 effective 45 days after enactment of the statute, *i.e.*, August 1, 1980.

The outward manifest consists of several documents, but is primarily a cargo declaration that is presented to Customs when a vessel departs the United States ("clears") for a foreign destination. Section 4.63, Customs Regulations, now provides for the filing with Customs of a Cargo Declaration, Customs Form ("CF") 1302, which is a composite of the information contained in bills of lading and other commercial documents. Alternatively, Customs permits the filing of a Cargo Declaration, Outward With Commercial Forms, CF 1302–A, to which all necessary bills of lading and other commercial documents must be attached. The result of this amendment is to make the current alternative procedure of filing a CF 1302–A with attachments mandatory, and eliminate the use of the CF 1302 (without attachments) as part of outward manifests. The CF 1302 may continue to be used if bills of lading or equivalent commercial documents relating to all cargo are attached to that form.

Section 103.11, Customs Regulations, presently provides for disclosure to the public and the press of certain information contained in vessel manifests and summary statistical reports, as well as the suspension of disclosure upon written application of a shipper, consignee, or importer. That section has been amended in accord with the requirements of the statute to (1) expand the information contained in an outward manifest which is subject to public disclosure to include the address of the shipper and the port of exit, (2) allow the Secretary of the Treasury to withold information from outward manifests on a shipment-by-shipment basis if disclosure "is likely to pose a threat of personal injury or property damage," and (3) provide a biennial renewal period for a shipper's certification claiming confidential treatment of the shipper's name and address contained in the outward manifest.

In addition, § 103.11 has been amended to describe the new "certification" a shipper must file with Customs to be granted confidential treatment of his/her name and address.

The Act makes available for public disclosure the name and address of the shipper unless a biennial certification claiming confidential treatment is received by Customs. For shippers claiming confidentiality after August 1, 1980, their certifications will be valid for two years from the date of the submission to Customs of the certification. A shipper who, before August 1, 1980, had applied for and obtained Customs approval of a claim for confidential treatment of the shipper's name, must submit to Customs a new "certification" claiming confidentiality of the shipper's name and address if desired, following the procedure described in amended § 103.11. However, claims of confidentiality made by a shipper and approved by Customs prior to August 1, 1980, will continue in effect until March 30, 1981. (Treasury Decision) amending the Customs Regulations to implement the new law. In either case, the burden of certification renewal rests with the shipper.

In this regard, Customs published a General Notice in the **Federal Register** on August 20, 1980 (45 FR 55559), advising exporters and others of the new procedure required by the Act.

Customs does not intend to verify either the certification itself or whether confidentiality should be granted in a given case. Therefore, lacking information to arouse suspicion of falsehood, Customs will accept routinely any certification at face value.

Applicability of Executive Order 12044

These amendments are not considered to be significant under the criteria contained in the Treasury Directive published in the **Federal Register** on November 8, 1978 (43 FR 52150), implementing E.O. 12044, "Improving Government Regulations." They were the subject of Work Plan 80–8, approved by the Treasury Department on October 9, 1980.

Inapplicability of Public Notice and Delayed Effective Date Provisions

The legislative process leading to the enactment of Pub. L. 96–275 already has afforded a measure of public participation. In addition, (1) a telex describing the changes in outward manifest procedures was transmitted to Customs field offices (and made available to the public by those offices), (2) the text of the law was published as T.D. 80–184 in the Customs Bulletin of July 23, 1980, to provide wider dissemination of the statutory changes, and (3) a General Notice advising the exporting community of the changes in procedure regarding disclosure of information was published in the **Federal Register** on August 20, 1980 (45 FR 55559).

Because the subject matter of this amendment merely implements specific statutory requirements, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are found to be unnecessary, and, in respect to the amendment to § 4.63, Customs Regulations, relating to manifest filing procedures, a delayed effective date is not required pursuant to 5 U.S.C. 553(d)(3).

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 4 and 103, Customs Regulations (19 CFR Parts 4, 103), are amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.63 is revised to read as follows:

§ 4.63 Outward cargo declaration; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see section 4.87(b)), unless there has been filed with the district director at the port from which clearance is being obtained (1) a Cargo Declaration, Customs Form 1302, or a Cargo Declaration Outward With Commercial Forms, Customs Form 1302–A, either form with copies of bills of lading or equivalent commercial forms relating to all cargo encompassed by the manifest attached thereto (i.e. "with attachments"), together with a properly executed Master's Oath on Entry of Vessel in Foreign Trade, Customs Form 1300, and such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or (2) an incomplete Cargo Declaration as provided for in § 4.75.

(b) Except as hereafter stated, the number of the export declaration covering each shipment for which an authenticated export declaration is required shall be shown on the Cargo Declaration, Customs Form 1302 (with attachments) or 1302–A, in the marginal column headed "B/L No." If an export declaration is not required for a shipment, a notation shall be made on the Cargo Declaration describing the basis for the exemption with a reference to the number of the section in the Census Regulations (see §§ 30.39 and 30.50–30.57, Title 15, Code of Federal Regulations) where the particular exemption is provided. Where shipments are exempt on the basis of value and destination, the appearance of the value and destination on a bill of lading or other commercial form is acceptable as evidence of the exemption and reference to the applicable section in the Census Regulations is not required.

(c) The list of cargo may be shown on bills of lading, cargo lists, or other commercial forms: *Provided,* That:

(1) The Cargo Declaration, Customs Form 1302 (with attachments) or 1302–A, is completely executed except for particulars as to cargo;

(2) The commercial forms are securely attached to the Cargo Declaration in such manner as to constitute one document;

(3) The commercial forms are incorporated by a suitable reference on the face of the Cargo Declaration such as "Cargo as per attached commercial forms;" and

(4) There is shown on the face of each such commercial form the information required by the Cargo Declaration for the cargo covered by that form.

(d) For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the Cargo Declaration, Customs Form 1302 (with attachments) or 1302–A, or commercial document attached to the Cargo Declaration and made a part thereof in accordance with paragraph (c) of this section shall clearly show for such shipment the number, date, and class of such Customs entry or withdrawal (i.e., T. & E., Wd. T. & E., I. E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation.

(e) Customs officers shall accept a Cargo Declaration, Customs Form 1302 (with attachments) or 1302–A, covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c)(3)) that the declaration has been prepared on the basis of information furnished by the shipper.

(R.S. 251, as amended, 4197, as amended, 4199, as amended, 4200, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624; 46 U.S.C. 91, 92, 93), and Pub. L. 96–275, June 17, 1980.)

PART 103—AVAILABILITY OF INFORMATION

Section 103.11 is revised to read as follows:

§ 103.11 Information on vessel manifests and summary statistical reports.

(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 103.10, accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications may be permitted to examine vessel manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the name and address of the shipper, general character of the cargo, number of packages and gross weight, name of vessel or carrier, port of exit, port of destination, and country of destination may be copied and published. However, if the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure of the above information is likely to pose a threat of personal injury or property damage, that information shall not be disclosed to the public.

(2) Commercial or financial information, such as the names of the consignees, and marks and numbers shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for examination by a Customs offices designated for that purpose.

(c) *Disclosure to the public.* Members of the public shall be permitted to obtain information from, but not examine, vessel manifests, subject to the rules set forth in paragraphs (a) and (b) of this section. However, importers and exporters or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest.

(d) *Suspension of disclosure.* (1) Inward manifest. Except as provided in § 103.14, upon written application of a consignee or importer, access to the name of such consignee or importer, on an inward manifest will thereafter be refused.

(2) Outward manifest. If a shipper wishes to request confidential treatment by Customs of the shipper's name and address contained in an outward manifest, the following procedure shall be followed:

(i) A shipper, or authorized employee or official of the shipper, must submit a certification claiming confidential treatment of the shipper's name and address. The certification shall include the shipper's Internal Revenue Service Employer Number, if available.

(ii) There is no prescribed format for a certification.

(iii) The certification must be submitted to the Regional Commissioner for the Region in which the port of exportation is located.

(iv) Each certification will be valid for a period of two (2) years from the date of its submission to Customs.

(3) If any individual shall abuse the privilege granted him of examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 501, 65 Stat. 290, as amended (5 U.S.C. 522, 19 U.S.C. 66, 1624))

William T. Archey,

Acting Commissioner of Customs.

Approved: January 14, 1981.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 81-3404 Filed 1-28-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 765

Archeological and Paleontological Salvage; Recision of Regulation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Recision of regulation.

SUMMARY: This document rescinds the regulation on archeological and paleontological salvage because it is obsolete.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur M. Love, Office of Environmental Policy, 202-426-9173; or Irwin L. Schroeder, Office of the Chief Counsel, 202-426-0791, 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: The Federal Highway Administration (FHWA) has long been interested in the impact its programs may have on archeological and paleontological (A & P) sites. Section 305 of Title 23, United States Code, which was added by the Federal-Aid Highway Act of 1956, gave the FHWA an early start among Federal agencies in seeking ways to give adequate consideration to our Nation's cultural heritage.

Section 305 formally gave the FHWA authority to use Federal funds to salvage archeological or paleontological sites impacted by a highway project. A directive was developed to implement this permissive program. That directive is now codified in Part 765 of Title 23, Code of Federal Regulations (23 CFR 765), and contained in Volume 7, Chapter 7, Section 4 of the Federal-Aid Highway Program Manual (FHPM 7-7-4).

The FHWA is rescinding its present regulation because it has become obsolete. The companion FHWA directive (FHPM 7-7-4) is also being cancelled. This action recognizes the subsequent development of a national policy concerning the protection of historic and archeological sites, the obsolete language contained in the subject regulation and, additionally, the agency's concern to eliminate unnecessary, duplicative regulations. Recision of this regulation does not reflect a deemphasis or lessening of the agency's concern for identifying, evaluating, and considering archeological and paleontological resources in the highway development process. The cost of approved A & P data recovery will continue to be eligible for Federal-aid participation.

The FHWA's early highway salvage activities preceded the passage of Federal legislation dealing with historic and archeological protection. Over the years, these activities have evolved into a program which systematically deals with A & P concerns based upon broader Federal legislation. A national policy to protect historic and archeological (cultural) resources has been implemented by specific procedures developed by the President's Advisory Council on Historic Preservation (ACHP). Those procedures are contained in 36 CFR Part 800 and are applicable to the FHWA, as well as all Federal programs. The ACHP's procedures are more comprehensive in scope than the FHWA's procedures and reflect the evolution of a national policy dealing with A & P resources.

Archeological resource consideration is an integral and mandatory part of the Federal-aid highway development process. Retention of 23 CFR Part 765 solely to implement 23 U.S.C. 305 would unnecessarily duplicate other applicable regulations (36 CFR Part 800) without additional benefit to the resources for which protection is sought. In following 36 CFR Part 800, the FHWA not ony gives protection to A & P activities, but also reduces paperwork and simplifies interagency decision procedures consistent with the national policy stated in 23 U.S.C. 101(e).

As previously mentioned, the expenditure of Federal-aid highway funds will continue to be authorized for participation in the cost of approved archeological and paleontological data recovery operations under the authority of 23 U.S.C. 305. Such participation remains conditioned upon the policy that excavated objects and information are to be used for public purposes without private gain to any individual or organization.

PART 765 [REMOVED]

Accordingly, the Federal Highway Administration hereby removes 23 CFR Part 765, "Archeological and Paleontological Salvage."

Note.—The Federal Highway Administration has determined that this document is not significant according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

Due to the fact that the recision of 23 CFR Part 765 does not change FHWA policy or procedures, the FHWA has determined that publication of this amendment for notice and comment could not reasonably be anticipated to result in the receipt of useful information. The anticipated economic impact of this amendment is so minimal as not to require preparation of a full regulatory evaluation.

(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.)

(23 U.S.C. 101(e), 305, 315; 49 CFR 1.48(b))

Issued on: January 19, 1981.

John S. Hassell, Jr.,

Federal Highway Administrator.

[FR Doc. 81-2943 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF JUSTICE

28 CFR Part 51

Procedures for the Administration of Section 5 of the Voting Rights Act of 1965; Revision of Procedures; Correction

AGENCY: Department of Justice.

ACTION: Final rule; correction.

SUMMARY: The Attorney General published as a final rule, effective January 5, 1981, a revision of 28 CFR, Part 51, (Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, as amended) (FR Doc. 81–125, appearing at 46 FR 870 January 5, 1981). That rule requires correction and is corrected as shown below.

EFFECTIVE DATE: January 5, 1981.

FOR FURTHER INFORMATION CONTACT: David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–7189.

1. The rule is assigned Attorney General Order No. 921a–80.

2. In the Table of Contents, the headings for §§ 51.27 and 51.28 (both appearing at 46 FR 873, first column) should be changed to correspond to the headings as set forth in the text of the rule.

3. (a) The heading to § 51.45 (appearing at 46 FR 873, first column and 878, third column) should read: "§ 51.45 Reconsideration of objection at the instance of the Attorney General"

(b) In § 51.45(a) (appearing at 46 FR 878, third column), in the fifth line "insistance" should read "instance."

4. In § 51.14(a) (appearing at 46 FR 875, first column), in the third line "permists" should read "permits" and in the sixth line "institue" should read "institute."

5. In numbered clause (6) of paragraph (c) of § 51.26 (appearing at 46 FR 876, second column), the phrase "for which election returns a furnished" should read "for which election returns are furnished."

6. In § 51.39(d), the third line (appearing at 46 FR 878, second column) should read "prohibited purpose or effect, an" or rather than "prohibited purpose or effect, and."

7. In the Appendix, in the list of North Carolina counties in which the preclearance requirement of Section 5 of the Voting Rights Act applies (appearing at 46 FR 880, first column) "Graven County" should read "Craven County."

Stephen J. Wilkinson,

Department of Justice, Federal Register Liaison Officer (Alternate).

[FR Doc. 81–3457 Filed 1–28–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 41

[DOD Directive 1332.14] [1]

Enlisted Administrative Separations

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule updates the policies, standards and procedures that govern administrative separations of enlisted members from the Armed Forces; reaffirms Department of Defense policy that homosexuality is incompatible with military service; and clarifies the procedures to be used in processing enlisted members for separation.

EFFECTIVE DATE: January 16, 1981.

FOR FURTHER INFORMATION CONTACT: LTC R. Baker, USA, Military Personnel Policy, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301, telephone 202–697–9283.

SUPPLEMENTARY INFORMATION: In FR Doc. 66–596 appearing in the **Federal Register** (31 FR 705) on January 19, 1966, the Office of the Secretary of Defense published Part 41. Other revisions to Part 41 were published:

FR Doc.	Volume and page No.	Date
66–1764	31 FR 2887	Feb. 18, 1966.
68–11151	33 FR 13009	Sept. 14, 1968.
69–5970	34 FR 7909	May 20, 1969.
71–17117	36 FR 22287	Nov. 24, 1971.

In FR Doc. 76–6104, appearing in the **Federal Register** (41 FR 9088) on March 3, 1976, the Office of the Secretary of Defense again revised and published Part 41 that included 1 change effective January 6, 1976. Effective January 1, 1977, this document was revised and two changes were issued. Accordingly, this revised Part 41 is reissued in its entirety and incorporates Changes 1 (January 31, 1977) and 2 (January 16, 1981). Change 2 authorizes separation for a homosexual act, including attempt or solicitation of such an act; admission of homosexuality; and homosexual marriage.

Mandatory Separation. Separation is mandatory unless the servicemember shows that he or she is not a homosexual and meets other standards for retention set forth in this Part. The right to a hearing before a board is provided in all homosexual cases, and homosexuals will no longer be processed for separation by reason of unsuitability or misconduct.

Types of Discharge from Military Service. Change 2 provides that they will be processed under a new provision entitled "Homosexuality," and may receive an Honorable or General, Under Honorable Conditions discharge based on their overall service record. A Discharge Under Other Than Honorable Conditions may be issued under the following circumstances: the act was committed by use of force, coercion or intimidation, with a person under 16 years of age; with a subordinate in circumstances that violate customary military superior-subordinate relationships; openly in public; for compensation; or in another location subject to military control under aggravating circumstances that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

As stated above, this version of DoD Directive 1332.14 (Part 41 of this title) was issued on December 29, 1976, and became effective January 1, 1977. On June 19, 1979, the Department of Defense published for comment by July 19, 1979, a proposed revision of DoD Directive 1332.14 (44 FR 35248). The comment period was extended to August 14, 1979 (44 FR 46296). The proposed rule was not adopted and the rulemaking was terminated.

A new project to revise DoD Directive 1332.14 was initiated in October 1980. When a draft is completed, it will be published in the **Federal Register** for comment. Such publication is not required by law, but will be undertaken voluntarily by the Department of Defense.

During the pendency of this revision, various court decisions raised questions about the procedures contained in DoD Directive 1332.14 with respect to separation of servicemembers on the basis of homosexuality. Because of the overriding importance of providing the Military Departments with clear guidance on this issue, it was determined that revision of those procedures pertaining to homosexuality should be promulgated without waiting for publication of the complete revision of the Directive. In addition, this matter involves a military function of the United States and a personnel function of the Department of Defense. In view of the foregoing, publication for comment would be impracticable, unnecessary, and contrary to the public interest.

Members of the public interested in this rule will have a formal opportunity

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

to submit their views when the complete revision of DoD Directive 1332.14 is published in the **Federal Register** at a later time.

Accordingly, 32 CFR Chapter I, is amended by revising Part 41, reading as follows:

PART 41—ENLISTED ADMINISTRATIVE SEPARATION

Sec.
41.1 Reissuance and purpose.
41.2 Applicability and scope.
41.3 Policy.
41.4 Administrative discharge board.
41.5 Responsibilities.
41.6 Definitions.
41.7 Reasons for separation.
41.8 Retention or separation.
41.9 Characterization of service.
41.10 Restriction on certain administrative discharges.
41.11 Procedures for discharge.
41.12 Suspension of execution of approved discharge.
41.13 Homosexuality.

Authority: Title 10, U.S.C. 1162, 1163, 1169, 1170, 1172, and 1173.

§ 41.1 Reissuance and purpose.

This Part is reissued to update the policies, standards and procedures which govern the administrative separation of enlisted persons from the Armed Forces.

§ 41.2 Applicability and scope.

The provisions of this Part apply to the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps and, by agreement with the Secretary of Transportation, to the Coast Guard. When the term "Military Departments" is used, it also includes the U.S. Coast Guard for the purposes of this Part.

§ 41.3 Policy.

(a) The Armed Forces have the right and the duty to separate from the Service, with an appropriate characterization of service, those members who clearly demonstrate they are unqualified for retention. At the same time, such members have rights which shall be protected.

(b) This Part further provides for separation under certain circumstances or conditions to meet the needs of the Services and members.

(c) Standards and procedures for these policies are prescribed in §§ 41.7 through 41.13 of this Part.

§ 41.4 Administrative discharge board.

(a) *Composition.* An administrative discharge board shall be comprised of at least three experienced commissioned officers at least one of whom shall be serving in the grade of major/lieutenant commander or higher, and may include a nonvoting recorder. The following additional requirements apply:

(1) If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers, if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.

(2) If the respondent is an enlisted woman, the board shall, upon the written request of the respondent, include a female officer as a voting member, if such officer is reasonably available. In the event of nonavailability, the reason shall be stated in the record of proceedings.

(3) If the respondent is a member of a minority group, the board shall, upon the written request of the respondent, include as a voting member an officer who is also a minority group member, if such officer is reasonably available. When requested, the appointed board member should normally be of the same minority group as the respondent; however, nonavailability of an officer of the same minority group shall not preclude convening the board. In the event of nonavailability, the reason shall be stated in the record of proceedings.

(b) *Procedures.* The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the president may impose reasonable restrictions as to relevancy, competency and materiality of matters considered. When the board meets in closed sessions, only voting members shall be present. The proceedings of the board shall be maintained as prescribed by the Secretary of the Military Department concerned but, as a minimum, shall contain a verbatim record of the findings and recommendations. The board shall recommend one of the following:

(1) Retention.

(2) Discharge for a specified reason and the appropriate discharge certificate, according to the provisions of this Part and the applicable Service regulations.

The recommendations of the board in a case involving separation by reason of homosexuality shall be made in accordance with § 41.13 of this Part.

(c) *Rights of the Respondent.* Subject to the requirements prescribed herein, a respondent who has not waived a hearing before an administrative discharge board and whose case is presented to such a board has the following rights:

(1) The respondent may appear in person, with or without counsel, or if absent, be represented by counsel at all open proceedings of an administrative discharge board. The respondent may be represented by either military counsel appointed by the convening authority, or by military counsel of his/her own choice, provided the counsel requested is reasonably available, as determined under regulations of the Secretary concerned but not by both. In either case, the respondent may employ civilian counsel at his/her own expense.

(2) The respondent may challenge any voting member of the board for cause only.

(3) The respondent may request the appearance before the board of any witness whose testimony he/she believes to be pertinent to his/her case. The respondent will specify in his/her request the type of information the witness can provide. The board will invite the witness to attend if it considers that the witness is reasonably available and that his/her testimony can add materially to the case. If a witness on active duty declines the invitation, the board may refer the matter to the convening authority for a decision or orders. Witnesses not on active duty must appear voluntarily and at no expense to the Government, except as authorized in implementing regulations of the Military Department concerned.

(4) The respondent may, at any time before the board convenes or during the proceedings, submit any answer, deposition, sworn or unsworn statement, affidavit, certificate or stipulation. This includes, but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

(5) The respondent may or may not submit to examination by the board. The provisions of Article 31, 10 U.S.C. 831, apply.

(6) The respondent and his/her counsel may question any witness who appears before the board.

(7) Failure of the respondent to invoke any of these rights, after he/she has been apprised of same, cannot be considered as a bar to the board proceedings, findings and recommendations.

(d) *Actions by Discharge Authority.* Upon receipt of the record of board proceedings, the discharge authority may take one of the following actions:

(1) Approve the board's recommendations and direct their execution.

(2) Approve the board's recommendations for discharge but change the characterization of service to a more favorable one. The discharge

authority shall not downgrade the characterization of service.

(3) Approve the board's recommendation for discharge but change its basis when the record indicates such action would be appropriate, except that he/she shall not designate misconduct as the basis when the board has recommended discharge for unsuitability.

(4) Approve the discharge but suspend its execution for a specified period of probation.

(5) Disapprove the recommendation for discharge and retain the member in the Service.

(6) May recommend separation to the Secretary concerned, pursuant to § 41.7(b)(14), in the event of a board recommendation for retention, if he/she believes that separation is warranted by the circumstances of the particular case.

(7) Set aside the findings and recommendations and refer the case to a new board if he/she finds legal prejudice to the substantial rights of the respondent. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations and prejudicial matter, may be furnished the successor board. The discharge authority shall not approve findings or recommendations less favorable to the respondent than those rendered by the previous board.

The action of the discharge authority in a case involving discharge by reason of homosexuality shall be taken in accordance with § 41.13.

§ 41.5 Responsibilities.

Each of the Armed Forces shall:

(a) Prescribe appropriate internal procedures for periodic explanation to members of the types of discharge certificates, the basis for their issuance and the possible effects of various certificates upon reenlistment, civilian employment, veterans' benefits and related matters. As a minimum, such explanation shall take place each time the Articles of the Uniform Code of Military Justice are explained, pursuant to 10 U.S.C. 937. (Failure on the part of the member to receive or to understand such explanation, however, shall in no event be considered a defense in an administrative discharge proceeding, or a bar thereto.)

(b) Assure that the purpose and scope of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to 10 U.S.C. 1552 and 1553, is explained during the separation processing of any member discharged under other than honorable conditions.

§ 41.6 Definitions.

(a) *Member.* An enlisted man or woman of the Armed Forces.

(b) *Discharge.* Complete severance from all military status.

(c) *Release from Active Duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(d) *Separation.* A general term which includes discharge and release from active duty.

(e) *Administrative Separation.* Discharge or release from active duty upon expiration of enlistment or required period of service, or before, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.

(f) *Military Record.* Comprises a member's behavior while in military service, including general comportment and performance of duty.

(g) *Prior Enlistment or Period of Service.* Service in any component of the Armed Forces which culminated in the issuance of a discharge certificate or certificate of service.

(h) *Administrative Discharge Board.* Appointed to render findings based on facts pertaining, or believed to pertain, to a case and to recommend retention in the Service, or discharge with reason for discharge and type of separation or discharge certificate to be furnished.

(i) *Discharge Authority.* As established herein and implemented by regulations issued by an Armed Force, and official authorized to take final action with respect to specified types of separation.

(j) *Respondent.* A member of the Armed Forces who has been notified that action has been initiated to discharge him/her under a specified Service regulation.

(k) *Counsel.* A lawyer, within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice, unless appropriate authority certifies in the permanent record the non-availability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

(l) *Characterization of Service for Administrative Separations.* A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are (1) honorable, (2) under honorable conditions, (3) under other than honorable conditions.

(m) *Minority Group.* A segment of the population that possesses common traits that are transmissable by descent or common characteristics and a cultural heritage significantly different from that of the general population. Such groups include, but are not limited to Negroes, American Indians, Mexican Americans, Puerto Ricans, Eskimos, Aleuts, Asian Americans and Spanish-Surnamed Americans.

§ 41.7 Reasons for separation.

(a) *Expiration of Enlistment or Fulfillment of Service Obligation.* An honorable separation (honorable discharge) or separation under honorable conditions (general discharge) as warranted by the member's military record.

(b) *Convenience of the Government.* An honorable separation (honorable discharge) or separation under honorable conditions (general discharge) as warranted by the member's military record, for the following reasons:

(1) General demobilization, reduction in authorized strength or an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a commission or appointment or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces, for active duty only.

(3) Immediate enlistment or reenlistment.

(4) Erroneous induction or enlistment.

(5) Separation of members serving in unspecified enlistments.

(6) Early separation of personnel under various authorized programs and circumstances.

(7) Voluntary separation of women for pregnancy or childbirth.

(8) Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.

(9) Conscientious objection.

(10) Sole surviving son/daughter and certain family members.

(11) Condition, not a physical disability, which interferes with performance of duty.

(12) Elimination of marginal performers:

(i) Elimination of marginal or nonproductive performers by reason of the member's:

(A) Failure to attain or maintain required job skill proficiency, either by associated inaptitude or nonapplication.

(B) Presence creating an administrative burden to the command due to minor military or disciplinary infractions.

(C) Performance has been noncontributory to unit readiness and mission accomplishment as specifically evidenced by below average efficiency ratings or specific demonstrated

incapacity to meet effectiveness standards.

(ii) Application of this provision is limited to members meeting the following criteria:

(A) The members considered must be in their first enlistment, and are otherwise eligible until completion of 36 months of active service, whichever is greater.

(B) The member must be medically qualified for separation.

(C) The member must have completed any disciplinary punishment.

(D) The member must not be about to stand trial for violation of the Uniform Code of Military Justice. Any such charges must have been dismissed, the individual acquitted, or after conviction, appellate review of the case completed prior to separation.

(E) The member separated under these provisions must be assigned to: (1) recruit training; (2) initial skill training immediately following recruit training; or (3) an organizational unit for an appropriate period of evaluation, as determined by the Secretary of the Military Department concerned, but not less than 60 days.

(iii) These discharges must be approved by specified discharge authority.

(iv) As a minimum, the Military Services should establish procedures wherein rebuttal by an individual being discharged will be considered by the discharge authority.

(v) Members in recruit training or initial skill training immediately following recruit training, who are separated for this reason, will be separated with an honorable separation (honorable discharge).

(13) For such other reasons as may be prescribed by the Secretary of the Military Department concerned.

(14) Notwithstanding the specific provisions of this or any other Part, or any proceedings, decisions or action in accord with this or any other Directive, the Secretary concerned may direct the separation of any member, prior to the expiration of term of service, after determining it to be in the best interest of that Department.

(c) *Dependency or Hardship.* An honorable separation (honorable discharge) or separation under honorable conditions (general discharge) as warranted by the member's military record.

(1) Separation may be directed when genuine dependency or undue hardship exists, and

(i) The hardship or dependency is not of a temporary nature;

(ii) Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy situation;

(iii) The separation will eliminate or materially alleviate the condition; and

(iv) There are no means of alleviation readily available other than the separation.

(2) Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconvenience normally incident to military service.

(d) *Minority.* Release by voidance of contract or separation with an honorable or a general discharge, as warranted by the member's military record.

(1) Release or separation may be directed after determination that:

(i) There is evidence satisfactory to the discharge authority that the member is under 18 years of age; and

(ii) The member enlisted without the written consent of his/her parent or guardian, if he/she has a parent or guardian entitled to his/her custody and control.

(2) Upon application by the parents or guardian of a regular enlisted member of an Armed Force to the discharge authority within 90 days after the member's enlistment, the member shall be discharged for his/her own convenience, with the pay and form of discharge certificate for which his/her service entitles him/her, if paragraphs (d)(1) (i) and (ii), of this section, are satisfied.

(e) *Disability.* An honorable discharge or a general discharge, as warranted by the member's military record, when the member has been determined to be physically unfit to perform the duties of his/her office, rank, grade or rating, and is not entitled to retirement under the provisions of 10 U.S.C., Chapter 61.

(f) *Personal Abuse of Drugs Other Than Alcoholic Beverages.* Discharge with an honorable discharge, when based on evidence developed as a direct or indirect result of a urinalysis test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his/her particular Armed Force, and:

(1) Member's record indicates lack of potential for continued military service; or

(2) Long-term rehabilitation is determined necessary and member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or

(3) Member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

Note.—It is essential to assure compliance with both the letter and spirit of the rule of law announced in *United States* v. *Ruiz* (23 USCMA 181, 48 CMR 797 (1974)). Extreme care should be exercised to assure that a member identified for separation under this provision is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason. It may be desirable for Field Commanders to consult with legal personnel concerning implementation of this note.

(g) *Unsuitability.* Separation with an honorable or a general discharge, as warranted by the member's military record, when it has been determined that an individual is unsuitable for further military service because of:

(1) Personality Disorder: As determined by medical authority and described in the Diagnostic and Statistical Manual (DSM–11) of Mental Disorders,[2] American Psychiatric Association; which interferes with member's ability to adequately perform duties. Exception: Combat exhaustion and other acute situational maladjustments.

(2) Alcohol Abuse. Failure, through inability or refusal to participate in, cooperate in, or complete an alcohol abuse treatment and rehabilitation program.

(3) Unsanitary habits.

(4) Financial irresponsibility.

(5) Apathy, defective attitudes, inability to expend effort constructively. As a significant observable defect elsewhere not readily describable.

(6) Inaptitude.

(h) *Security.* Separation, with the character of discharge, and under conditions and procedures stipulated by the Secretary of Defense, as set forth in Part 156 of this title and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

(i) *Misconduct.* Separation under other than honorable conditions, unless the particular circumstances in a given case warrant a general or an honorable discharge, when it has been determined that an individual is unqualified for

[2] Section on mental disorders, International Classification of Diseases and Injuries—8, Diagnostic and Statistical Manual (DSM–11) of Mental Disorders, 2nd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, D.C., 1968.

further military service because the member's military record in the current enlistment of period of obligated service evidences one or more of the following patterns of conduct, acts or conditions:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) An established pattern for shirking.

(3) An established pattern showing dishonorable failure to pay just debts.

(4) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees or judgments of a civil court concerning support of dependents.

(5) Sexual perversion, including but not limited to (i) lewd and lascivious acts, (ii) sodomy, (iii) indecent exposure, (iv) indecent acts with or assault upon a child, or (v) other indecent acts or offenses. Policies and procedures concerning homosexual acts are set forth in § 41.13.

(6) Drug abuse, which is the illegal, wrongful, or improper use, possession, sale, transfer or introduction on a military installation of any narcotic substance, intoxicating inhaled substance, marijuana, or controlled substance, as established by 21 U.S.C. 812, when supported by evidence not attributed to a urinalysis administered for identification of drug abusers or to a member's volunteering for treatment under the Drug Identification and Treatment Program administered by his/her particular Armed Force.

(7) Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty, of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement for one year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender, or is placed on probation, or punished in any way, as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial, 1969 (Rev.), Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishments authorized by U.S. Code or the District of Columbia Code, whichever is lesser, applies.

(8) Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation as to age without proper consent will not, in itself, be considered as fraudulent enlistment.

(9) Prolonged unauthorized absence, continuous for one year or more.

(j) *Resignation or Request for Discharge for the Good of the Service.* Separation under other than honorable conditions is authorized, subject to procedures and safeguards specified elsewhere in this Part upon resignation or request for discharge, where conduct has rendered a member triable by courts-martial for an offense which is listed in Section A. of the Table of Maximum Punishments, paragraph 127c, Manual for Courts-Martial, 1969 (Rev.), as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B., paragraph 127c, Manual for Courts-Martial, 1969 (Rev.), are not applicable to requests for discharge pursuant to this paragraph).

(k) *Homosexuality.* Separation, with the character of discharge, and under conditions and procedures set forth in § 41.13.

§ 41.8 Retention or separation.

In determining whether a member should retain current military status or be administratively separated, the member's entire military record may be evaluated.

(a) Include (1) records of nonjudicial punishment imposed during a prior enlistment or period of service, (2) all records of conviction by court-martial, and (3) any other factors which are material and relevant.

(b) Commanding Officers, investigating officers, administrative discharge boards, and other Agencies charged with making such determinations, shall consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishments would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

(c) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

(d) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

§ 41.9 Characterization of service.

(a) *Guidelines.* When separated under the provisions of this Part a member shall be provided a certificate reflecting the character of his/her service for the period concerned.

(1) *Honorable.* Predicated upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade and general aptitude. A member will not necessarily be denied an honorable characterization solely by reason of a specific number of convictions by courts-martial or actions under Article 15 of the Uniform Code of Military Justice (10 U.S.C. 815) during his/her current enlistment or period of obligated service. An Honorable Discharge certificate (DD Form 256) shall be provided upon discharge.

(2) *Under Honorable Conditions.* Appropriate when a member's military record is not sufficiently meritorious to warrant an honorable characterization, as prescribed by the regulations of the Service concerned. A General Discharge certificate (DD Form 257) shall be provided upon discharge.

(3) *Under Other Than Honorable Conditions.* Appropriate when a member is separated for (i) misconduct, security, or a homosexual act in accordance with § 41.13(d)(1), when based on the approval of a recommendation of an administrative discharge board or waiver of the right to board action, or (ii) resignation or request for discharge for the good of the Service. A Discharge Under Other Than Honorable Conditions certificate (DD Form 794) shall be provided upon discharge.

Note.—Use of DD Form 258 is discontinued effective January 1, 1977, at which time, use of existing DD Forms 794 is prescribed.

(b) *Special Consideration*

(1) In any case in which a Discharge Under Other Than Honorable Conditions certificate is authorized under this Part, a member may receive a more favorable characterization if, during his/her current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or period of prior service, he/she has been awarded a personal decoration as defined by his/her Service, or if warranted by the particular circumstances of a specific case.

(2) Except as indicated below, the characterization of service of the current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the

Armed Forces concerned, or effected with the consent of the member. The following shall not be considered:

(i) Prior service activities, including but not limited to records of conviction by courts-martial, records of non-judicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.

(ii) Preservice activities, excepting misrepresentations, including omission of facts which, if known, would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

§ 41.10 Restriction on certain administrative discharges.

(a) Administrative discharge action under the provisions of paragraphs (g)(2), (4), (5), and (6), and (i)(1) of § 41.7, will not normally be initiated until a member has been counseled concerning his/her deficiencies and afforded a reasonable opportunity to overcome them.

(b) No member shall be separated under other than honorable conditions unless he/she is afforded the right to present his/her case before an administrative discharge board, with the advice and assistance of counsel, and unless such discharge is supported by approved board findings and an approved board recommendation for such a discharge. As exceptions, a discharge under other than honorable conditions may be issued without board action if the member (1) is beyond military control by reason of prolonged unauthorized absence, or (2) resigns or requests discharge for the good of the Service, or (3) waives his/her right to board action.

(c) The discharge authority may approve the service characterization recommended by an administrative discharge board, or a characterization more favorable, but shall not approve a characterization of service less favorable than that recommended.

(d) When an administrative discharge board recommends retention, and the discharge authority believes that separation is warranted, by the circumstances of a particular case, this authority may recommend separation to the Secretary concerned, pursuant to paragraph § 41.7(b)(14). If separation is approved, an Honorable or a General Discharge certificate, as directed by the Secretary concerned, will be issued.

(e) Notwithstanding a member's written acknowledgement that he/she will be issued a Discharge Under Other Than Honorable Conditions certificate, under the provisions of § 41.7(j), "Resignation or Request for Discharge for the Good of the Service," the discharge authority may direct issuance of either an Honorable or General Discharge certificate, if warranted.

(f) A member subject to discharge because of conviction by civil court may be processed for discharge although he/she has filed an appeal or stated his/her intention to do so. However, it will be the general policy to withhold the execution of the approved discharge, pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate, upon the direction of the Secretary concerned.

(g) No member shall be administratively discharged with a discharge under other than honorable conditions, if the grounds for such discharge action are based wholly or in part upon acts or omissions for which the member has been previously tried by court-martial resulting in acquittal or action having the effect thereof, except when such acquittal or equivalent disposition is based on a legal technicality not going to the merits.

(h) No member shall be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings, when the evidence before the subsequent board would be the same as the evidence before the previous board, except as provided in § 41.4(d)(7) of this Part, and in those cases where the favorable findings of the previous board are determined to have been obtained by fraud or collusion.

§ 41.11 Procedures for discharge.

The following procedures will be adhered to in effecting administrative discharges:

(a) *Consultation with Counsel.* Members being processed for involuntary separation under honorable conditions (general discharge) or under other than honorable conditions, shall be provided the opportunity to consult with a judge advocate or law specialist at the outset of the procedure for separation.

(b) *Honorable Discharge.* A separation with an honorable discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that the member merits an honorable discharge under prescribed Service standards.

(c) *Under Honorable Conditions (General Discharge).* A separation under honorable conditions may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined, under prescribed Service standards that such discharge is warranted. When a General Discharge certificate is issued for one of the reasons listed in § 41.7(a) through (e), the specific basis therefor shall be included in the member's permanent personnel records.

(d) *Discharge for Unsuitability.* An honorable discharge or a discharge under honorable conditions, based on the standards prescribed in § 41.7(g), may be issued by the commander exercising special court-martial jurisdiction or higher authority.

(1) A member with less than eight years of total active and/or reserve military service shall be notified in writing of the proposed discharge action and shall be afforded an opportunity to make a statement in his/her own behalf or decline the opportunity in writing. This correspondence shall be filed in the member's permanent personnel records.

(2) A member with eight or more years of total active and/or reserve military service shall be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in (e)(1) and (2) of this section.

(e) *Under Other Than Honorable Conditions.* A discharge under other than honorable conditions shall be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate or law specialist on his/her staff for cases arising in that command. Every action taken pursuant to such a delegation shall state the authority therefor. A Discharge Under Other Than Honorable Conditions certificate shall be issued in accordance with the provisions of this Directive which include the following procedures and safeguards:

(1) A member who is under military control shall be notified in writing of the basis for the proposed discharge action and advised that he/she has the following rights:

(i) To present his/her case before an administrative discharge board.

(ii) To be represented by counsel.

(iii) To waive the above rights in writing. The member shall be given an opportunity to consult with counsel, prior to waiving his/her rights.

(2) If a member waives his/her rights, the discharge authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of misconduct or

security. If discharge is directed, the type of certificate will be specified.

(3) A member unable to appear in person before an administrative discharge board, by reason of confinement by civil authorities, shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him/her the opportunity to exercise the following rights:

(i) To have his/her case considered by an administrative discharge board.

(ii) To request appointment of a military counsel to represent him/her and in his/her absence present his/her case before an administrative discharge board.

(iii) To submit statements in his/her own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(4) A member of a Reserve component not on active duty shall be advised (by registered mail or certified mail, return receipt requested and received, indicating delivery) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him/her the opportunity to exercise the following rights:

(i) To have his/her case considered by an administrative discharge board.

(ii) To request appointment of a military counsel to represent him/her and in his/her absence present his/her case before an administrative discharge board.

(iii) To submit statements in his/her own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(5) A member beyond military control by reason of unauthorized absence:

(i) May be discharged under other than honorable conditions *in absentia* under either of the following circumstances:

(A) When the prosecution of the member is apparently barred by statute of limitations, 10 U.S.C. 843. In those cases, a Discharge Under Other Than Honorable Conditions certificate may be issued at any time after it is determined that prosecution is so barred, provided that upon consideration of available extenuating, mitigating and aggravating factors in each case, the discharge authority determines that the best interest of the Armed Forces will be served by issuance of such discharge.

(B) When the discharge authority determines, in accordance with regulations of the Department concerned, that issuance of a Discharge Under Other Than Honorable Conditions certificate will serve the national interests.

(ii) Shall be notified of the imminent discharge action and the effective date thereof by registered mail or certified mail, return receipt requested, forwarded to the record address of the member, or next of kin, as appropriate.

(iii) Shall be subject to the separation limitations of 10 U.S.C. 1163, if he/she is a member of a Reserve component.

(6) A member who submits a resignation or requests discharge for the good of the Service may be issued a Discharge Under Other Than Honorable Conditions certificate without board action, provided he/she has been afforded the opportunity to consult counsel and certifies in writing that he/she understands (i) he/she will receive a discharge under other than honorable conditions, and (ii) the adverse nature of such a characterization and the possible consequences thereof.

(f) *Conditional Waiver.* Use of a conditional waiver, as described below, is authorized at the discretion of the Military Departments. A "conditional waiver" is a statement initiated by a member waiving those rights associated with administrative discharge board proceedings, contingent upon receiving a characterization of military service higher than the least characterization authorized for issuance for the specific reason of separation in the member's situation. If such a statement of waiver is accepted, the particular circumstances of the member's military service warranting the higher characterization will be specifically identified by the member's commanding officer, or higher authority, in the discharge correspondence to be filed in the member's military personnel record.

§ 41.12 Suspension of execution of approved discharge.

The discharge authority or higher authority may, prior to the expiration of the member's enlistment or period of obligated service, suspend execution of an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During the period of suspension the member shall be afforded an opportunity to demonstrate that he/she is capable of behaving properly for an extended period under varying conditions and that he/she can perform assigned duties efficiently.

(a) Upon satisfactory completion of the probationary period, execution of the approved discharge will be cancelled automatically.

(b) Additional misconduct on the part of the member during the probationary period of actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions.

(1) Punitive or new administrative action may be initiated, notwithstanding the suspension of execution of the approved discharge.

(2) Suspension of the approved discharge may be vacated, and the approved discharge executed, to include discharge *in absentia* when the member has been beyond the military control for 15 or more days.

(c) Suspension of a discharge is not authorized in a case where there is an approved finding that one or more of the circumstances authorizing separation by reason of homosexuality under § 41.13(c) has occurred.

§ 41.13 Homosexuality.

(a) *Policy.* Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security.

(b) *Definitions.* As used in this section:

(1) Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts.

(2) Bisexual means a person who engages in, desires to engage in, or intends to engage in homosexual and heterosexual acts.

(3) A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

(c) *Basis.* The basis for separation may include preservice, prior service, or current service conduct or statements. A member shall be separated under this

section if, but only if, one or more of the following approved findings is made:

(1) The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are approved further findings that:

(i) Such conduct is a departure from the member's usual and customary behavior;

(ii) Such conduct under all the circumstances is unlikely to recur;

(iii) Such conduct was not accomplished by use of force, coercion, or intimidation by the member during a period of military service;

(iv) Under the particular circumstances of the case, the member's continued presence in the Service is consistent with the interest of the Service in proper discipline, good order, and morale; and

(v) The member does not desire to engage in or intend to engage in homosexual acts.

(2) The member has stated that he or she is a homosexual or bisexual unless there is a further finding that the member is not a homosexual or bisexual.

(3) The member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the member is not a homosexual or bisexual and that the purpose of the marriage or attempt was the avoidance or termination of military service.

(d) *Characterization.*

(1) A Discharge Under Other Than Honorable Conditions may be issued in accordance with the guidance on Misconduct found in § 41.7(i) if there is a finding that during the current term of service the member attempted, solicited, or committed a homosexual act:

(i) By using force, coercion, or intimidation;

(ii) With a person under 16 years of age;

(iii) With a subordinate in circumstances that violate customary military superior-subordinate relationships;

(iv) Openly in public view;

(v) For compensation;

(vi) Aboard a military vessel or aircraft; or

(vii) In another location subject to military control under aggravating circumstances noted in the finding that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

(2) In all other cases, the character of discharge of a member separated under this provision shall reflect the character of the member's service in accordance with § 41.9.

(e) *Procedures.*

(1) Separation processing shall be initiated if there is probable cause to believe separation is warranted under paragraph (c) of this section.

(2) Counseling and rehabilitation requirements are not applicable.

(3) The procedural requirements of § 41.11(e) shall be used as applicable.

(4) A member being considered for separation under this provision shall have the right to request an Administrative Discharge Board (§ 41.4 of this Part), subject to the following provisions:

(i) The Board shall follow the procedures authorized under § 41.4(b) of this Part, except:

(A) If the Board finds that one or more of the circumstances authorizing separation under paragraph (c) of this section is supported by the evidence, the Board shall recommend separation unless the Board finds that retention is warranted under the limited circumstances described in that paragraph.

(B) If the Board does not find that there is sufficient evidence that one or more of the circumstances authorizing separation under paragraph (c) above has occurred, the Board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

(ii) The Discharge Authority shall be exercised by a general court-martial convening authority or higher authority in any case which a Discharge Under Other Than Honorable Conditions is authorized. In all other cases, the Discharge Authority shall be exercised in a Special Court-Martial convening authority or higher authority. The Discharge Authority shall dispose of the case according to the following provisions:

(A) If the Board recommends retention, the Discharge Authority shall:

(1) Approve the finding and direct retention; or

(2) Forward the case to the Secretary concerned with a recommendation that the Secretary separate the member under the Secretary's Authority (§ 41.7(b)(14)).

(B) If the Board recommends separation, the Discharge Authority shall:

(1) Approve the finding and direct separation; or

(2) Disapprove the finding on the basis that

(i) There is insufficient evidence to support the finding; or

(ii) Retention is warranted under the limited circumstances described in paragraph (c) of this section.

(C) If there has been a waiver of Board proceedings, the Discharge Authority shall dispose of the case in accordance with the following provisions:

(1) If the Discharge Authority determines that there is not sufficient evidence to support separation under paragraph (c) of this section, the Discharge Authority shall direct retention unless there is another basis for separation of which the member has been duly notified.

(2) If the Discharge Authority determines that one or more of the circumstances authorizing separation under paragraph (c) of this section has occurred, the member shall be separated unless retention is warranted under the limited circumstances described in paragraph (c) of this section.

(5) The burden of proving that retention is warranted under the limited circumstances described in paragraph (c) of this section rests with the member except in cases where the member's conduct was solely the result of a desire to avoid or terminate military service.

(6) Findings regarding the existence of the limited circumstances warranting a member's retention under paragraph (c) of this section required only if:

(i) The member clearly and specifically raises such limited circumstances; or

(ii) The Board or Discharge Authority relies upon such circumstances to justify the member's retention.

(7) Nothing in these procedures:

(i) Limits the authority of the Secretary concerned to take appropriate action in a case to ensure that there has been compliance with the provisions of this section;

(ii) Precludes retention of a member for a limited period of time in the interests of national security as authorized by the Secretary concerned;

(iii) Authorizes a member to seek Secretarial review unless authorized in procedures promulgated by the Secretary concerned;

(iv) Precludes separation in appropriate circumstances for another reason set forth in § 41.7;

(v) Precludes trial by court-martial in appropriate cases.

M. S. Healy,

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

January 26, 1981.

[FR Doc. 81-3445 Filed 1-28-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 181

[CGD 79-137]

Outboard Motors; Start-in-Gear Protection Devices

Correction

In FR Doc. 81-151 appearing at page 3514 in the issue for Thursday, January 15, 1981, make the following correction:

On page 3515, in the third column, in § 181.11(c), the words "not only apply" should have read "not apply".

BILLING CODE 1505-01-M

33 CFR Part 117

[CGD 80-49]

Drawbridge Operation Regulations; St. Croix River, Wisconsin and Minnesota

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the Stillwater Highway lift bridge across the St. Croix River, Mile 23.4, to provide a more equitable arrangement for operation of the draw. A significant increase in weekend recreational boating dictates the need for a regulation to fit the different requirements of weekday and weekend operation. This action will provide for the reasonable needs of navigation and also minimize the traffic congestion in Stillwater which occurs when the draw opens.

EFFECTIVE DATE: This Amendment is effective on March 1, 1981.

FOR FURTHER INFORMATION CONTACT: S.W. Thoroughman, Chief, Bridge Branch, Room 400, 1430 Olive Street, St. Louis, MO 63103 (314-425-4607).

SUPPLEMENTARY INFORMATION: On 4 May 1980 the Coast Guard published a Proposed Rule in the **Federal Register** (45 FR 29593) concerning this amendment. The Commander, Second Coast Guard District, also published this proposal as a Public Notice dated 5 June 1980 and as a Local Notice to Mariners 11 June 1980. Interested persons were given until 7 July 1980 to comment.

DRAFTING INFORMATION: The principal persons involved in drafting this final rule are: S. W. Thoroughman, Project Manager, and R. A. Knee, Project Attorney, Second Coast Guard District.

Discussion of Comments

Three comments were received which endorsed the proposal.

In consideration of the foregoing, Part 117 of the Title 33 of the Code of Federal Regulations is amended by revising paragraph (g)(16) of § 117.560 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(16) St. Croix River, Wisconsin and Minnesota; State of Minnesota Highway bridge at Stillwater, Minnesota.

(i) From May 15 through October 15 the draw shall open on signal as follows:

(A) Weekdays 8. a.m. to 11 a.m., every hour on the hour; 11 a.m. to 3 p.m., every half hour; 3 p.m. to 6 p.m., every hour on the hour; 6 p.m. to 10 p.m., every half hour; 10 p.m. to 8 a.m., two hours notice is required.

(B) Saturdays, Sunday, and holidays: 8 a.m. to 11 a.m., every half hour; 11 a.m. to 8 p.m., every hour on the hour; 8 p.m. to midnight, every half hour; midnight to 8 a.m., two hours notice is required.

(ii) From October 16 through May 14 the draw shall open on signal if at least 24 hours notice is given.

(iii) During the period of hourly and half hourly openings, the draw tender will be in constant attendance and will open the draw at any time for emergencies.

(iv) The provisions of this regulation and the name and telephone number of the person to contact when advance notice is required shall be conspicuously posted on the upstream and the downstream sides of the bridge.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05(g)(3))

Dated: January 13, 1981.

T. H. Rutledge,

Captain, U.S. Coast Guard Commander, Second Coast Guard District, Acting.

[FR Doc. 81-3447 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Exclusions From Countable Income Under Improved Pension Program

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulation governing exclusions from countable income under the Improved Pension Program. The need for this action resulted from our determination that payments under the Foster Grandparent Program are not to be included in countable pension income under the Improved Pension Program. The effect of this action will be to permit persons in receipt of Improved Pension to receive income under the Foster Grandparent Program (and under other Domestic Volunteer Service Act Programs) without loss of Veterans Administration pension entitlement or benefits.

EFFECTIVE DATE: This regulation amendment is effective January 1, 1979, the date the Improved Pension Program began.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 66815-16 of the **Federal Register** of October 8, 1980, the Veterans Administration published a proposed amendment to 38 CFR 3.272. The proposed amendment would exclude income received under a Domestic Volunteer Service Act (DVSA) program from countable pension income under the Improved Pension program. Interested persons were given until November 7, 1980 to submit comments, suggestions or objections to the proposed amendment of § 3.272. We received one comment from the Deputy General Counsel of ACTION, the agency which administers the DVSA programs.

The commentator objected to the language of the proposed amendment to § 3.272 on the grounds that it appears to require ACTION to determine in every case involving Improved Pension whether DVSA payments equaled or exceeded the applicable minimum wage. The commentator says that the intent of the statute that the amendment to § 3.272 is implementing, 38 U.S.C. 5044(g)(1979), is that DVSA payments are to be excluded by the Veterans Administration unless ACTION determines that the DVSA payments equaled or exceeded the applicable minimum wage. In other words the Veterans Administration is to presume that DVSA payments are excludable in the absence of a specific determination by ACTION.

The commentator has further advised us that at this time no DVSA payments exceed the applicable minimum wage. We agree with the position of the commentator and have so modified the amendment to § 3.272 which is set forth below.

Approved: January 16, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

In § 3.272, paragraph (k) is added to read as follows:

§ 3.272 Exclusions from income.

The following shall be excluded from countable income for the purpose of determining entitlement to improved pension:

* * * * *

(k) *Domestic Volunteer Service Act Programs.* Payments received under a Domestic Volunteer Service Act (DVSA) Program (including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Foster Grandparent Program (FGP) and Older American Community Service Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program) shall be excluded as provided in paragraph (k) (1) and (2) of this section:

(1) All DVSA payments received before December 13, 1979, shall be excluded from determining entitlement to improved pension. 42 U.S.C. 5044(g) (1973).

(2) DVSA payments received after December 12, 1979, shall be excluded from determining entitlement to improved pension unless the Director of the ACTION Agency has determined that the value of all DVSA payments, adjusted to reflect the number of hours served by the volunteer, equals or exceeds the minimum wage then in effect under the Fair Labor Standards Act of 1938 or the minimum wage of the State where the volunteer served, whichever is the greater. 42 U.S.C. 5044(g) (1979).

[FR Doc. 81-3311 Filed 1-28-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1741-4]

Prevention of Significant Deterioration; Delegation of Authority to State Agencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rules.

SUMMARY: The Regional Administrator for EPA Region V, Chicago has delegated full authority to the States of Ohio, Illinois, and Minnesota to implement and enforce the Federal Prevention of Significant Deterioration (PSD) Program. A partial delegation was made to Indiana and Wisconsin to implement the Federal PSD Program.

DATES: The effective dates of the delegations are May 1, 1980 for Ohio, September 20, 1977 for Minnesota, April 7, 1980 for Illinois, August 19, 1980 for Wisconsin and September 30, 1980 for Indiana.

ADDRESSES: Illinois—Director, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706; Indiana—Technical Secretary, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206; Ohio—Director, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216; Wisconsin—Secretary, Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, Phone: (312) 886-6056.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency has delegated under the provisions which are found in 40 CFR 52.21(u), to the States of Minnesota, Ohio and Illinois: (A) authority over all sources in their respective States subject to review for the prevention of significant deterioration of air quality, pursuant to Part C 160-169 of Title I of the Clean Air Act as amended August 7, 1977 and the requirements promulgated in the July 1, 1979 edition of 40 CFR 52.21 as amended August 7, 1980 under authority of section 101, 110 and 160-169 of the Clean Air Act; and (B) authority to review, administer, and enforce throughout the State the requirements imposed by the Clean Air Act section 101, 110, and 160-169, and 40 CFR 52.21 as amended August 7, 1980.

The EPA has delegated to Wisconsin and Indiana partial authority to perform the administrative and technical functions related to the issuance of a construction and operating permit which is required by the above cited Act and regulations.

Information on each of the above mentioned delegations together with a copy of that delegation is provided below:

A. Ohio

On February 8, 1980 the Governor of Ohio requested delegation of authority for PSD. A full delegation became effective on May 1, 1980 in accordance with the terms and conditions of the following letter.

CERTIFIED MAIL RETURN REQUESTED
May 1, 1980

Mr. James F. McAvoy, Director, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

Dear Mr. McAvoy:

Thank you for Governor Rhodes' request for delegation of Prevention of Significant Deterioration (PSD) authority to Ohio. The Governor's February 8, 1980 letter requested that I contact you directly regarding the delegation of authority. The intent of delegating PSD authority is to reduce duplicate new source permit reviews by our respective air programs and provide prospective applicants with one less agency to deal with in obtaining a contruction permit.

Region V staff have evaluated the practices and procedures used by the State of Ohio for reviewing construction permit applications and have determined that the technical, administrative, and enforcement elements of the State air program are adequate to implement a delegated PSD program. Therefore, U.S. Environmental Protection Agency (USEPA) hereby grants to the State of Ohio authority to implement the June 19, 1978, PSD regulations, found in 40 CFR 52.21, and any subsequent revisions to the regulations as well as determinations and interpretations which USEPA makes related to the regulations. This delegation is made in accordance with the provisions found in 40 CFR 52.21 (v), Delegation of Authority.

The delegation is based upon the following terms and conditions:

1. Authority is delegated for all sources located in the State of Ohio subject to review for the Prevention of Significant Deterioration. This includes all source categories listed in 40 CFR 52.21 for each pollutant regulated by the Clean Air Act.

2. The Ohio Environmental Protection Agency (OEPA) and USEPA will develop a communication system which accomplishes the following:

a. The USEPA will inform the OEPA of the compliance status at the time of this delegation of sources in the State of Ohio which have been issued a PSD permit by USEPA.

b. The OEPA will report to the USEPA the future compliance status of the subject sources which have received a PSD permit from either OEPA or USEPA. The existing quarterly reporting system should be used.

c. The OEPA will forward to the USEPA, at the onset of the public comment period, a summary of (1) the findings related to each PSD application, and (2) the justification for the OEPA's preliminary determination. Should there be comments or concerns about the pending PSD permit, USEPA will communicate these comments and concerns to the OEPA as soon as possible before the closing of the public comment period.

d. The OEPA will forward to USEPA copies of the final actions on PSD permit applications at the time of issuance.

e. The status of incomplete permit applications will be provided to USEPA on an as-needed basis.

3. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of sections 160-169 of the

Clean Air Act or 40 CFR section 52.21 to the extent that implementation, review, administration or enforcement of these sections have not been covered by determinations or guidance sent to OEPA.

4. This delegation of authority becomes effective on May 1, 1980. Where it is convenient to both OEPA and USEPA and a benefit to the applicant, any PSD reviews already initiated by USEPA prior to this delegation shall be transferred to the OEPA for completion.

5. The USEPA will review all exemption requests from sources which have received permits under the June 19, 1978 PSD regulations. The requests for exemption from the June 19, 1978 permitting requirements is anticipated because of the forthcoming PSD regulatory revision caused by the Alabama Power vs. Costle court decision.

6. The State will at no time grant any waivers to the permit requirements, approve any compliance schedule, or issue any administrative order which violates any presently effective PSD provisions without prior written concurrence of USEPA.

7. The primary responsibility for enforcement of the PSD regulations in the State of Ohio will rest with the OEPA. The OEPA will enforce the provisions and regulations that pertain to the PSD program except in those cases where the rules or policy of State are more stringent; in which case the State may elect to implement the more stringent requirement. If the State enforces the delegated provisions in a manner inconsistent with the terms and conditions of this delegation or the Clean Air Act, USEPA may exercise its enforcement authority contained in the Clean Air Act with respect to sources within the State of Ohio subject to the PSD provisions.

8. If the Regional Administrator determines that the State is not implementing or enforcing the PSD program in accordance with the terms and conditions of this delegation, the requirements of 40 CFR section 52.21, or the Clean Air Act, this delegation, after consultation with the OEPA, may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the State.

9. Permits issued under this delegation should contain language stating that the PSD requirements have been satisfied.

10. The OEPA must allow for the provisions of 40 CFR 52,21(v)(4) to be met with regards to sources or modifications constructing in class III areas.

A notice announcing this delegation will be published in the **Federal Register** in the near future. Unless USEPA receives written notice from the OEPA of objections with 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

B. Minnesota

On June 27, 1977 the Executive Director of the Minnesota Pollution Control Agency requested delegation of authority for PSD. A delegation was granted on September 20, 1977. A public notice and an address change to which applications must be sent were published in the January 3, 1978 **Federal Register** at 43 FR 33 and 43 FR 10 respectively. However, on December 11, 1978 the USEPA received a request to expand the delegation to cover new source categories introduced by the August 7, 1977 Clean Air Act Amendments. This expansion was granted on March 26, 1979. Because the March 26, 1979 delegation was made specific with respect to the June 19, 1978 PSD regulations, a revised delegation was developed after the August 7, 1980 amendments to the PSD regulations were promulgated. The following letter contains the terms and conditions of the revised delegation. This full delegation became effective October 15, 1980.

Certified Mail—Return Receipt Requested

October 15, 1980.

Ms. Terry Hoffman, Executive Director, Minnesota Pollution Control Agency, 1935 West County Road B–2, Roseville, Minnesota, 55113.

Dear Ms. Hoffman: The U.S. Environmental Protection Agency (USEPA) delegated to the State of Minnesota authority to implement the 1974 Prevention of Significant Deterioration (PSD) regulations on September 20, 1977. On March 26, 1979 the delegation was amended to include delegation of the June 19, 1978 PSD regulations for 10 additional source categories. On August 7, 1980 the PSD regulations were amended; therefore, we are revising the delegation to include the amendments to the PSD regulations.

USEPA has determined that the State of Minnesota has satisfactory procedures to implement the PSD program; therefore, the USEPA hereby delegates to the State of Minnesota authority under 40 CFR 52.21(u) to implement and enforce the PSD regulations at 40 CFR 52.21 and subsequent revisions. This delegation is subject to the following terms and conditions:

1. Authority is delegated for all sources located in the State of Minnesota subject to review for PSD. This includes all source categories listed in 40 CFR Section 52.21 for each pollutant regulated by the Clean Air Act.

2. The Minnesota Pollution Control Agency (MPCA) and the USEPA will use a communication system which accomplishes the following:

a. The MPCA will report to USEPA by means of the Compliance Data System the compliance status of subject sources.

b. The MPCA will forward to the USEPA at the onset of the public comment period a summary of (1) the findings related to each PSD application and (2) the rationale for MPCA preliminary determination to approve or deny the permit. Should there be comments or concerns about the pending PSD permits, USEPA will communicate these comments and concerns to the MPCA as soon as possible before the close of the public comment period.

c. The MPCA will forward to USEPA copies of the final action on PSD permit applications upon completion of that action.

3. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of sections 160–169 of the Clean Air Act and 40 CFR section 52.21 to the extent that the implementation, review, administration or enforcement of these sections have not been covered by determinations or guidance sent to the MPCA.

4. Upon approval by the Regional Administrator of Region V, the Executive Director of MPCA may redelegate the authority to implement the PSD provisions to local air pollution control authorities in Minnesota after the MPCA has demonstrated to the USEPA that such authorities have an equivalent or more stringent program in force.

5. The State will at no time grant any waivers to the permit requirements, approve any compliance schedule, or issue any administrative order which violates any presently effective PSD provisions.

6. The primary responsibility for enforcement of the PSD regulations in the State of Minnesota will rest with the MPCA. The MPCA will enforce the provisions and regulations that pertain to the PSD program except in those cases where the rules or policy of MPCA are more stringent; in which case the State may elect to implement the more stringent requirement. If the State enforces the delegated provisions in a manner inconsistent with the terms and conditions of this delegation or the Clean Air Act, USEPA may exercise its enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources within the State of Minnesota subject to PSD provisions.

7. If the Regional Administrator determines that the State is not implementing or enforcing the PSD program in accordance with terms and conditions of this delegation, the requirements of 40 CFR section 52.21, or the Clean Air Act, this delegation, after consultation with the MPCA, may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the State.

8. Permits issued under this delegation should contain language stating that the 40 CFR 52.21 PSD requirements have been satisfied.

9. The MPCA must allow for the provisions of 40 CFR 52.21 (a)(4) to be met with regard to sources or modifications constructing in class III areas.

With respect to PSD, this delegation supersedes the previously delegated authority contained in the September 20, 1977 and the March 26, 1979 letters.

A notice announcing this delegation will be published in the **Federal Register** in the near future. Since this delegation is effective upon the date of this letter, there is no requirement that the MPCA notify USEPA of its acceptance. Unless USEPA receives written notice from the MPCA of objections within 10 days of the receipt of this letter, the State will have been deemed to have accepted all the terms and conditions of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

C. Illinois

On October 11, 1979 the Director of the Illinois Environmental Protection Agency requested delegation of authority for PSD. A full delegation was granted on March 8, 1980 and became effective on April 7, 1980. The following letter and attached agreement represents the terms and conditions of the delegation.

February 28, 1980

Mr. Michael P. Mauzy, Acting Director,
Illinois Environmental Protection Agency,
2200 Churchill Road, Springfield, Illinois 62706.

Dear Mr. Mauzy:

Attached are two copies of a delegation of authority agreement for the Prevention of Significant Deterioration (PSD) program which I have signed. I believe our respective agencies have developed an arrangement which will benefit our agencies as well as permit applicants. If you will return a signed copy within 10 days, we will be able to publish in the near future this agreement in the **Federal Register.**

Please note that if for some reason an applicant deems a permit to be issued under the default provisions of Section 39 of the Illinois Environmental Protection Act, the U.S. Environmental Protection Agency will not be able to consider such a permit as meeting the requirements of 40 CFR 52.21, PSD regulations. If your agency should become aware that a source considers itself as having a PSD permit under the default provision, I would appreciate your informing me as soon as possible.

Thank you for the cooperation and effort you and your staff contributed in developing this agreement. If you have need for clarification, do not hesitate to contact me or Ronald J. Van Mersbergen at (312) 886-6037.

Sincerely yours,

John McGuire,

Regional Administrator.

Attachment.

USEPA–IEPA Agreement for Delegation of Authority of the Regulations for Prevention of Significant Deterioration of Air Quality (40 CFR 52.21)

The undersigned, on behalf of the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA), hereby agree to the delegation of authority for the administrative, technical and enforcement elements of the source review provisions of 40 CFR 52.21, Prevention of Significant Deterioration (PSD) from the USEPA to the IEPA, subject to the terms and conditions below. This delegation is enacted pursuant to 40 CFR 52.21(v), Delegation of Authority.

General

1. The IEPA shall review all applications for approval of proposed sources in Illinois which may be subject to 40 CFR 52.21. This review will be conducted as an integral part of the Illinois construction permit program. The IEPA will take final action upon a complete application, either approval or disapproval, within 180 days of receipt unless the applicant waives the right to action within this time.

2. Permits issued under this delegation shall contain language stating whether IEPA, acting upon the behalf of the USEPA, finds that the proposed source fulfills the requirements of 40 CFR 52.21.

3. The IEPA shall keep records of actions performed under this delegation for a period of at least three years. The USEPA shall have access to these records.

The IEPA shall send a copy of the final action (either approval or disapproval) on any application subject to 40 CFR 52.21 to the Regional Administrator of the USEPA at the time of issuance. Copies of other records will not be routinely forwarded to the USEPA, in order to avoid duplication of records.

4. The primary responsibility for enforcement of 40 CFR 52.21 as it pertains to source review in the State of Illinois shall rest with the IEPA. The IEPA shall enforce the appropriate provisions of 40 CFR 52.21 unless more stringent State regulations apply.

5. The IEPA shall inform the USEPA of any judicial action referred to in section II B, paragraph 5 of the "Request by the State of Illinois for Delegation of Authority for PSD."

Program Supervision

1. The USEPA shall develop and maintain a system for transmitting policy documents and interpretations relating to 40 CFR 52.21 to the IEPA.

2. At the beginning of the public comment period for a source subject to 40 CFR 52.21, the IEPA shall send to the Regional Administrator of the USEPA a copy of 1) the public comment notice, and 2) the preliminary decision of the IEPA on the application including reasons for the decision and any conditions imposed by the IEPA. The USEPA shall send any comments on the pending application to the IEPA within the public comment period. USEPA acceptance of the IEPA's proposed action on an application shall be assumed if written comments are not received within the public comment period.

The notice for public comment shall include the degree of increment consumption that is expected from the source or modification.

3. The IEPA shall send the USEPA, as a part of its regular quarterly report on compliance status, a listing of the status of sources in Illinois subject to 40 CFR 52.21, including:

a. The stage of review of any proposed source whose application is under review,

b. the State of construction and compliance status, as appropriate, of any source whose application has been acted upon but which is not yet operational, and

c. the compliance status of any source which is operational.

4. The USEPA shall examine the procedures used by the IEPA to implement the provisions of 40 CFR 52.21, at times mutually agreeable to both agencies, semiannually or on a less frequent basis.

5. In disputes between IEPA and the regional office of the USEPA, the IEPA may raise the unresolved issue with higher levels within the USEPA for a final decision.

6. If the USEPA finds that the IEPA persistently is not implementing source review in accordance with the provisions of 40 CFR 52.21 or not fulfilling the terms and conditions of this agreement, the USEPA may revoke this delegation in whole, after consultation with the IEPA. Such revocation shall be effective as of the date of written notice of such revocation to the IEPA.

7. The IEPA will not accept dispersion modeling which is not consistent with the USEPA *Guidelines on Air Quality Models.* The IEPA will consider new information on dispersion modeling and other aspects of PSD as periodically issued by USEPA.

8. The IEPA, in accordance with the provisions of 40 CFR 52.21(v)(4), shall submit to the Administrator for approval determinations of best available control technology for new and modified sources proposing to construct in a Class III area if the source would consume increment greater than the Class II increment and if no new source performance standard has been promulgated for such source category.

Terms of the Delegation

1. This delegation is effective thirty days from the date of execution of this Agreement and shall remain in effect until terminated by either party, revoked by the USEPA, or superceded by the approval of a State Implementation Plan for Illinois fulfilling the requirements of Part C of the Clean Air Act, as amended, "Prevention of Significant Deterioration."

2. This delegation covers any revisions which are promulgated for 40 CFR 52.21. The term "40 CFR 52.21" as used in the delegation request and throughout this Agreement, includes such regulations as are in effect on the date this Agreement is executed, and any revisions which are promulgated after that date.

3. This delegation covers the review of applications subject to 40 CFR 52.21 received after the effective date of this agreement and the surveillance of sources for which review, pursuant to 40 CFR 52.21, has been completed. The responsibility for review for any applications, which are under review by the USEPA on the effective date of this agreement, shall be transferred to the IEPA upon the written request of the applicant and the IEPA.

4. This delegation may be amended at any time by the formal written agreement of both the IEPA and the USEPA, including amendments to add, change, or remove conditions or terms of this Agreement.

5. This delegation may be terminated by either the USEPA or the IEPA, provided 30-days written notice is given to the other party.

Signed:

(name) _____

(date) _____

Illinois Environmental Protection Agency

(name) _____

(date) _____

United States Environmental Protection Agency _____

D. Wisconsin

On March 18, 1980 the Secretary of the Wisconsin Department of Natural Resources requested authority to perform some of the functions in the PSD Program. A partial delegation was granted to Wisconsin, effective on August 19, 1980. Under the partial delegation, the State will perform the technical functions of the engineering review and air quality impact analysis and the administrative functions of processing the application and providing opportunity for public comment. The EPA will issue or deny permits and perform all enforcement actions. The following letter represents the terms and conditions of the delegation.

August 19, 1980.

Mr. Anthony S. Earl, Secretary, Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707.

Dear Mr. Earl: In response to your March 18, 1980 request to receive delegated authority to implement the Prevention of Significant Deterioration (PSD) Program, we have prepared this agreement which outlines the terms and conditions of such a delegation to Wisconsin. Pursuant to your request and subsequent discussions with Wisconsin Department of Natural Resources (WDNR) staff, Region V staff has evaluated the practices and procedures used by staff of Wisconsin for reviewing construction permit applications. The U.S. Environmental Protection Agency (USEPA) has determined that the technical and administrative elements of the State air programs are adequate to implement a partially delegated PSD program to cover only the technical review and most of the administrative functions, with USEPA issuing and enforcing PSD permits from the Chicago office.

Therefore in accordance with 40 C.F.R § 52.21(u) the USEPA hereby delegates the WDNR limited authority to implement the PSD regulations found in 40 C.F.R. § 52.21, and as they may be amended. This delegation is also subject to all USEPA policy guidance and determinations on § 52.21 and other applicable regulations.

The scope of this delegation is described by the following terms and conditions:

1. Preliminary review authority is delegated to the WDNR for all sources located in the State of Wisconsin subject to review for PSD. This includes all source categories listed in 40 C.F.R. § 52.21 for each pollutant regulated by the Clean Air Act.

2. All matters involving a question of interpretation of applicability of §§ 160–169 of the Clean Air Act or 40 C.F.R. § 52.21, to the extent that the issue has not been covered by determinations and guidance sent to the WDNR by USEPA shall be referred to USEPA Region V, Enforcement Division. If a source needs a written determination that they are not subject to a part or all of the PSD regulations, that request will be sent to USEPA Region V Enforcement Division for a determination.

3. The WDNR will refer all exemption requests from sources which have received permits under 40 C.F.R. § 52.21 to USEPA for review and approval or denial.

4. The construction permit application processing responsibility will be shared as follows:

a. The WDNR will conduct any preapplication meetings with potential applicants. Any applicability determinations will be made consistent with item 2 of this delegation.
b. The WDNR will receive all permit applications and revisions to the applications.
c. The WDNR will review each application within 30 days and inform the applicant of any deficiencies.
d. Upon the receipt of a complete application a copy will be forwarded by the WDNR to the Region V, Air Programs Branch.
e. The WDNR will perform the engineering analysis for Best Available Control Technology (BACT) and dispersion modeling to determine air quality impact.
f. The WDNR will prepare a technical support document which summarizes the application and the technical analysis.
g. The WDNR will provide for a public notice and comment period in conformance with the public notice provisions of 40 C.F.R. § 52.21(r) (2)(ii)–(vi). The WDNR public notice will include a statement of the WDNR's proposed recommendations to USEPA on the application. If the WDNR is unable to hold a requested public hearing for want of procedural authority, the USEPA will hold the hearing under its authority in § 52.21(r).
h. Within 30 days following the public participation period, final recommendations to issue or deny the permit should be sent by the WDNR to the Region V Air Programs Branch.

5. The WDNR will inform USEPA of sources which appear to need a PSD application but are unwilling to submit an application.

6. The WDNR will keep a log of PSD application processing which include the following steps: (a) date of receipt of application (b) date the 30 day notice of incomplete application was sent (c) date application is complete (d) public comment period (e) date recommendations forwarded to USEPA. The WDNR will, on a monthly basis, send a copy of the current log to the Air Compliance Section, of Region V Division of Enforcement.

7. The delegation becomes effective upon the date of the Regional Administrator's signature and remains in effect until termination by either party, revoked by USEPA or superceded by the approval of a State Implementation Plan for Wisconsin fulfilling the requirements of the Clean Air Act Part C.

a. Prior to termination by either the USEPA or WDNR, a 30 day written notice shall be given to the other party.
b. If the Regional Administrator determines that the State is not implementing or enforcing the PSD program in accordance with the terms and conditions of this delegation, the requirements of 40 C.F.R. § 52.21, or the Clean Air Act, the Regional Administrator may, after consultation with the WNDR, revoke the delegation in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the State.

A notice announcing this delegation will be published in the **Federal Register** in the near future. Unless USEPA receives written notice from the WDNR of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted the terms and conditions of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

E. Indiana

On October 4, 1979 the Executive Secretary of the Indiana Air Pollution Control Board requested a reinstatement of a delegated program which was granted on July 25, 1977, but was subsequently withdrawn on January 17, 1979. The delegation request was granted on December 31, 1979 but was related specifically to the June 19, 1978 regulations and therefore expired on July 29, 1980, when a major portion of the June 19, 1978 regulations was remanded. After the August 7, 1980 PSD regulations amendments were promulgated, a partial delegation was granted to Indiana and became effective September 30, 1980. Under the partial delegation the State will perform the technical functions of the engineering review and air quality impact analysis and the administrative functions of processing the application and providing opportunity for public comment. The EPA will issue or deny permits and perform all enforcement actions. The following letter represents the terms and condition of the September 30, 1980 delegation.

September 30, 1980.

Mr. Ralph C. Pickard, Technical Secretary, Indiana Air Pollution Control Board, 1330 W. Michigan Street, Indianapolis, Indiana 46206.

Dear Mr. Pickard: In response to your September 3, 1980 request to receive delegated authority to implement the Prevention of Significant Deterioration (PSD) Program, we have prepared this agreement which outlines the terms and conditions of such a delegation to Indiana. Pursuant to your request and subsequent discussions with Indiana Air Pollution Control Board (IAPCB) staff, Region V staff has evaluated the practices and procedures used by staff of Indiana for reviewing construction permit applications. The U.S. Environmental Protection Agency (USEPA) has determined that the technical and administrative elements of the State air programs are adequate to implement a partially delegated PSD program to cover only the technical review and most of the administrative functions, with USEPA issuing and enforcing PSD permits from the Chicago office.

Therefore in accordance with 40 C.F.R. § 52.21(u) the USEPA hereby delegates to the IAPCB limited authority to implement the PSD regulations found in 40 C.F.R. § 52.21, and as they may be amended. This delegation is also subject to all USEPA policy guidance and determinations on § 52.21 and other applicable regulations.

The scope of this delegation is described by the following terms and conditions:

1. Preliminary review authority is delegated to the IAPCB for all sources located in the State of Indiana subject to review for PSD. This includes all source categories listed in 40 C.F.R. § 52.21 for each pollutant regulated by the Clean Air Act.

2. All matters involving a question of interpretation of applicability of §§ 160–169 of the Clean Air Act or 40 C.F.R. § 52.21, to the extent that the issue has not been covered by determinations and guidance sent to the IAPCB by USEPA shall be referred to USEPA Region V, Enforcement Division. If a source needs a written determination that they are not subject to a part or all of the PSD regulations, that request will be sent to USEPA Region V Enforcement Division for a determination.

3. The IAPCB will refer all exemption and variance requests from sources which have received permits under 40 C.F.R. § 52.21 to USEPA for review and approval or denial.

4. The construction permit application processing responsibility will be shared as follows:

a. The IAPCB will conduct any preapplication meetings with potential applicants. Any applicability determinations will be made consistent with item 2 of this delegation.
b. The IAPCB will receive all permit applications and revisions to the applications.
c. The IAPCB will review each application and inform the applicant of any deficiencies within 30 days.
d. Upon the receipt of a complete application, a copy will be forward by the IAPCB to the Region V, Air Programs Branch.
e. The IAPCB will perform the engineering analysis for Best Available Control Technology (BACT) and dispersion modeling and/or air quality monitoring to determine air quality impact.
f. The IAPCB will prepare a technical support document which summarizes the application and the technical analyses.
g. The IAPCB will provide for a public notice and comment period in conformance with the public notice provisions of 40 C.F.R. § 52.21(q). The IAPCB public notice will include a statement of the IAPCB's proposed recommendations to USEPA on the application. The IAPCB may utilize local air pollution control agencies to receive and process public comments.
h. Within 30 days following the public participation period, final recommendations to issue or deny the permit should be sent by the IAPCB to the Region V Air Programs Branch.

5. The IAPCB will inform USEPA of sources which appear to need a PSD permit but are unwilling to submit an application.

6. The IAPCB will keep a log of PSD application processing which include the following steps: (a) date of receipt of application; (b) date the 30 day notice of incomplete application was sent; (c) date application is complete; (d) public comment period; and (e) date recommendations forwarded to USEPA. The IAPCB will on a monthly basis send the above cited information to the Air Compliance Section, of Region V Division of Enforcement.

7. The delegation becomes effective upon the date of the Regional Administrator's signature and remains in effect until termination by either party, revoked by USEPA or superseded by the approval of a State Implementation Plan for Indiana fulfilling the requirements of the Clean Air Act, Part C.

a. Prior to termination by either the USEPA or IAPCB, a 30 day written notice shall be given to the other party.
b. If the Regional Administrator determines that the State of Indiana is not implementing or enforcing the PSD program in accordance with terms and conditions of this delegation, the requirements of 40 C.F.R. § 52.21, or the Clean Air Act, the Regional Administrator may, after consultation with the IAPCB, revoke the delegation in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the State.

8. Neither this delegation nor any technical or administrative functions described herein may be redelegated without the approval of the Regional Administrator.

A notice announcing this delegation will be published in the **Federal Register** in the near future. Unless USEPA receives written notice from the IAPCB of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

John McGuire,

Regional Administrator.

F. Michigan

A full delegation was granted to Michigan on September 10, 1979. The promulgation of the August 7, 1980 PSD regulation amendments did not necessitate a change in the delegation. Public notice of the delegation to Michigan was made in the February 7, 1980 **Federal Register** at 45 FR 8348 and a rule amendment was published in the February 7, 1980 **Federal Register** at 45 FR 8299 promulgating a change of address to which PSD applications must be sent.

The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. These delegations became effective according to dates cited in DATES, therefore, it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

Copies of the requests for delegation of authority are available for public inspection at the U.S. Environmental Protection Agency, Region V Office, Air Programs Branch, 230 South Dearborn, Chicago, Illinois, 60604.

This rulemaking is under the authority of Sections 101, 110, 160–169 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7401, 7410, 7470–79 and 7601(a)].

Dated: January 20, 1981.

John McGuire,

Regional Administrator.

Accordingly 40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart O—Illinois

1. Section 52.738 is amended adding a new paragraph (c) as follows:

§ 52.738 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of Illinois shall be submitted to the Director of the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 instead of the EPA Region V office.

Subpart P—Indiana

2. Section 52.793 is amended, by adding a new paragraph (c) as follows:

§ 52.793 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of Indiana shall be submitted to the Technical Secretary of the Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206 instead of the EPA Region V office.

Subpart KK—Ohio

3. Section 52.1884 is amended by adding new paragraph (c) as follows:

§ 52.1884 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 from sources in the State of Ohio shall be submitted to the Director of the Ohio

Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216 instead of the EPA Region V office.

Subpart YY—Wisconsin

4. Section 52.2581 is amended by adding a new paragraph (c) as follows:

§ 52.2581 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 from sources in the State of Wisconsin shall be submitted to the Secretary of Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707 instead of the EPA Region V office.

[FR Doc. 81-3343 Filed 1-28-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-17]

Federal Property Management Regulations, Temporary; Use of Contract Airline Service Between Selected City-Pairs

Correction

In FR Doc. 81-363 appearing at page 1731 in the issue for Wednesday, January 7, 1981, make the following correction:

On page 1733, in the "Attachment A" table, the 33rd through 39th lines ("Denver" through "New York") and the last line ("Tucson") should have been flush with the margin.

BILLING CODE 1505-01-M

41 CFR Part 101-40

[FPMR Amdt. G-49]

Transportation and Traffic Management Policies and Procedures; Correction

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical and editorial errors in the final rule on transportation and traffic management policies and procedures that appeared in the **Federal Register** of Tuesday, December 30, 1980 (45 FR 85751).

FOR FURTHER INFORMATION CONTACT: Joseph M. Napoli, Traffic Programs Branch, Transportation and Public Utilities Service, General Services Administration (TTMP), Washington, DC 20406 (202-275-0654).

The following corrections are made in FR Vol. 45, No. 251, appearing in the issue of December 30, 1980:

1. On page 85753, the telephone numbers of Region 5 are corrected to read "FTS 353-5375, COML 312-353-5375."

2. On page 85753, the telephone numbers of Region 6 are corrected to read "FTS 926-7555, COML 816-926-7555."

3. On page 85756, § 101-40.204 (Carrier selection and distribution of shipments), the first word on the 4th line is corrected to read "contact" instead of "contract."

4. On page 85756, § 101-40.205 (Quality control), the parenthetical reference on the 6th line is corrected to read "(See § 101-40.4906-9)."

5. On page 85758, § 101-40.305-3 (Negotiations by other executive agencies), the 4th line of the note appearing at the top of the second column is corrected to read "information as required in § 101-40.301(a)(1)."

6. On page 85764, § 101-40.4906-9 (GSA Form 3080, Household Goods Shipment Report), the 1st and 2nd lines of the footnote are corrected to read "§ 101-40.4906-9" instead of "§ 101-40.4906-8."

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

Dated: January 14, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 81-3305 Filed 1-28-81; 8:45 am]

BILLING CODE 6820-AN-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5807

[AA-8916]

Alaska; Partial Revocation of Public Land Order Nos. 175 and 5187; Classification of Lands for Conveyance to Cook Inlet Region, Inc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Public Land Order Nos. 175 and 5187, and classifies and considers as withdrawn certain lands for conveyance to Cook Inlet Region, Inc., under the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Beau McClure (202) 343-6511, or Robert D. Arnold (907) 271-5768, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

By virtue of the authority vested in the Secretary of the Interior by Section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 688, 708, and pursuant to Section 204(a) of the Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 175 of September 29, 1943, as amended, is hereby revoked as to the lands described below, and subject to valid existing rights these lands are hereby classified as suitable for conveyance to Cook Inlet Region, Inc., in accordance with paragraph I.C.(2) of the "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" as clarified August 31, 1976, and Section 12(b)(6) of the Act of January 2, 1976, 89 Stat. 1151:

Lot 2A, U.S. Survey 3808 situated at Lena Point about seventeen miles northwesterly of Juneau, Alaska

Containing 15.54 acres.

2. Public Land Order No. 5187 of March 15, 1872, which withdrew lands in military reservations for the protection of the public interest under Section 17(d)(1) of the ANCSA is hereby revoked so far as it relates to the lands described in paragraph 1 of this order.

3. Subject to valid existing rights, the lands described in paragraph 1 are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287.

4. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

January 15, 1981.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 81-3473 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Implementation of State Assistance Program for Training and Education in Emergency Management

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule: Additional information.

SUMMARY: This document adds to the regulation published at 46 FR 1270, the Catalogue of Domestic Assistance number for the FEMA program titled "State Assistance Programs for Training and Education in Comprehensive Emergency Management."

ADDRESS: Federal Emergency Management Agency, 1725 Eye Street, NW, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: David McLoughlin, Assistant Director for Training and Education, Federal Emergency Management Agency, 1725 I Street NW., Washington, D.C. 20472, Telephone (202) 254–9556.

SUPPLEMENTARY INFORMATION: On January 6, 1981, FEMA published a final regulation, 44 CFR Part 360 titled "State Assistance Programs for Training and Education in Comprehensive Emergency Management." The Catalogue of Domestic Assistance number was omitted from the Supplementary Information paragraph. This document corrects that omission. The proper entry is "Training and Education, State Cooperative Agreement No. 83.403.

Dated: January 23, 1981.

George Jett,

General Counsel.

[FR Doc. 81-3275 Filed 1-28-81; 8:45 am]

BILLING CODE 6817-01-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska or Hawaii, call Toll Free (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Rohnert Park (City), Sonoma County (Docket No. FI-5165).	Laguna de Santa Rosa	100 feet upstream from center of Commerce Boulevard	*98
			Upstream Corporate Limits	*104
		Hinebaugh Creek	Snyder Lane-at centerline	#1
		Coleman Creek	At confluence with Baumgardner Creek	#1

Maps available for inspection at City Hall, 6750 Commerce Blvd., Rohnert Park, California.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 19, 1981.

Gloria M. Jiminez,

Federal Insurance Administrator

[FR Doc. 81-3099 Filed 1-28-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska or Hawaii, call Toll Free (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Santa Maria (City), Santa Barbara County (FI–4164).	Bradley Ditch	100 feet upstream from center of North Broadway	*215
			100 feet upstream from center of East Donovan Road	*231
			100 feet upstream from center of East Main Street	*240
			500 feet northeast from eastern opening of	
		Adam Park Retention Basin Drainage Channel.	300 Feet east from intersection of South Broadway Street and Inger Street.	#1
			700 feet southwest from intersection of Enos Drive and Curryer Street	#3
		Shallow Flooding	Interstection of Williams Street and North Russel Avenue	*194
			400 feet east from intersection of Blosser Road and West Donovan Road.	*195
		Shallow Flooding	500 feet west from intersection of Bradley Road and Boone Street	#1
	Maps available for inspection at City Hall, 110 East Cook Street, Santa Maria, California.			
Connecticut	Bolton, Town, Tolland County (Docket No. FEMA–5886).	Blackledge River	Downstream Corporate Limits	*534
			Upstream Footbridge Abutments	*540
			Upstream side of Lyman Road	*549
			Upstream side of Wooden Footbridge	*553
			Downstream side of Deming Road	*560
			Approximately 60' upstream of Deming Road	*565
	Maps available for inspection at the Town Clerk's Office, Town Hall, 222 Bolton Center Road, Bolton, Connecticut.			
Connecticut	Burlington, Town, Hartford County (Docket No. FEMA–5893).	Farmington River	Downstream Corporate Limits	*238
			State Route 4 (extended)	*256
			Downstream side of Lower Collins Dam	*271
			Upstream side of Lower Collins Dam	*275
			Upstream Corporate Limits	*278
			Approximately 500 feet upstream of Corporate Limits	*279
	Maps available for inspection at the Town Clerk's Office, Speilman Highway, Burlington, Connecticut.			
Delaware	Dagsboro, Town, Sussex County (Docket No. FEMA–5883).	Pepper Creek	Downstream Corporate Limits to Pepper Creek	*9
			Upstream side of Main Street	*14
			Upstream Corporate Limits	*15
		Fork No. 1 to Pepper Creek	Confluence with Pepper Creek	*9
			Downstream side Piney Neck Road	*20
			Downstream side Waples Street	*24
			Downstream side of Conrail crossing	*28
		Fork No. 2 to Pepper Creek	Confluence with Pepper Creek	*10
			Approximately 800 feet downstream of Main Street	*19
			Upstream side of Main Street	*26
			Downstream side of Conrail Crossing	*27
		Fork No. 3 to Pepper Creek	Confluence with Pepper Creek	*14
			Upstream side of Conrail crossing	*21
			Upstream side of Swamp Road	*24
			Approximately 800 feet upstream of Swamp Road	*24
	Maps available for inspection at the Dagsboro Town Hall, Dagsboro, Delaware.			
Florida	Bradenton (City), Manatee County (FEMA–5886).	Wares Creek	100 feet upstream from center of Manatee Avenue West	*8
			Intersection of creek and center of 21st Avenue West	*18
		Gulf of Mexico	Intersection of Manatee River and center of 8th Avenue West	*8
			Intersection of State Highway 64 and Flamingo Road	*11
	Maps available for inspection at City Hall, Bradenton, Florida.			
Florida	Seminole (City), Pinellas County (FEMA–5886).	Boga Ciega Bay	Intersection of State Route 595 and State Route 699	*11
	Maps available for inspection at 7464 Ridge Road, Seminole, Florida.			
Georgia	City of Duluth, Gwinnett County (FEMA–5886).	Chattahoochee River	Just upstream of McClure Bridge Road	*900
			Just upstream of State Highway 120	*903
			Just downstream of Rogers Bridge Road	*906
		Chattahoochee River Tributary	Just downstream of Howell Ferry Road	*920
			Just upstream of Howell Ferry Road	*925
	Maps available for inspection at Duluth City Hall, 3408 Lawrenceville Street, Duluth, Georgia 30136.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	City of Rest Haven, Gwinnett County (FEMA-5883).	Suwanee Creek	Approximately 120 feet downstream of Bryant Road	*1,055
			Just upstream of Bryant Road	*1,060
Maps available for inspection at Rest Haven City Hall, 841 Gainesville Highway, Buford, Georgia.				
Georgia	City of Suwanee, Gwinnett County (FEMA-5883).	Suwanee Creek	Just downstream of Burnette Road	*933
			Just upstream of Martin Farm Road	*941
			Approximately 325 feet upstream of State Highway 317	*947
		Ivy Creek	Approximately 15 feet downstream of Old Suwanee Road	*955
Maps available for inspection at Suwanee City Hall, 323 Buford Highway, N.W., Suwanee, Georgia 30174.				
Hawaii	Maui County (Docket No. FEMA-5853).	Kihei Gulch 4	Approximately 385' downstream of Kihei Road	*10
			At Kihei Road	*23
			Approximately 775' upstream of Kihei Road	*54
			Approximately 1,110' upstream of Kihei Road	*90
		Kihei Gulch 3	Approximately 120' upstream of mouth	*9
			Approximately 770' upstream of mouth	*39
			Downstream side of New Kihei Road	*78
			Approximately 195' upstream of New Kihei Road	*94
		Kihei Gulch 2	Approximately 100' upstream of mouth	*8
			Approximately 255' downstream of Concrete Road	*45
			At Concrete Road	*72
			Approximately 145' upstream of Concrete Road	*82
		Liliioholo Gulch	Approximately 50' upstream of mouth	*6
			Kihei Road upstream	*17
			Approximately 1,700' upstream of Kihei Road	*72
		Kamaole Gulch	Approximately 30' upstream of mouth	*6
			Kihei Road	*16
			Approximately 1,260' upstream of Kihei Road	*44
		Olowalu Stream	Approximately 1,400' upstream of mouth	*34
			Approximately 2,820' upstream of mouth	*73
		Kauaula Stream	Approximately 180' downstream of Front Street	*8
			Front Street	*13
			New Honoapiilani Highway upstream	*31
			Cane Haul Road	*103
			Approximately 80' upstream of Cane Haul Road	*108
		Kohama Stream	Approximately 4,200' upstream of mouth	*73
			Approximately 5,000' upstream of mouth	*109
		Hahakea Gulch	Approximately 320' upstream of mouth	*9
			Honoapiilani Highway	*23
			Lahaina Kaanapali Railroad	*53
			Cane Haul Road Downstream	*72
			Cane Haul Road Upstream	*113
			Approximately 1,410' upstream of Cane Haul Road	*159
		Honokowai Stream	Honoapiilani Highway Downstream	*10
			Honoapiilani Highway Upstream	*12
			New Honoapiilani Highway Downstream	*18
			New Honoapiilani Highway Upstream	*30
			Cane Haul Road	*37
			Approximately 95' upstream of Cane Haul Road	*37
		Mahinahina Gulch	Approximately 120' downstream of Honoapiilani Highway	*11
			Honoapiilani Highway Downstream	*13
			Honoapiilani Highway Upstream	*23
			New Honoapiilani Highway Downstream	*24
			New Honoapiilani Highway Upstream	*40
			Approximately 150' upstream of New Honoapiilani Highway Upstream	*42
		Kahana Stream	New Honoapiilani Highway Downstream	*17
			New Honoapiilani Highway Upstream	*25
			Approximately 560' upstream of the New Honoapiilani Highway	*27
		Kaopala Gulch	Honoapiilani Highway Downstream	*17
			New Honoapiilani Highway Downstream	*30
			New Honoapiilani Highway Upstream	*33
			Approximately 1,330' upstream of the New Honoapiilani Highway	*55
		Honokeana Bay Gulch	Approximately 130' downstream of Honoapiilani Highway	*17
			Approximately 2,000' upstream of Honoapiilani Highway	*85
			Approximately 2,430' upstream of Honoapiilani Highway	*112
		Napili Gulch 4-5	Approximately 275' downstream of Honoapiilani Highway	*17
			Honoapiilani Highway Downstream	*26
			Honoapiilani Highway Upstream	*31
			Cane Haul Road Downstream	*116
			Cane Haul Road Upstream	*127
			Approximately 100' upstream of Cane Haul Road	*130
		Napili Gulch 2-3	Approximately 650' downstream of Access Road	*18
			Approximately 300' upstream of Access Road	*43
		Honokahua Stream	Approximately 320' upstream of Honoapiilani Highway	*19
			Approximately 1,170' upstream of Honoapiilani Highway	*40
		Waihee River	Approximately 600' upstream of mouth	*17
			Hahekili Highway Upstream	*104
			Approximately 3,000' upstream of Kahekili Highway	*205
		Kalepa Gulch	Approximately 30' downstream of Dirt Road	*18
			Kahekili Highway Upstream	*132
			Approximately 1,200' upstream of Kahekili Highway	*221
		Kope Gulch	Approximately 440' downstream of downstream crossing of Concrete Road.	*19
			Kahekili Highway	*101
			Approximately 780' upstream of Kahekili Highway	*132

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Waiehu Stream	Waiehu Beach Road Downstream	*18
			Waiehu Beach Road Upstream	*22
			Kahekili Highway Upstream	*67
			Approximately 790' upstream of Kahekili Highway	*80
		Iao Stream	Approximately 1,190' downstream of Waiehu Beach Road	*15
			Waiehu Beach Road Downstream	*29
			Mill Street Downstream	*179
			Mill Street Upstream	*186
			Market Street Upstream	*236
			Approximately 3,700' upstream of Market Street	*357
		Kawela Gulch	Approximately 600' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway	*9
			Approximately 2,350' upstream of Kamehameha V Highway	*68
		Kamalo Gulch	Approximately 680' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway	*8
			Approximately 3,200' upstream of Kamehameha V Highway	*103
		Keawanui Gulch	Approximately 1,950' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway Upstream	*46
			Approximately 380' upstream of Kamehameha V Highway	*78
		Ohia Gulch	Approximately 1,000' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway Downstream	*16
			Kamehameha V Highway Upstream	*23
			Approximately 1,200' upstream of Kamehameha V Highway	*70
		Kabananui Gulch	Approximately 800' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway Upstream	*17
			Approximately 1,450' upstream of Kamehameha V Highway	*74
		Manawai Gluch	Confluence with Kahananui Gulch	*44
			Approximately 550' upstream of confluence with Kahananui Gulch	*73
		Pukon Gulch	Approximately 600' downstream of Kamehameha V Highway	*6
			Kamehameha V Highway Upstream	*11
			Approximately 740' upstream of Kamehameha V Highway	*56
		Waialua Stream	Approximately 75' downstream of Kamehameha V Highway	*7
			Kamehameha V Highway Upstream	*11
			Approximately 2,700' upstream of Kamehameha V Highway	*61
		Pacific Ocean (Tsunami) Island of Molokai.	Confluence of Poolau Gulch	*24
			Confluence of Kakaako Gulch	*26
			Ilio Point	*27
			Confluence of Manalo Gulch	*29
			Confluence of Waikolu Stream	*36
			Kukaiwaa Point	*33
			Confluence of Kailili Stream	*31
			Confluence of Wailau Stream	*30
			Confluence of Kawainui Stream	*27
			Confluence of Halawa Stream	*24
			Cape Halawa	*26
			Confluence of Pohakupili Gulch	*26
			Confluence of Kaipukaulua Gulch	*20
			Confluence of Honouliwai Stream	*13
			Confluence of Waiaula Stream	*7
			Confluence of Kawaikapu Gulch	*5
			Confluence of Pukoo Gulch	*4
			Confluence of Kaluaaha Gulch	*4
			Confluence of Kahananui Gulch	*3
			Confluence of Kamalo Gulch	*3
			Confluence of Kapuaokoolau Gulch	*3
			Confluence of Kawela Gulch	*3
			Confluence of Kamiloloa Gulch	*3
			Kaunakakai Harbor	*3
			Confluence of Punakou Gulch	*3
			Confluence of Kahinawai Gulch	*9
		Pacific Ocean Island of Maui	Makena Road extended to coastline	*10
			Confluence of Kihei Gulch 4	*8
			Kilahana Road extended to coastline	*7
			Confluence of Liliohole Gulch	*7
			Honokai Street extended to coastline	*8
			Confluence with Kulanihakoi Gulch	*10
			Kihei Wharf	*12
			Confluence with Malalowaiaole Gulch	*9
			Confluence with Papalaua Gulch	*7
			Confluence with Olowalu Gulch	*6
			Olowalu Wharf	*8
			Launiupoko Point	*8
			Confluence with Kauaula Stream	*8
			Papalaua Street extended to coastline	*7
			Mala Wharf	*9
			Confluence with Hahakea Gulch	*9
			Confluence with Honokowai Stream	*10
			Confluence with Kahana Stream	*16
			Confluence with Honokeana Bay Gulch	*17
			Confluence with Honokaua Stream	*19
			Confluence with Honolua Stream	*18
			Confluence with Pohakupule Gulch	*21
			Confluence with Honokohau Stream	*26
			Kanounou Point	*25

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Nakalele Point	*21
			Confluence with Honanana Gulch	*21
			Confluence with Kahakuloa	*25
			Hakuhee Point	*19
			Confluence with Makamakaole Stream	*19
			Confluence with Waihee River	*18
			Confluence with Kalepa Gulch	*19
			Confluence with Waiehu Stream	*17
			Confluence with Iao Stream	*17
			Confluence with Kalialinui Gulch	*20
			Confluence with Kailua Gulch	*16
			Holomua Avenue extended to coastline	*18
			Maliko Bay	*21
			Confluence with Kulaha Gulch	*18
			Confluence with Kaupakulua Gulch	*17
			Confluence with Puniawa Stream	*14
			Honomanu Bay	*10
			Confluence with Paakea Gulch	*19
	Maps available for inspection at the Department of Public Works, Maui County, Hawaii.			
Illinois	(V) Burnham, Cook County (Docket No. FEMA-5886).	Grand Calumet River	At Torrence Avenue	*581
			About 100 feet upstream of Burnham Avenue	*581
	Maps available for inspection at the Burnham Village Hall, Clerk's Office, 13925 Entre Avenue, Chicago, Illinois 60633.			
Illinois	(C) Chicago Cook County (Docket No. FEMA-5886).	North Branch Chicago River	At the weir about 200 feet upstream of the confluence with North Shore Channel.	*588
			Just upstream of North Ridgeway Avenue foot bridge	*596
			About 1000 feet upstream of North Pulaski Road	*599
		Des Plains River	Just upstream of West Belmont Avenue	*624
			Just downstream of West Higgins Road	*627
		Willow Creek	About 3200 feet downstream of State Route 72	*633
			Just upstream of Soo Line Railroad	*640
			About 2900 feet upstream of Wolf Road	*647
	Maps available for inspection at the City Hall Library, 10th Floor, City Hall, 121 North La Salle Street, Chicago, Illinois 60602.			
Illinois	Inverness (Village), Cook County (FEMA-5785).	Flint Creek	40 feet upstream from center of Abbotsford Drive	*854
		Salt Creek	50 feet upstream from center of Roselle Road	*769
			Downstream side of Ela Road	*801
		Tributary A of Salt Creek	25 feet upstream from center of Roselle Road	*766
			Intersection of JULEs Road and Willow Street	*812
		Tributary B of Salt Creek	50 feet upstream from center of Ela Road	*819
	Maps are available at Village Hall, 1940 Palatine Road, Inverness, Illinois.			
Illinois	(V) Lansing, Cook County (Docket No. FEMA 5886).	Little Calumet River	Torrence Avenue	*599
			Illinois-Indiana State Line	*599
		North Creek	About 1950 feet downstream Oakwood Avenue	*612
			About 1100 feet upstream of Wentworth Avenue at corporate limit	*612
		Lansing Ditch	Confluence with North Creek	*612
			Just downstream of Burnham Avenue	*614
			Just upstream of Burnham Avenue	*615
			3900 feet upstream of Burnham Avenue at upstream corporate limit	*615
	Maps available for inspection at the Village President's Office, Village Hall, Ridge Road & Chicago Avenue, Lansing, Illinois 60438.			
Indiana	(T) Burns Harbor, Porter County (Docket No. FEMA-5874).	East Arm Little Calumet River	Downstream corporate limit	*596
			Just downstream of State Route 149	*606
			At upstream corporate limit	*613
		Lake Michigan	Shoreline	*584
	Maps available for inspection at the Burns Harbor Town Hall, R.R. #1, P.O. Box 155, Chesterton, Indiana 46304.			
Indiana	(Unincorporated), Morgan County (Docket No. FEMA-5886).	White River	Downstream county boundary	*568
			Just downstream of 700 West Road	*576
			Just downstream Conrail (west of Martinsville)	*596
			At northern extraterritorial limit of City of Martinsville	*604
			Just upstream confluence of Sycamore Creek	*608
			Just downstream Conrail (North of Martinsville)	*611
			Just upstream Blue Bluff Road	*617
			Just upstream 390 East Road	*623
			Just upstream Old Waverly Road	*642
			Upstream county boundary	*651
		White Lick Creek	Mouth at White River	*619
			Approximately 2600 feet downstream 600 North Road	*619
			Just downstream Brooklyn downstream corporate limits	*637
			Just upstream Mill Street	*640
			About 2000 feet downstream confluence of White Lick Creek East Fork.	*659
			About 26,000 feet upstream of Mill Street (Mooresville downstream extraterritorial jurisdiction limits).	*660
	Maps available for inspection at the Morgan County Courthouse, Martinsville, Indiana 46151.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	City of Eunice, St. Landry and Acadia Parishes (FEMA-5886).	Richards Gully	Just downstream of West Maple Avenue (State Highway 91)	*43
			Just downstream of North 12th Street	*46
		North Bayou	Approximately 200 feet downstream of College Road	*40
			Just downstream of Southern Pacific Railroad Bridge	*45
		South Ditch	Just upstream of Parish Road	*41
			Just downstream of East Maple Avenue (State Highway 91)	*45
	Maps available for inspection at City Hall, 300 South 2nd Street, Eunice, Louisiana 70535.			
Maine	Dayton, Town, York County (Docket No. FEMA-5874).	Saco River	Upstream Dayton-Biddeford Corporate Limits	*70
			Downstream Skelton Station Dam	*76
			Upstream Skelton Station Dam	*128
		Cooks Brook	Upstream Dennett Dam	*190
			Upstream Dyer Road	*192
			700' downstream of Clarks Mill Dam	*201
			Upstream Clarks Mill Dam	*224
			Upstream Route 5	*229
			Upstream Dayton-Waterboro Corporate Limits	*246
	Maps available for inspection at the Town Offices, Route 35, Dayton, Maine.			
Massachusetts	Monson, Town Hampden County (Docket No. FEMA-5886).	Quaboag River	0.4 mile downstream of Boston and Albany Railroad Bridge	*315
			Downstream of Central Vermont Railroad Bridge	*321
			0.2 mile upstream of Palmer Road	*326
			0.7 mile upstream of Palmer Road	*333
			0.8 mile downstream of U.S. Route 20 Bridge	*340
			0.2 mile downstream of U.S. Route 20 Bridge	*346
			Upstream Corporate Limits	*353
		Chicopee Brook	Quaboag River confluence	*323
			0.3 mile downstream of Tilden Hill Road	*325
			0.1 mile downstream of C.F. Church Company Dam	*332
			Upstream side of C.F. Church Company Dam	*339
			Upstream of Creamery Brook vicinity Dam	*345
			0.15 mile downstream of Chestnut Street Bridge	*352
			0.60 mile upstream of Chestnut Street Bridge	*356
			0.10 mile downstream of Cushman Street Bridge	*361
			0.15 mile upstream of Cushman Street Bridge	*368
			0.05 mile downstream of Hampden Avenue Bridge	*373
			0.10 mile upstream of Hampden Avenue Bridge	*378
			0.05 mile upstream of Main Street Bridge	*384
			0.20 mile upstream of Main Street Bridge	*392
			0.10 mile downstream of Hampden Road Bridge	*400
			0.04 mile downstream of Hampden Road Bridge	*409
			Downstream side of Ellis Company Dam	*417
	Maps available for inspection at the Planning Department, Town Hall, Main Street, Monson, Massachusetts.			
Massachusetts	Williamsburg, Town, Hampshire County (Docket No. FI-5102).	Joe Wright Brook	Driveway Bridge 919 feet upstream from Route 9 Bridge (Upstream)	*483
			Route 9 Bridge (Upstream)	*482
		East Branch Mill River	Confluence of Bradford Brook	*711
			Wooden Footbridge 11,088 feet upstream from Bullard Road Bridge (Upstream).	*706
			Timber Footbridge 9,768 feet upstream of Bullard Road Bridge (Upstream).	*689
			Footbridge 9,240 feet upstream from Bullard Road Bridge (Upstream)	*681
			Wooden Footbridge 6,969 feet upstream from Bullard Road Bridge (Upstream).	*664
			Bullard Road Bridge (Upstream)	*558
			Nash Hill Road Bridge (Upstream)	*523
		West Branch Mill River	Graham Pond Dam (Upstream)	*737
			Graham Pond Dam (Downstream)	*724
			Stone Dam (Upstream)	*718
			Route 9 Bridge (Upstream)	*702
			Route 9 Bridge 1,637 feet downstream from Village Hill Road Bridge (Upstream).	*685
			Route 9 Bridge 1,214 feet from Chesterfield Road Bridge (Upstream)	*605
			Chesterfield Road Bridge (Upstream)	*580
			Main Street 1,240 feet upstream from North Street Bridge (Upstream)	*559
			North Street Bridge (Upstream)	*540
			Confluence with Mill River and East Branch Mill River	*514
		Unquomonk Brook	South Street Culvert (Upstream)	*555
			Driveway Bridge 1,900 feet downstream from South Street Culvert (Upstream).	*543
			Confluence of Mill River	*470
		Bradford Brook	Ashfield Williamsburg Valley Road Culvert	*715
			Confluence of East Branch Mill River	*711
		Beaver Brook	Mountain Street Culvert	*439
			Wooden Footbridge 1,795 feet downstream from Mountain Street Culvert (Upstream).	*431
			Mountain Street Bridge (Upstream)	*422
			Wooden Footbridge 4,646 feet downstream from Mountain Street Bridge (Upstream).	*385
			Wooden Footbridge 5,860 feet downstream from Mountain Street Bridge (Upstream).	*384
			Downstream Corporate Limits	*380

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mill River	Confluence of East and West Branches of Mill River	*514
			Main Street (Upstream)	*489
			Confluence of Unquomonk Brook	*470
			Driveway Bridge 3,590 feet downstream from Route 9 Bridge (Upstream).	*459
			Stone Dam (Upstream)	*442
			Stone Dam (Downstream)	*434
			South Main Street Bridge (Upstream)	*424
			Mountain Street Bridge (Upstream)	*417
			Breached Dam (Upstream)	*409
			Breached Dam (Downstream)	*403
			Downstream Corporate Limits	*389
Maps available for inspection at the Town Clerk's Office, Williamsburg, Massachusetts.				
Minnesota	(Unincorporated), Brown County (Docket No., FEMA-5927).	Minnesota River	Approximately 7,250 feet upstream from Blue Earth County Boundary	*804
			Approximately 100 feet downstream from Chicago and North Western Railroad.	*806
			At County Highway 13	*811
			Approximately 8.2 miles downstream from confluence of Spring Creek	*812
			Just upstream of State Highway 4	*816
			Just upstream of County Highway 8 (Peterson Bridge)	*821
			Approximately 600 feet downstream from Redwood County Boundary	*823
		Cottonwood River	At confluence with Minnesota River	*806
			Approximately 150 feet upstream from the Chicago and North Western Railroad.	*807
			Approximately 200 feet upstream from Bridge Street	*810
			Approximately 200 feet downstream from State Highway 15	*811
			Just downstream from Dam	*819
			Just upstream from Dam	*831
			Just downstream from County Highway 13	*833
			Approximately 3.5 miles upstream from County Highway 13	*851
			Approximately 1.6 miles downstream from eastern corporate limits of the City of Springfield (limit of detailed study).	*1,009
			Approximately 5,000 feet downstream from eastern corporate limits of the City of Springfield.	*1,014
			Just downstream of eastern corporate limits of the City of Springfield	*1,017
			Just upstream of upstream corporate limits of the City of Springfield	*1,021
			Just downstream from County Highway 3	*1,023
			Approximately 3,000 feet upstream from County Highway 3	*1,026
Maps available for inspection at the Brown County Courthouse, New Ulm, Minnesota 56073.				
New Jersey	Medford Lakes (Borough), Burlington County (FEMA-5853).	Ballinger Run	50 feet upstream from the center of Tabernacle Road	*52
			50 feet upstream from the center of Beach Drive	*67
		Lake Mishe Mokwa Run	100 feet downstream from the center of Lenape Trail	*51
			130 feet downstream from the center of Hiawatha Trail	*60
Maps available for inspection at Administration Building, Medford Lakes, New Jersey.				
New Jersey	Morris (Township), Morris County (FEMA-5845).	Whippany River	Intersection of Whippany River and center of Hanover Avenue	*271
			25 feet upstream from the center of Inamere Road	*321
		Watnong Brook	30 feet upstream from the center of Lake Road	*320
			Intersection of Watnong Brook and center of Hanover Avenue	*370
		Great Brook	150 feet upstream from the center of Blackberry Lane	*281
Maps available for inspection at 50 Woodland Avenue, Convent Station, New Jersey.				
New Jersey	Morris Plains (Borough), Morris County (FEMA-5853).	Watnong Brook	100 feet upstream from the center of Hanover Avenue	*371
			50 feet upstream from the center of Grannis Avenue	*405
			80 feet upstream from most upstream Conrail crossing	*448
		Jaquis Brook	At center of footbridge	*386
Maps available for inspection at Clerk's Office, 531 Speedwell Avenue, Morris Plains, New Jersey.				
New York	Alden, Town, Erie County (Docket No. FEMA-5824).	Ellicott Creek	Downstream Corporate Limits	*747
			Zoller Road	*754
			100' upstream of Home Road	*763
			Upstream of Walden Avenue	*768
			Upstream of Farm Road	*775
			2,400' upstream of Conrail (Upstream crossing)	*785
			3,500' downstream of Sandridge Road	*796
			Sandridge Road	*805
			Village of Alden Downstream Corporate Limits	*811
			Village of Alden Upstream Corporate Limits	*815
			Crittenden Street	*817
		Cayuga Creek	Downstream Corporate Limits	*742
			2,150' downstream of Two Rod Road	*766
			80' upstream of Two Rod Road	*773
			50' upstream of Four Rod Road	*794
			Three Rod Road	*811
			3,700' upstream of Three Rod Road	*827
			Upstream Corporate Limits	*839
Maps available for inspection at the Alden Town Hall, 11901 Broadway, Alden, New York 14009.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Caledonia, Town, Livingston County (Docket No. FEMA-5835).	Genesee River	Downstream Corporate Limits	*534
			Upstream U.S. Route 20 and State Route 5	*539
			Upstream Corporate Limits	*540
		Christie Creek	Downstream Corporate Limits	*572
			800' downstream Dam	*584
			Downstream Dam and Private Drive	*593
			Upstream Dam	*602
			800' downstream Quarry Road	*629
			Upstream Quarry Road	*639
			Upstream Footbridge	*641
			1,000' upstream Footbridge	*644
		Fowler Creek	Downstream Corporate Limits	*761
			2,000 upstream Corporate Limits	*777
			4,000' upstream Corporate Limits	*791
			6,000' upstream Corporate Limits	*798
			Downstream Black Street	*819
			Upstream Black Street	*826
			Footbridge Upstream side	*827
			2,400' upstream of Footbridge	*830
		Spring Creek	Downstream Corporate Limits	*635
			Upstream Corporate Limits (Village of Caledonia)	*635
	Maps available for inspection at the Caledonia Town Hall, 3109 Main Street, Caledonia, New York.			
New York	Caledonia, Village, Livingston County (Docket No. FEMA-5875).	Spring Creek	Downstream Corporate Limits	*635
			Downstream Conrail	*643
	Maps available for inspection at the Caledonia Village Hall, 3095 Main Street, Caledonia, New York 14423.			
New York	Wilson, Town, Niagara County (Docket No. FEMA-5760).	East Branch Twelvemile Creek	1,800' downstream of Chestnut Street	*360
			1,100' downstream of Chestnut Street	*361
			Chestnut Street (Downstream)	*362
			Chestnut Street (Upstream)	*364
			1,350' downstream of Willow Road	*365
	Maps available at the Town Hall, 375 Lake Street, Wilson, New York.			
North Carolina	Mecklenburg County (Unincorporated Areas) (FEMA-5845).	Long Creek	100 feet upstream from center of Blacksnake Road	*583
			100 feet upstream from center of Mount Holly Road	*612
			100 feet downstream from North Carolina Highway 16	*645
		Long Creek Tributary 1	750 feet upstream from confluence with Long Creek	*578
		Long Creek Tributary 2	100 feet upstream from center of Pine Island Country Club Road	*646
		Long Creek Tributary 3	200 feet upstream from center of Gum Branch Road	*639
		Gum Branch	150 feet upstream from center of Gum Branch Road	*648
			100 feet upstream from center of Valleydale Road	*660
			100 feet upstream from center of Caldwell Williams Road	*708
		Paw Creek	100 feet upstream from center of Old Dowd Road	*572
			200 feet upstream from center of Interstate Highway 85	*590
		Paw Creek Tributary No. 1	250 feet upstream from confluence with Paw Creek	*610
		Tiger Branch	100 feet downstream from center of Wilkinson Boulevard	*603
			100 feet upstream from center of Wilkinson Boulevard	*610
		Steele Creek	125 feet upstream from center of Carowinds Boulevard	*575
			100 feet upstream from center of Westinghouse Boulevard	*601
		Polk Ditch	100 feet upstream from center of Choate Circle	*569
		Walker Branch	100 feet upstream from center of Smith Road	*578
			100 feet upstream from center of York Road	*596
		Walker Branch Tributary	100 feet downstream from conter of Steele Creek Road	*604
		Blankmanship Branch	100 feet upstream from center of Smith-Boyd Road	*615
		McCullough Branch	150 feet upstream from center of North Carolina Highway 51	*542
			100 feet upstream from center of Nations Ford Road	*565
		Coffey Creek	100 feet upstream from center of North Carolina Highway 49 (York Road).	*580
			100 feet upstream from center of Shopton Road	*597
			150 feet upstream from center of Byrum Drive (North Carolina Highway 160).	*640
		Rocky Branch	500 feet upstream from confluence with Fourmile Creek	*561
		Rea Branch	100 feet upstream from center of Rea Road	*560
		McAlpine Creek Tributary No. 3	Intersection of creek and center of Providence Road	*596
		Sardis Branch	375 feet downstream from center of Morning Dale Road	*625
		Irvins Creek	200 feet upstream from center of U.S. Highway 74 (Independence Boulevard).	*604
			100 feet upstream from center of Lebanon Road	*659
			100 feet upstream from center of Lawyers Road	*715
		Irvins Creek Tributary No. 1	600 feet upstream from confluence with Irvins Creek	*592
			100 feet upstream from center of Interstate Highway 74	*665
		Irvins Creek Tributary No. 2	100 feet upstream from center of Lawyers Road	*690
		Campbell Creek	50 feet upstream from the most downstream corporate limits of the City of Charlotte.	*596
		McAlpine Creek Tributary No. 6	300 feet upstream from confluence with McAlpine Creek	*670

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mallard Creek	100 feet upstream from center of U.S. Highway 29	*596
			200 feet upstream from center of Mallard Creek Road	*628
			100 feet upstream from center of Old Potters Road	*736
		Stony Creek	100 feet upstream from center of U.S. Highway 29	*589
			100 feet upstream from center of Interstate Highway 85	*640
			100 feet upstream from center of Mallard Creek Road	*686
		Stony Creek Tributary	100 feet upstream from center of Homewood Drive	*653
			100 feet upstream from center of Mallard Creek Road	*693
		Toby Creek	100 feet upstream from center of North Carolina Highway 49	*621
		Doby Creek	100 feet upstream from center of W. T. Harris Boulevard	*615
		Doby Creek Tributary	100 feet upstream from center of W. T. Harris Boulevard	*622
		Clarks Creek	200 feet upstream from confluence with Mallard Creek	*630
			100 feet upstream from center of New Dixie Road	*668
		Sugar Irwin Creek	200 feet upstream from center of North Carolina Highway 51	*540
			100 feet upstream from center of Southern Railroad	*549
			200 feet upstream from center of Interstate Highway 77	*569
			100 feet upstream from center of York Road	*586
			100 feet upstream from center of Nevins Road	*726
		Kennedy Branch	100 feet downstream from center of Slater Road	*734
		Stewart Creek	Intersection of creek and center of Caps Hill Mine Road	*728
		Taggart Creek	500 feet upstream from confluence with Sugar Irwin Creek	*604
			200 feet downstream from center of Wilkinson Boulevard	*681
		Kings Branch	100 feet upstream from confluence with Sugar Irwin Creek	*552
		Little Sugar Creek	200 feet upstream from center of U.S. Highway 521 (Lancaster Highway).	*553
			100 feet downstream from center of Sharon Road West	*563
		McMullen Creek	100 feet upstream from center of North Carolina Highway 51	*539
			300 feet upstream from center of Quail Hollow Road	*569
		McApline Creek	100 feet upstream from center of U.S. Highway 521	*530
			100 feet upstream from center of North Carolina Highway 74 (Independence Boulevard).	*588
			100 feet upstream from center of Lawyers Road	*670
		McAlpine Creek Tributary No. 1	500 feet upstream from confluence with McAlpine Creek	*536
		McAlpine Creek Tributary No. 1-A	800 feet upstream from confluence with McAlpine Creek Tributary No. 1.	*536
		Fourmile Creek	100 feet upstream from center of Elm Lane West	*546
			100 feet upstream from center of Providence Road	*576
			100 feet upstream from center of Old Monroe Road	*631
			100 feet upstream from center of Monroe Road	*675
			Intersection of creek and center of Dearmon Road	*738
		Clarks Creek Tributary No. 1	100 feet upstream from center of Hucks Road	*731
		Clarks Creek Tributary No. 1-A	250 feet upstream from confluence with Clarks Creek Tributary No. 1	*728
		Mallard Creek Tributary	100 feet upstream from center of Hubbard Road	*683
		Reedy Creek	100 feet upstream from center of Hood Road	*636
			100 feet upstream from center of Plaza Road Extended	*652
		Reedy Creek Tributary No. 2	100 feet upstream from center of Robinson Church Road	*640
		Reedy Creek Tributary No. 3	250 feet upstream from confluence with Reedy Creek	*641
			100 feet upstream from center of Plott Road	*682
	Maps available for inspection at Mecklenburg County Courthouse, Charlotte, North Carolina.			
North Carolina	Unincorporated Areas of Montgomery County (FEMA 5886).	Clark's Creek	Just upstream of State Road 1110)	*233
			Just downstream of State Highway 73	*274
			Just downstream of State Road 1130	*311
		Clark's Creek Tributary	Just downstream of Highway 731	*290
		Uhwarrie River	Just downstream of State Highway 109	*328
		Little River	Just downstream of State Road 1519	*375
			Just downstream of State Highway 24 & 27	*394
		Suck Branch	Just downstream of State Highway 134	*496
			Just downstream of State Road 1320	*529
		Cotton Creek	Just upstream of State Road 1371	*507
	Maps available for inspection at County Commissioner's Office, Montgomery, County Courthouse, Candor, North Carolina 27229.			
Oregon	Ashland (City), Jackson County (FEMA-5853).	Ashland Creek	20 feet upstream from center Nevada Street	*1,757
			20 feet upstream from center of Hersey Street	*1,831
		Bear Creek	Intersection of creek and center of Nevada Street	*1,733
		Clay Creek	30 feet downstream from center of Culvert at Mobile Home Park	*1,974
	Maps available for inspection at City Hall, Ashland Oregon.			
Pennsylvania	Centre, Township, Perry County (Docket No. FEMA-5873).	Little Juniata Creek	Downstream Corporate Limits with Borough of Bloomfield	*654
			Private Road approximately 2,600 feet upstream of Bloomfield Corporate Limits (Downstream).	*663
			Private Road approximately 5,300 feet upstream of Bloomfield Corporate Limits (Upstream).	*676
			Point approximately 6,940 feet upstream of Bloomfield Corporate Limits.	*685
	Maps available for inspection at the residence of Ms. Christina Morrow, Township Secretary, New Bloomfield, Pennsylvania.			
Pennsylvania	Township of Fairfield, Lycoming County (Docket No. FEMA-5726).	West Branch Susquehanna River	Downstream Corporate Limits	*511
			Upstream Corporate Limits	*517
		Tules Run	Conrail	*513
			Township Route 541 (upstream)	*527
			Old U.S. Route 220 (Upstream)	*533
			U.S. Route 220 Culvert (downstream)	*580
			U.S. Route 220 Culvert (upstream)	*603
			Township Route 543 (upstream)	*613

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			245 feet (upstream) Township Route 543	*617
		Bennetts Run	Conrail (downstream)	*516
			Old U.S. Route 220 (upstream)	*524
			Private Road 1,200 feet downstream of U.S. Route 220 (upstream side).	*554
			U.S. Route 220 (upstream)	*580
			Legislative Route 41152 (upstream)	*593
		Loyalsock Creek	Downstream Corporate Limits	*544
			Upstream Corporate Limits	*559
		Mill Creek	Downstream Corporate Limits	*544
			Pennsylvania Route 87	*544
			Upstream Corporate Limits	*564
	Maps available for inspection at the Fairfield Township Building, Route 543, Montoursville, Pennsylvania.			
South Carolina	City of Lake City, Florence County, (FEMA-5893).	Lynches Lake	Just downstream of Church Street	*63
			Just upstream of U.S. Highway 52	*65
			Just downstream of Matthews Road	*66
		Camp Branch	Approximately 600 feet upstream of Confluence with Lynches Lake	*67
	Maps available for inspection at City Hall, 127 Acline Street, Lake City, South Carolina 29560.			
Tennessee	City of Dyersburg, Dyer County (FEMA-5893).	North Fork Forked Deer River	200 feet upstream of U.S. Highway 51	*275
		Lewis Creek Drainage Ditch	Just upstream of State Highway 104	*283
		Light Creek	Just upstream of Illinois Central Gulf Railroad	*298
		Hurricane Creek	150 feet downstream of Highway I-155	*304
	Maps available for inspection at City Hall, 119 South Mill Avenue, Dyersburg, Tennessee 38024.			
Tennessee	City of Moscow, Fayette County (FEMA-5893).	Wolf River	Just downstream of State Highway 57	*344
	Maps available for inspection at City Hall, Charleston Street, Moscow, Tennessee 38057.			
Tennessee	Town of Rossville, Fayette County (FEMA-5893).	Wolf River	Just upstream of Western Corporate Limits	*312
	Maps available for inspection at City Hall, 80 Third Street, Rossville, Tennessee 38066.			
Texas	City of Eagle Pass, Maverick County (FEMA-5886).	Rio Grande River	Just downstream of International Highway	*713
		Main Arroyo	Just upstream of Monroe Street	*722
			Just upstream of Quarry Street	*734
			Just upstream of Medina Street	*740
			Just upstream of Comal Street	*755
		Main Arroyo Tributary 1	Just upstream of Pierce Street	*731
			Just upstream of Travis Street	*739
		Main Arroyo Tributary 2	Just upstream of First Street	*750
			Just upstream of Trinity Street	*758
		Unnamed Tributary	Just downstream of US Highway 277	*769
	Maps available for inspection at City Hall, 100 South Monroe Street, Eagle Pass, Texas 78852.			
Texas	City of Nolanville, Bell County (FEMA-5886).	Nolan Creek	Just upstream Main Street	*687
			Just downstream Atchison, Topeka and Santa Fe Railway (approximately 1000 feet upstream from service road of U.S. Highway 190 West Bound).	*705
		Nolanville Tributary	Just upstream U.S. Highway 190 Eastbound	*680
			Just upstream Atchison, Topeka and Santa Fe Railway	*687
	Maps available for inspection at City Hall, 100 N. Main Street, Nolanville, Texas 76559.			
Texas	Port Arthur, City Jefferson County (Docket No. FEMA-5853).	Ponding	Vicinity of 75th Street, U.S. Route 69, F.M. 365	*4
		Neches River, Sabine Lake, Gulf of Mexico.	Port Arthur Canal, Sabine Pass to Texas Bayou	*12
			Areas within community outside hurricane protection system	*14
	Maps available at City Hall, 444 4th Street, Port Arthur, Texas.			
Texas	Town of Rio Hondo, Cameron County (FEMA-5893).	Arroyo Colorado	At Colorado Avenue	*15
			At downstream of Dam	*15
	Maps available for inspection at City Hall, 600 Colorado Avenue, Rio Hondo, Texas 78583.			
Texas	City of Troy, Bell County (FEMA-5886).	Kings Branch	Approximately 150 feet upstream of Belfalls Street	*667
			Just upstream of Old Highway 81	*705
		Kings Branch Tributary 1	Just upstream of Interstate Highway 35 West Service Road	*650
		Kings Branch Tributary 2	Just upstream of Belton Street	*681
		Kings Branch Tributary 3	Just upstream of Bowers Lane	*677
		Cottonwood Creek	Just upstream of FM 1237	*750
	Maps available for inspection at City Hall, Farm Road 935, Troy, Texas 76579.			
Vermont	Jericho, Town, Chittenden County (Docket No. FEMA-5886).	Winooski River	Downstream Corporate Limits	*296
		Lee River	Upstream Corporate Limits	*300
			Confluence with Browns River	*497
			Upstream side of Plains Road	*500
			Approximately 3,480' upstream of Plains Road	*510
			Approximately 8,500' upstream of Plains Road	*545
			Approximately 10,865' upstream of Plains Road	*565

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 895' downstream of Lee River Road	*580
			Approximately 350 feet upstream of Lee River Road	*595
			Downstream side of Browns Trace Road	*604
		Browns River	Downstream Corporate Limits	*490
			Confluence with Lee River	*497
			Upstream side of Small Dam	*517
			Approximately 220' upstream of State Route 15	*534
			Approximately 1,185' upstream of State Route 15	*543
			Approximately 2,140' upstream of State Route 15	*561
			Approximately 55' downstream of Ledge Dam Downstream	*600
			Upstream side of Ledge Dam Downstream	*608
			Upstream side of Ledge Dam Upstream	*615
			Downstream side of Cilley Hill Road	*618
			Upstream side of Dam	*628
			Downstream side of Raceway Street	*644
			Confluence of The Creek	*648
			Upstream side of State Route 15	*666
			Upstream side of Private Drive	*671
			Approximately 220' upstream of Private Drive	*674
			Upstream Corporate Limits	*685
		The Creek	Confluence with Browns River	*648
			Approximately 75' downstream of Raceway Street	*660
			Approximately 30' upstream of Raceway Street	*669
			Approximately 50' downstream of Meadow Lane	*677
			Upstream side of Palmer Lane	*687
			Upstream Corporate Limits	*692
Maps available for inspection at the Town Hall, Jericho, Vermont.				
Washington	Auburn (City), King County (FI-5122).	Mill Creek	Intersection of creek and center of 37th Street N.W.	*45
			250 feet upstream from center of State Highway 18	*69
		White River	Intersection of river and center of R Street S.E.	*120
			Intersection of river and Muckleshoot Indian Reservation Boundary	*160
		Green River	Intersection of river and easternmost corporate limits	*92
			Intersection of D Street N.E. and South 276th Street	*45
Maps available for inspection at City Hall, 25 West Main Street, Auburn, Washington.				
Washington	Kalama (City), Cowlitz County (FEMA-5886).	Columbia River	Approximately 50 feet east of the intersection of Northwest Oak Street and Burlington Northern Railroad.	*19
			Approximately 1,100 feet west of the intersection of Old Pacific Highway and Cloverdale Road.	*20
Maps available for inspection at City Hall, 385 N. 1st., Kalama, Washington.				
Wisconsin	(C) Mayville, Dodge County (FEMA-5853).	East Branch River	Downstream corporate limits	*882
			Just downstream Main Street	*901
			Just upstream of Lower Dam	*908
			Just downstream of Upper Dam	*911
			Just upstream of Upper Dam	*916
		Spring Brook	About 0.90 mile upstream of South German Street	*922
			Mouth at East Branch Rock River	*893
			About 270 feet downstream Breckenridge Street	*895
			About 60 feet upstream Breckenridge Street	*899
			About 175 feet upstream Willow Circle	*903
Maps available for inspection at the Office of the City Clerk, City Hall, P.O. Box 273, Mayville, Wisconsin 53050.				
Wisconsin	(C) Mondovi, Buffalo County (Docket No. FEMA-5886).	Buffalo River	About 1.5 miles downstream from Eau Claire Street	*777
			About 0.5 mile downstream from Eau Claire Street	*782
			Just upstream from Eau Claire Street	*784
			About 0.2 mile upstream from Eau Claire Street	*786
			About 1.6 miles upstream from Eau Claire Street	*791
		Peeso Creek	Mouth at Buffalo River	*784
			Just downstream from Mill Street Dam	*792
			Just upstream from Mill Street Dam	*814
			Just upstream of Washington Street (downstream crossing)	*817
			Just downstream of Washington Street (upstream crossing)	*825
		Brownlee Creek	Mouth at Mirror Lake	*814
			Upstream corporate limits	*817
Maps available for inspection at the Office of the City Clerk, City Hall, 156 South Franklin Street, Mondovi, Wisconsin 54755.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 19, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-3100 Filed 1-28-81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-184; FCC 81-19]

Inquiry Into the Policies to be Followed in the Authorization of Common Carrier Facilities to Meet North Atlantic Telecommunications Needs During the 1985-1995 Period

AGENCY: Federal Communications Commission.

ACTION: Final rule report and order (Docket No. 79-184).

SUMMARY: This Report and Order adopts general policy guidelines the Commission shall apply in acting upon requests for authorization to construct and operate submarine cable and satellite communications facilities for North Atlantic service during the 1985-1995 period. These guidelines define a range of acceptable alternatives narrow enough to protect the public from inadequate or excessive facilities investment; yet broad enough to vary the introduction of facilities to meet technological uncertainty, demand flexibility and the requirement of foreign correspondents.

EFFECTIVE DATE: January 29, 1981.

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

FOR FURTHER INFORMATION CONTACT: J. Michael Cummins, Chief, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-4047.

Report and Order

Adopted: January 14, 1981.

Released: January 16, 1981.

By the Commission: Commissioner Fogarty issuing a separate statement; Commissioner Jones concurring in the result.

1. On November 7, 1980, we released our Notice of Proposed Rulemaking in the above-captioned proceeding, *Policies for Overseas Common Carriers*, FCC 80-653, —— F.C.C. 2d —— (hereafter, Notice of Proposed Rulemaking or Notice), by which we issued for public comment a number of alternative, proposed facilities construction and use plans for the North Atlantic Region, which had been submitted by the United States international service carriers (USISC)[1] and the Communications Satellite Corporation (Comsat). We also released for comment a benchmark plan developed by our staff as part of its analysis of the carrier and Comsat plans. The USISC and Comsat plans were submitted in response to the inquiry we instituted in 1979, *Policies for Overseas Common Carriers*, 73 F.C.C. 2d 193 (1979) (Notice of Inquiry), *issues specified* in *Policies for Overseas Common Carriers*, 76 F.C.C. 2d 522 (1980) (Second Notice of Inquiry). In this proceeding, we are seeking to develop the policies we shall apply in acting upon requests for authorization to construct and operate submarine cable and satellite communications facilities for North Atlantic service during the 1985-1995 period. On December 8, 1980, the USISC and Comsat filed comments on the various proposed plans and the staff benchmark plan. The USISC continue to support their initially preferred plan calling for introduction of an optical-fiber, digital cable in 1988. As in their response to our Second Notice, Comsat does not state a preference for any of its proposed plans. Both the USISC and Comsat, however, state that the staff benchmark plan is deficient in a number of ways. On December 22, 1980, the USISC, Comsat, and the U.S. Department of Defense filed replies to the first-round comments.

2. In our November 7 Notice, we did not indicate a tentative preference for any particular proposed facilities plan. Rather, on the basis of the information provided us by the carriers and Comsat, we eliminated a number of proposed plans which either did not appear to provide sufficient capacity to meet projected demand, or otherwise did not appear to merit further detailed consideration. The remaining plans, we found, represent a fairly wide range of potentially viable facilities options. In their responses to our Notice, the carriers addressed not only the remaining plans which we had issued for comment, but they also submitted additional, and updated, planning information and commented on our staff's analysis. After considering the additional information, and given the uncertainties in the data underlying the comparative analysis of the various proposed plans, we shall refrain from stating a preference for any particular facilities construction and use plan. Rather, we will provide the USISC and Comsat with only general policy guidelines regarding the choice of major facilities. We intend these guidelines to define a range of acceptable alternatives. The range defined should be narrow enough to protect the U.S. public from the consequences of excessive or inadequate facilities investment; yet, it should be broad enough to allow sufficient flexibility for the carriers and Comsat to vary the introduction of such facilities to meet the uncertainties inherent in the development of new technologies, varying demand conditions, and the requirements of foreign correspondents.

3. In brief, we have concluded the following:

(1) We shall focus our attention during this phase of the proceeding on the period 1985-1992—roughly the period corresponding to the next generation of satellites, during which new cable facilities will also be introduced.

(2) Both the B-7 and L-1 designs for the INTELSAT VI satellite series are acceptable.

(3) No new cable facility is likely to be needed prior to 1988. The public interest will be served by introduction of a fiber optic, digital cable as early as 1988.

(4) Introduction of an analog design cable is to be considered an acceptable option only if the best information available at the time a decision must be made to permit the construction of a new cable to be available no earlier than 1988 shows that unacceptable delays in the development of a fiber optic cable and the INTELSAT VI satellite series are expected. If it should be determined that an analog cable is an acceptable option, and if this option is adopted by the carriers, then there will

[1] The USISC are the United States entities which provide telecommunications services directly to the public. For purposes of this proceeding, the USISC are composed of the international voice carrier, the American Telephone and Telegraph Company and the international record carriers: FTC Communications, Inc., ITT World Communications Inc., RCA Global Communications, Inc., TRT Telecommunications Corporation and Western Union International, Inc.

be a reassessment of the earliest acceptable introduction date for a fiber optic cable.

(5) We are deferring further consideration of several important issues: the determination of the appropriate method for distributing traffic among available facilities, the provision for restoration of service following a major facility failure, and the specific configuration of the facilities.

Background

4. Since the history of this proceeding and the development of the process for planning North Atlantic Facilities are laid out in detail in our November 7 Notice and our First and Second Notice of Inquiry in this proceeding, we shall not repeat it here. For present purposes, we note that we are pursuing our development of United States facilities policy in parallel with our participation in the North Atlantic Consultative Process.[2] Because international communications is a cooperative venture, development of United States policy is necessarily involved in the development of mutually-agreeable international facilities policy. For this reason, we have sought to receive the views of all entities, both those within the United States and the foreign administrations who are jointly responsible for maintaining good service, on how to develop the most efficient and cost effective international network. In pursuance of this goal, on December 1, 1980, representatives of the CEPT and Teleglobe, Canada met informally with our staff to present their views on the analysis and tentative conclusions set forth in our November 7 Notice.[3]

Discussion

5. The parties' responses to our Notice of Proposed Rulemaking provides us with significant information which was not available for our consideration during the preparation of our Notice. We also have the benefit of the CEPT and Teleglobe representatives' view. We find that this and the other additional information now available to us alters some of the analyses conducted and tentative conclusions drawn in our Notice of Proposed Rulemaking. Specifically, we will consider the impact of the comments received and the new information on the following issues: (1) the effect on the planning period under consideration of substituting a modified design for the INTELSAT V satellite series; (2) the choice of the appropriate design for the INTELSAT VI satellite series; (3) the earliest date a new cable facility is needed, and the appropriate design for that cable; (4) the need to retain the option of introducing an analog cable in the early part of the planning period to insure against possible delays in the availability of the INTELSAT VI satellite series and the fiber optic cable.

INTELSAT V–A Satellites

6. In the NPRM, we indicated that additional information was needed to assess the effect on the 1985–1995 planning period of Comsat's proposal to introduce a modified INTELSAT V series satellite (the higher capacity V–A) prior to 1985. Comsat's comments assert that facilites planning in the North Atlantic for the 1985–1995 period should generally be unaffected by the use of the V–A's. The introduction of the INTELSAT V–A satellites in the Atlantic Ocean region would not alter the distribution of the U.S.–CEPT circuits assumed in any of the various plans developed in the consultative process. No additional permanent satellite path would be created by use of INTELSAT V–A satellites as the Atlantic Ocean region primary path and in-orbit spare satellites. Moreover, use of the INTELSAT V–A satellites would not delay the time at which introduction of the INTELSAT VI satellites is required. Comsat states that should an INTELSAT V–A satellite be used in the Atlantic Ocean Region Primary Path, it would saturate by the end of 1986 (on non-U.S.–CEPT traffic streams) even with the use of TDMA/DSI advanced modulation techniques. In the USISC response to our NPRM, AT&T asserts that the INTELSAT V–A satellites are not required to satisfy North Atlantic traffic requirements, and their use in the Atlantic Ocean region will have little beneficial impact on the alternative plans under review in this proceeding.

7. Based upon the responses of the parties and the information now before us, we conclude that the use of INTELSAT V–A satellites in the Atlantic Ocean Region is neither predicated on meeting North Atlantic traffic demands, nor would it significantly alter parameters of any of the alternative plans and facilities options we are here considering. We also find that this is not the appropriate proceeding in which to make a public interest finding regarding the projected use of those satellites. That question can be more appropriately addressed in connection with Comsat's application for authority to participate in the construction of three INTELSAT V–A satellites.[4]

Intelsat VI Satellites

8. The first critical decision which will limit the range of North Atlantic facilities options is INTELSAT's adoption and release of a request for proposals for the design and construction of the INTELSAT VI satellite series. While release of that request will not in itself be the final determinant of the operating parameters of the INTELSAT VI satellites, it can significantly narrow the likely range of these parameters. The INTELSAT Board of Governors is scheduled to adopt and release the request for proposals for the INTELSAT VI satellites at its March 1981 meeting.

9. As indicated in our Notice of Proposed Rulemaking, all of the alternative facilities plans submitted in the notice of inquiry phase of this proceeding explored use of only one of the designs for INTELSAT VI satellites being considered by INTELSAT—the B–7 design. As a result, our staff analyzed use of the L–1 design, as well as a number of other planning parameters. The staff's analysis was based upon assumptions made about capacity available on the L–1 for U.S.–CEPT traffic. In its response to our NPRM, Comsat indicated that the actual capacity expected to be available on the L–1 design is significantly lower than that assumed by the staff. This revision in expected capacity is largely due to Comsat's assertion that TDMA/DSI advanced modulation techniques are not expected to be used on the 14/11 GHz band transponders of the L–1.[5] If advanced modulation techniques are also not to be used on the 14/11 GHz band of the B–7, V and V–A spacecraft, this will alter significantly the analyses of the facilities plans submitted by the parties in response to our Notice of Inquiry, since satellite capacities utilized in those plans presumed use of

[2] The North Atlantic Consultative Process is the name which has come to be applied to a series of informal discussions and exchange of information on North Atlantic planning issues among the United States, the CEPT—an organization of the postal and telecommunications entities of 26 European nations—and Teleglobe/Canada—the Canadian overseas telecommunications entity. For the United States, the participants have been this Commission, the Department of State, the Department of Commerce/National Telecommunications and Information Administration, the USISC and Comsat.

[3] A report of this meeting has been placed in the docket (*Report of Heads of Delegation of NACWG, December 1, 1980*).

[4] Application file No. 100010–CSS–MP–80 (August 22, 1980) and supplement thereto (November 4, 1980) filed with the Commission.

[5] This assertion is puzzling for two reasons: a table submitted by Comsat in its response to the NPRM shows capacities available on the 14/11 GHz band of the L–1 obtainable through advanced modulation techniques; Comsat's estimates of capacities available on the B–7, V and V–A satellites continue to include maximum capacities on the 14/11 GHz band derived from TDMA/DSI use (i.e., advanced modulation).

TDMA/DSI on the 14/11 GHz band transponders. We shall seek clarification of this important point prior to issuing policy guidelines regarding the loading and use of North Atlantic facilities in the 1985–1995 time period.

10. Comsat asserts that an INTELSAT VI satellite employing the L–1 design would not meet Atlantic Ocean Region requirements for satellite circuits and provide adequate demand flexibility. Comsat asserts that an L–1 primary path satellite would saturate approximately at the end of 1990, while a B–7 design satellite in that role would provide 7500 additional circuits (15000 channels) and provide for growth well into 1993 before saturating. Therefore, Comsat submits that use of the L–1 design for the INTELSAT VI satellite would increase overall facilities costs by requiring replacement of the primary path satellite before the end of its design life. It further submits that technological risk would also be increased because of the need to develop a new generation of satellites (the INTELSAT VII series) in a shorter time interval. It is also argued by Comsat that the technological risk associated with the B–7 and the L–1 designs are approximately the same, given that the L–1 is to be made compatible with a smaller expendable launch vehicle (the Ariane 3), than that used for the B–7. The B–7 design is expected to be compatible with both the Ariane 4 (larger than the Ariane 3) and the STS (space shuttle). According to Comsat, no evidence has been put forth to demonstrate that the Ariane 4 involves more technological risk than the smaller Ariane 3. Given the difficulties in meeting the mass constraints of the Ariane 3, it is argued that the technological risk associated with the development of the L–1 is at least as great as that of the B–7. In its reply comments, Comsat claims that if a mix of B–7 and L–1 design satellites are contemplated for use together in the Atlantic region, technological risk and cost would be substantially increased due to the parallel development effort.

11. AT&T states that since the Atlantic Ocean Region primary path satellite must satisfy circuit requirements for many small countries outside of the U.S.–CEPT traffic stream, it appears that use of an INTELSAT VI satellite of the B–7 design in that role may be required. However, it contends that, as is demonstrated by the demand flexibility analysis submitted with its response, sufficient capacity would be available for U.S.-CEPT traffic if satellites employing the L–1 design were used as the major path 1 and 2 satellites, assuming introduction of a fiber optic cable in 1988[6] According to AT&T, an initial cost analysis of this alternative indicates that investment based cost for the USISC's plan 1 could be reduced by approximately $8 million by use of L–1 design INTELSAT VI satellites as the major path 1 and 2.[7] Moreover, use of these smaller satellites would provide flexibility in the introduction of the INTELSAT VI satellites. Because of the lighter weight of the L–1 design, there is a greater range of launch vehicle alternatives for satellites of that design. Consequently, should there be delays in the availability of a suitable launch vehicle for satellites of the B–7 design, an L–1 design satellite could be launched to serve temporarily as the primary path satellite. After the availability of a B–7 design satellite, the smaller satellite could be transferred to serve as one of the major path satellites.

12. The analysis, comments, and other information before us do not demonstrate conclusively that either the B–7 or L–1 satellite design should be preferred. The similar technological development risk for the satellites themselves, the uncertainty with respect to launcher availability, the uncertainty inherent in a demand forecast 8–10 years into the future, and the relatively small cost differential between the two argue against favoring one design over the other. Therefore, we find that both the B–7 and L–1 designs are acceptable, either as an all B–7 configuration, and all L–1 configuration, or some combination of both. We also conclude, based upon the detailed facilities plans submitted in response to our Notice of Inquiry and the comments received on our NPRM, that the public interest would be served by introducing the first INTELSAT VI series satellite in the Atlantic Ocean region as early as 1986.

[6] In its comments, AT&T suggests that the Commission direct Comsat to submit a report by May 30, 1981, exploring the operational and economic aspects of using the L–1 design as the major path 1 and 2 satellites. We find the submission of such a report unnecessary, since we are not foreclosing INTELSAT (or Comsat) from using the L–1 design for this purpose. This Order has concluded that both the B–7 and L–1 design or any combination thereof are acceptable. *See* para. 12 *infra*.

[7] Our staff's cost analysis indicates that approximately $4.2 million (present value) in additional cost will be incurred by U.S. carriers in substituting the B–7 design for the L–1 in the staff benchmark plan developed in the NPRM. This estimate assumes substitution of the B–7 for the L–1 on all three Atlantic Ocean Region Satellites, rather than varying only the two major path satellites, as was done by AT&T. This corresponds to a $287 per circuit cost differential between the two satellites (the L–1 being higher), assuming that the satellites are loaded to full capacity, ten satellites of each design are purchased, and that TDMA/DSI is utilized on both satellite designs. Although AT&T did not include details of its $8 million cost estimate, based upon the methodology they used in other submissions, it appears that the difference between the staff estimate and that of AT&T reflects differing methodological assumptions.

The Next Cable Facility

13. We turn now to the question of the cable facilities which should be implemented during the planning period. During the inquiry phase of this proceeding, the USISC and Comsat, as well as the CEPT and Teleglobe, Canada, had considered essentially two options for new cable facilities. All agreed that at some time during the 1985–1995 period we should introduce a fiber optic, digital cable (SL). Some of the plans, however, also considered the option of an additional analog design cable, similar to the TAT–6 and TAT–7 cables, introduced before the fiber optic cable. Two options for the analog cable were considered: (1) AT&T's SG design (with a basic capacity of 4200 voice-grade circuits) or (2) the British NG–2 design (with a basic capacity of 5520 voice-grade circuits). On the basis of the information supplied by the parties, we tentatively concluded in our NPRM that with regard to a new cable the fiber optic cable design is the preferred option. It provides considerably greater capacity (12,000 basic voice-grade circuits) than existing or projected analog designs (4,200 or 5,520 circuits), and at what appears to be a significantly lower cost per circuit. We also noted that since the fiber optic cable is a digital transmission medium, it would be a superior technology and accommodate a greater range of services than the conventional analog design cable. Therefore, we tentatively concluded that the emphasis should be placed on development of the fiber-optic cable technology, which AT&T asserts is likely to be operational as early as 1988, rather than to pursue the analog cable design as the preferred option.

14. In their comments in response to our Notice, all parties concluded that the SL cable should be the next new cable system introduced during the planning period, if it is available in 1988. Also, at the Heads of Delegations meeting in December 1980, the CEPT and Teleglobe representatives clearly indicated their support for early introduction of the fiber optic cable as the preferred alternative. Comsat did not oppose its introduction in 1988. The USISC argues that early introduction of the SL cable would have a number of benefits; increased demand flexibility, better service reliability through added capability to restore service following a facilities failure, enhanced development of new services through added wide-band data and video capability, compatibility with developing domestic

switched digital networks, and encouraging AT&T to maintain its world leadership in submarine cable technology development.

15. Regarding the question of the timing of the introduction of the SL cable, our staff conducted a demand flexibility analysis to assess the impact of a delay in the introduction of the fiber optic cable beyond the earliest date it is expected to be available—1988. The staff's analysis, set forth in table 1, assumes that the B–7 design for the INTELSAT VI satellite series is employed for all three Atlantic Ocean satellites. It also assumes these satellites will be operational in accordance with the latest proposed schedule supplied in Comsat's submission to the NPRM. The analysis shows that introduction of the SL cable could be delayed until the end of 1990 and still retain a 20% demand flexibility cushion, assuming TDMA/DSI use on the 14/11 GHz satellite transponders.[8] If the SL cable is delayed until 1991, there is still 4% demand flexibility remaining.

16. A rough, upper-bound estimate of the cost savings to U.S. carriers accruing from delaying the introduction of the SL cable until end-year 1991 is somewhat less than $28 million (present value in 1981 dollars). This figure is obtained by calculating the difference between our staff's estimate of the staff benchmark plan (set forth in the NPRM) and Comsat's plan 1 (submitted in response to the Second Notice of Inquiry). The staff's benchmark plan incorporates the smaller L–1 design for the INTELSAT VI satellites and introduces a single SL cable in 1991. Comsat's plan 1 incorporates the B–7 design for the INTELSAT VI satellites and introduces a single SL cable in 1988. Given the difference in the satellite design assumed in the two plans, a simple difference in present value cost for the two plans should overstate somewhat the cost savings accruing from delaying the introduction of the SL cable. The L–1 design satellite is less costly than the B–7; therefore, part of the cost difference between the two plans reflects this satellite cost differential, and not simply the cost savings resulting from a delay in introducng the SL cable.

17. Technological risk is also an important factor to be considered in determining the appropriate introduction date for the SL cable. The demand flexibility analysis in Table 1 demonstrated that the SL cable could be delayed beyond its earliest expected availability date of 1988 by up to three years and still meet the forecast demand, but only if the INTELSAT VI satellite series is operational on schedule and is utilizing advanced modulation techniques on both frequency bands. The research and development effort required for the INTELSAT VI series appears to be substantial, as there are a number of components that are not yet fully developed and tested in the system. Furthermore, the projected capacities of the new satellites assume the use of advanced modulation techniques; these techniques require a significant ground equipment development effort and the commitment of a number of foreign entities to purchase and install such equipment.

18. As recognized by all the parties, the CEPT, and Teleglobe, Canada, these factors all point to a risk that the INTELSAT VI satellites will be delayed beyond their projected operation dates. The demand flexibility analysis presented in Table 2 shows that, with an INTELSAT V–A configuration in the Atlantic Ocean Region, there will not be sufficient capacity available to meet the forecast demand if the first INTELSAT VI satellite is not operational sometime in 1988, and if the fiber optic cable is delayed beyond 1988. This suggests that there is only approximately a one year safety margin of capacity available to accommodate a delay in the new satellite series (the first INTELSAT VI is now targeted for operation in late 1986 or early 1987), if the fiber optic cable is also delayed. This margin is not large considering the development risk involved and the historical experience of delays incurred in the INTELSAT V program.

19. Considering the small safety margin available, the level of technological development risk, and the inherent uncertainty in forecasting demand 8–10 years ahead, we conclude that the risk reducing benefits resulting from an early introduction of the SL cable in 1988 outweigh the projected cost savings accruing from delaying its implementaton.[9] This conclusion is strengthened by our longstanding policy of favoring the development and rapid implementation of new technologies. As indicated by the USISC in their submissions, the new, optical fiber technology promises many benefits to the rate-payer by making possible new and innovative services at a lower cost. This is because the fiber optic cable design is expected to provide a wide-band, digital capability (with lower noise levels and data error rates) at a significantly lower per circuit cost. There is currently an effort directed toward development of domestic digital switched networks and services in the U.S. and abroad; the early introduction of the SL cable design provides an important interconnection link between these domestic networks and services, increasing the likelihood that they will be rapidly extended internationally.

The Analog Cable Option

20. In their submissions in response to the NPRM, all the parties preferred the fiber optic, digital design for the next North Atlantic cable system. This preference is shared by the CEPT and Teleglobe, Canada. There were some differences, however, among the views of the parties, the CEPT, and Teleglobe, Canada concerning the need for retaining the option of introducing a new analog cable in the early part of the planning period to protect against the risk that the fiber optic cable will not be available in 1988. The USISC assert that the Commission should carefully monitor the progress of all technologies being developed and provide for consideration of alternatives, including an analog cable system, in the event major delays in planned facilities are encountered. Comsat argues that no analog cable is needed during the planning period. The CEPT and Teleglobe, Canada feel that a new cable facility of some type is required by 1988; the fiber optic design is preferred. However, the CEPT and Teleglobe urge that no decision be made to foreclose the contingency option of an analog cable prior to the date at which a decision is needed to insure its availability for operation in 1988.

21. The demand flexibility analysis shows that either the fiber optic cable or the INTELSAT VI primary path satellite, but not necessarily both, needs to be operational in 1988 in order to insure sufficient capacity to meet expected demand. In addition to concern about meeting overall demand, the CEPT and Teleglobe, Canada raise concerns about the impact of a delay in cable availability on media diversity and deviations from a 50/50 cable-satellite usage ratio. Table 1 shows that adequate capacity to meet forecast demand will likely be available for at least two to three years beyond the expected introduction of the SL cable in 1988, if the INTELSAT VI satellites (B–7

[8] As noted above, there is some ambiguity as to the expected use of advanced modulation techniques on the 14/11 GHz transponders of the INTELSAT VI satellites. Table 1 shows demand flexibility under both assumptions—with and without the use of TDMA/DSI on 14/11 GHz transponders. Without TDMA/DSI assumed on 14/11 GHz transponders, and new cable is needed sometime in 1990 in order to meet the forecast demand.

[9] This finding in favor of a fiber optic cable as early as 1988 does not constitute approval of any particular design configuration for the cable (i.e., landing points, etc.) at this time.

design) are fully operational on schedule and the projected satellite capacities are realized. Table 2 indicates that a delay in both the INTELSAT VI primary path satellite and the SL cable beyond 1988 would likely result in insufficient capacity to meet the forecasted demand.

22. All of the parties, the CEPT, and Teleglobe, Canada agree that the analog cable system is being considered strictly as protection against the risk that planned facilities will be delayed. The determination of whether or not the analog cable option is in the public interest depends upon the evaluation of the risks of delay in both the SL cable and the INTELSAT VI satellites versus the cost of the analog cable system.[10] Admittedly, if the fiber optic cable is delayed beyond 1988 (assuming the INTELSAT VI's are on schedule), there will necessarily be a heavier reliance on satellite facilities than might otherwise be desirable. However, we feel this would be a tolerable, transitory phenomenon, which would be corrected following the delayed introduction of the SL cable.

23. We see no need at this time to decide the question of whether or not an analog cable system is desirable. Prudence dictates that this decision should be made at the latest date consistent with the lead time necessary to ensure operation of a cable system in 1988. By waiting, this decision can be made in light of updated information regarding the likelihood of delays in the INTELSAT VI satellites and the SL cable, and an updated estimate of the cost of the analog system. We, therefore, have concluded not to eliminate the analog cable from further consideration at this time. Rather, we have concluded that it would be preferable to carefully monitor the development of the planned satellite and cable facilities in order to properly evaluate the risks of delayed availability.

24. Finally, if at the appropriate point the decision is made to construct an analog cable, there will necessarily be a reassessment of the earliest acceptable date for the introduction of the fiber optic cable system. At that time, a careful assessment will need to be made of the capacity available on existing facilities, including the new analog cable system, relative to the latest demand forecast to determine when the next cable facility will be needed.

[10] The U.S. carrier share of the estimated capital cost of an analog cable introduced in 1987 ranges from $62 million to $72 million (present value in 1981 dollars). A useful life of 24 years is assumed for the analog cable. The estimate is based upon the progress payment schedule submitted by the USISC, and a discount factor of 4%. The lower estimate is for the SG design and the higher one for the NG design. The estimates represent the USISC share of the cost attributable to U.S.-CEPT traffic.

Issues to be Deferred

25. In our NPRM, we proposed to concentrate this phase of the proceeding on the 1985–1992 time period—that period roughly corresponding to the next generation of satellite facilities. The comments received in response to the NPRM support this position; therefore, we will defer consideration of issues related to facilities expected to be introduced following the INTELSAT VI satellite series and TAT–8 cable system.

26. We also tentatively concluded in the NPRM that the issue of adequate restoration of service following a major facility failure and the issue of the appropriate criteria for loading and use of the various proposed facilities should be deferred. The comments received support this view. We, therefore, conclude that the issues of restoration and appropriate use of proposed facilities shall be deferred.

The Consultative Process

27. The consultative process has served to further international comity and to expedite the attainment of consensus among the sovereign nations involved in facilities planning for the North Atlantic Region. It has also enhanced the efficiency of the Commission's own decision process. The conclusions we have reached in this Report and Order are a testament to the utility of this process. We believe that the findings made herein are substantially in harmony with the views of the respondent U.S. parties and also the participating foreign entities, acting as the partners of our U.S. carriers in ownership of facilities, and in the provision of international telecommunication services. We have every expectation that future statements of policy and guidelines issued by this Commission regarding North Atlantic facilities planning will be guided and supported by the cooperative effort of the consultative process.

28. Accordingly, it is ordered pursuant to Section 4(i), 4(j), 214 and 403 of the Communications Act of 1934, as amended, 407 U.S.C. §§ 154(i), 154(j), 214 and 403 (1970), that we adopt the following policy guidelines for the North Atlantic:

(1) We find that both the B–7 and L–1 designs for the INTELSAT VI satellite series are acceptable.

(2) We find that no new cable system appears likely to be required prior to 1988.

(3) We find that the public interest will be served by introduction of a fiber optic, digital cable as early as 1988.

(4) We find that an additional analog cable will be considered as an acceptable option only if the best information available on the date that a decision must be made to permit the construction of a new cable to be available no earlier than 1988 shows that unacceptable delays in the development of the fiber-optic cable and INTELSAT VI satellite series are expected.

(5) We further find that if it should be determined that an analog cable is an acceptable option, and if this option is adopted by the carriers, then there will be a reassessment of the earliest acceptable introduction date for a fiber optic cable.

(6) We will defer further consideration of several important issues: the determination of the appropriate method for distributing traffic among available facilities, the provision for restoration of service following a major facility failure, and the specific configuration of the facilities.

29. It is further ordered that the rulemaking instituted by our November 7 Notice of Proposed Rulemaking is hereby TERMINATED; but that the overall inquiry looking toward the development of facilities policy for the 1985–1995 period remains OPEN.

30. It is further ordered pursuant to § 0.291 of our Rules and Regulations, 47 CFR 0.291 (1980), that we continue the delegation of authority to the Chief, Common Carrier Bureau and his staff to meet with the parties to the inquiry in this proceeding and other interested persons to discuss matters relating to the issues on which we have deferred action as well as other matters relating to North Atlantic facilities planning and to require submission of information relevant to those discussions.

Federal Communications Commission.*

William J. Tricarico,

Secretary.

*See attached Statement of Commissioner Fogarty.

Table 1.—*U.S.-CEPT Projected Circuit Supply vs. Demand*

Projected capacity	V1(B7) for Primary in 1987, MP-1 in 1988, MP-2 in 1989								
	TDMA/DSI on 6/4, FM on 14/11				TDMA/DSI on 6/4 and 14/11				
	1987	1988	1989	1990	1987	1988	1989	1990	1991
Cables TATs 4–7 and CANTAT–2	15,580	15,496	15,346	15,346	15,580	15,496	15,346	15,346	15,346
PP(6/4)	7,200	7,200	7,200	7,200	7,200	7,200	7,200	7,200	7,200

Table 1.—*U.S.-CEPT Projected Circuit Supply vs. Demand—Continued*

Projected capacity	V1(B7) for Primary in 1987, MP-1 in 1988, MP-2 in 1989								
	TDMA/DSI on 6/4, FM on 14/11				TDMA/DSI on 6/4 and 14/11				
	1987	1988	1989	1990	1987	1988	1989	1990	1991
PP(14/11)	3,280	3,280	3,280	3,280	8,080	8,080	8,080	8,080	8,080
MP-1(6/4)	4,320	7,200	7,200	7,200	4,320	7,200	7,200	7,200	7,200
MP-1(14/11)	2,800	3,280	3,280	3,280	2,800	8,080	8,080	8,080	8,080
MP-2(6/4)	3,840	3,840	7,200	7,200	3,840	3,840	7,200	7,200	7,200
MP-2(14/11)	3,280	3,280	3,280	3,280	4,080	4,080	8,080	8,080	8,080
Total	40,300	43,576	46,786	46,786	45,900	53,976	61,186	61,186	61,186
6/20/80 forecast	32,206	37,376	43,311	50,158	32,206	37,376	43,311	50,158	58,007
Spare capacity	8,094	6,200	3,475	(−3,372)	13,694	16,600	17,875	11,028	3,179
Demand flex. percent	25.13	16.59	8.02	(−6.72)	42.52	44.41	41.27	21.99	5.48
11/14/80 forecast [1]	32,186	37,773	43,902	50,742	32,186	37,773	43,902	50,742	58,813
Spare capacity	8,114	5,803	2,884	(−3,956)	13,714	16,203	17,284	10,444	2,373
Demand flex. percent	25.21	15.36	6.57	(−7.80)	42.61	42.90	39.37	20.58	4.03

[1] At the request of the Commission, the USISC submitted an updated traffic forecast on November 14, 1980. In general, the new updated forecast is very similar to the previous updated forecast of June 20, 1980. The total number of CEPT circuits for AT&T and the IRCs combined is slightly higher in the newest forecast for 1985 and 1988-92, and slightly lower for 1986-87 and 1993-95. The largest deviations are an increase of 1.39% in 1991 and a decrease of 2.23% in 1995. There are some larger deviations for individual countries, but they are partially offsetting, since some countries have increases and some have decreases.

Key

PP = Primary path satellite. MP-1 = Major path 1 satellite. MP-2 = Major path 2 satellite. 6/4 = 6/4 GHz frequency band. 14/11 = 14/11 GHz frequency band. V = INTELSAT V satellite. V-A = INTELSAT V-A satellite. VI (B-7) = B-7 design for INTELSAT VI satellite.

Table 2.—*U.S.-CEPT Projected Circuit Supply vs. Demand*

Projected capacity	V for Primary, MP-1 and MP-2 TDMA/DSI on 6/4, FM on 14/11				V-A for Primary, V for MP-1 and MP-2 TDMA/DSI on 6/4, FM on 14/11			
	1985	1986	1987	1988	1985	1986	1987	1988
Cables TATs 4-7 and CANTAT-2	15,540	15,558	15,580	15,496	15,540	15,558	15,580	15,496
PP(6/4)	1,680	1,680	1,580	1,680	2,128	2,128	2,128	2,128
PP(14/11)	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200
MP-1(6/4)	4,320	4,320	4,320	4,320	4,320	4,320	4,320	4,320
MP-1(14/11)	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800
MP-2(6/4)	5,600	3,840	3,840	3,840	5,600	3,840	3,840	3,840
MP-2(14/11)		3,280	3,280	3,280		3,280	3,280	3,280
Total	33,140	34,678	34,700	34,616	33,588	35,126	35,148	35,064
6/20/80 forecast	23,461	27,603	32,206	37,376	23,461	27,603	32,206	37,376
Spare capacity	9,679	7,075	2,494	(−2,760)	10,127	7,523	2,942	(−2,312)
Demand flex. percent	41.26	25.63	7.74	(−7.38)	43.17	27.25	9.13	(−6.19)
11/14/80 forecast	23,520	27,521	32,186	37,773	23,520	27,521	32,186	37,773
Spare capacity	9,620	7,157	2,514	(−3,157)	10,068	7,605	2,962	(−2,709)
Demand flex. percent	40.90	26.01	7.81	(−8.36)	42.81	27.63	9.20	(−7.17)

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Inquiry into the Policies to be Followed in the Authorization of Common Carrier Facilities to Meet North Atlantic Telecommunications Needs During the 1985–1995 period—Report and Order in CC Docket No. 79–184.

I strongly support the prudent and pragmatic policy adopted by this *Report and Order* in favor of maximum flexibility in the planning of common carrier facilities to meet telecommunications needs in the North Atlantic region during the 1985–1995 period.

The introduction of both the INTELSAT VI satellite series and an optical-fiber, digital (SL design) submarine cable appear essential and complementary in maintaining and enhancing the quality, efficiency, and cost-effectiveness of the trans-Atlantic international network for this planning period. While the record might indicate that delaying the introduction of an SL cable until end-year 1991 could conceivably result in cost savings of as much as $28 million, the narrow margin of demand flexibility safety associated with such a course of action in light of a possible delay in the INTELSAT VI satellite series strongly suggests that a decision to delay the SL cable would be penny wise and pound foolish. In addition to the factors of technological development risk and forecasting demand uncertainty which support an early introduction of the SL cable design, it is critical, in my judgment, to continue this Commission's commitment to the most timely development and deployment of new technology. The new fiber optic technology embodied in the proposed SL cable holds great promise for making new, innovative, and low cost services available to the trans-Atlantic telecommunications consumer, including the prospect of internationally interconnected digital

switched network facilities and services. These factors all conjoin to make our decision to allow the early introduction of the SL cable one that is eminently in the public interest.

[FR Doc. 81-3460 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

Organization and Delegation of Powers and Duties; Delegation of Authority to the Federal Aviation Administrator: Environmental Protection Agency Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule delegates to the Administrator of the Federal Aviation Administration the authority to exercise the powers and duties granted the Secretary of Transportation by the Environmental Protection Agency (40 CFR 87.7); pursuant to the Clean Air Act, as amended (84 Stat. 1703). This action is needed to expressly provide the delegation of that authority and ensures that its exercise is consistent with similar and related functions and responsibilities of the Administrator.

DATES: Effective date—January 19, 1981. Comments must be received by March 30, 1981.

ADDRESSES: Comments should be sent to: Docket Clerk (Docket No. 1) 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 postcard with their comments. The docket clerk will return those postcards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT:

Sam Podberesky, Office of Regulation and Enforcement, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590; telephone (202) 426-4723.

SUPPLEMENTARY INFORMATION:

Request for Comments

Although this action is in the form of a final rule, which involves the internal management and procedures of the Department and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the Department will use the comments and any other available information to review the regulation. After the review, if the Department finds that changes are appropriate, it will adopt amendments to the regulation.

Need and Effect of the Amendment

On December 31, 1980, the Environmental Protection Agency, under authority of the Clean Air Act, published a final rule amending 40 CFR Part 87. (45 FR 86946). The new rule amended the standards for control of air pollution from aircraft. The amendment authorizes exemptions for engines which operate in the United States for short durations at infrequent intervals. One of the new sections (40 CFR 87.7(d)) authorizes the Secretary of Transportation to determine which flights qualify for the "short duration at infrequent intervals" classification. This rule delegates that authority of the Secretary of Transportation to the Administrator of the Federal Aviation Administration.

The regulations of the Secretary of Transportation currently delegate responsibility for compliance with the Clean Air Act to the Administrator of the FAA (49 CFR 1.47(g)). This amendment is necessary to ensure that the Administrator possesses the comprehensive authority needed to fully realize the purposes of the Clean Air Act.

Regulatory Impact

The Department of Transportation, pursuant to its Regulatory Policies and Procedures Implementing Executive Order 12044, has determined that this is not a significant regulation. Further, since it involves regulations affecting only the internal process and delegation of authority within the Department, the anticipated impact of the amendment is so minimal that it does not warrant a full regulatory evaluation analyzing its economic impact.

Since this amendment to the regulations of the Secretary involves a matter relating to the management, organization, and delegation of agency powers and duties, I find, in accordance with 5 U.S.C. 553, that notice and public procedure thereon is unnecessary and good cause exists for making it effective in less than 30 days after publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, § 1.47 of Part 1 of Title 49 of the Code of Federal Regulations (49 CFR 1.47) is amended, effective January 19, 1981, by revising paragraph (g) to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

* * * * *

(g) Carry out the function vested in the Secretary by Part B of Title II of the Clean Air Act, as amended (84 Stat. 1703), and by 49 CFR 87.7(d) as it relates to exemptions from aircraft air pollution standards.

* * * * *

(Secs. 3(e), 6(c), and 9(e), Department of Transportation Act (49 U.S.C. 1652(e), 1655(c), and 1657(e)))

Issued in Washington, D.C., on January 19, 1981.

Thomas G. Allison,

Acting Secretary.

[FR Doc. 81-2938 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the moving expense schedules for displaced persons.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: John Murnane, Relocation Assistance Division, Office of Right-of-Way (202-426-0156); or Reid Alsop, Office of Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, 41 CFR Part 101-6, provide in § 101-6.105-1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the Federal Highway Administration to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semi-annually. The purpose of this amendment is to revise the current schedule, which was published on September 8, 1980 (45 FR 59154) to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Maryland and Wisconsin
Table II—Mobile Homes—None.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The impact of this amendment is so minimal as to not require preparation of a full regulatory evaluation.

(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)

(42 U.S.C. 4601 *et seq;* 41 CFR 101-6.105-1; 49 CFR 25.153)

Issued on: January 19, 1981.

John S. Hassell, Jr.,
Federal Highway Administrator.

Appendix A—Title 49—Transportation

Table I—*Personalty*

State	Occupant provides furniture: Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Alabama [1]	90	140	190	240	290	300					(3)	(3)
Alaska	75	150	200	250	275	300					15	15
Arizona	50	100	150	200	250	300					25	15
Arkansas	70	110	150	190	230	270	300				40	20
California	75	100	150	200	250	300					25	15
Colorado	120	180	240	300							30	20
Connecticut	50	90	140	170	230	260	300				15	15
Delaware	60	100	140	180	220	260	300				25	15
District of Columbia	100	135	170	210	250	290	300				35	15
Florida	75	120	165	210	255	300					25	25
Georgia	100	140	180	220	260	300					40	10
Guam	48	85	120	168	205	240	300				10	10
Hawaii	65	100	135	175	215	255	295	300			45	30
Idaho	60	100	140	180	220	260	300				20	10
Illinois	50	100	150	200	250	300					25	15
Indiana	50	100	150	200	250	300					25	15
Iowa	75	140	195	240	275	300					30	12
Kansas	60	120	180	240	300						30	10
Kentucky	65	130	195	260	300						35	25
Louisiana	60	100	140	180	220	260	300				40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	100	150	200	250	300						20	10
Massachusetts	60	130	150	190	225	250	275	300			25	15
Michigan	65	130	180	240	300						50	10
Minnesota	75	150	200	250	300						30	15
Mississippi	100	150	200	250	300						50	25
Missouri	50	100	150	200	250	300					25	10
Montana	60	100	140	180	220	260		300				
Nebraska	50	100	150	200	250	300					35	20
Nevada	50	100	150	200	250	300					30	10
New Hampshire	100	150	190	230	270	300					25	15
New Jersey	80	140	195	245	300						25	15
New Mexico [2]	138	205	271	300							25	15
New York	80	130	175	215	250	275		300			(3)	(3)
North Carolina	70	110	160	210	260	300					25	15
North Dakota	75	125	150	200	250	275		300			40	30
Ohio	50	100	150	200	250	300					30	15
Oklahoma	95	135	175	215	255	300					30	10
Oregon	60	120	180	240	300						40	15
Pennsylvania	60	115	170	230	285	300					20	20
Puerto Rico	75	120	165	210	255	300					25	25
Rhode Island	70	140	210	250	275	300					25	25
South Carolina	105	180	220	300							25	10
South Dakota	100	150	200	250	300						30	10
Tennessee	75	100	150	200	250	300					50	15
Texas	95	135	175	215	255	300					25	15
Utah	75	100	130	155	180	210	240	270	300		50	25
Vermont	100	150	190	230	270	300					25	15
Virginia	60	100	140	180	220	260	300				25	15
Virgin Islands	105	150	195	240	275	300					40	10
Washington	100	150	200	250	300						35	35
West Virginia [3]	60	100	140	180	220	260	300				25	25
Wisconsin	80	150	210	260	300						25	10
Wyoming	60	120	180	240	260	300					50	30
											40	20

[1] Furnished units including sleeping rooms. Occupant does not own furniture.—First room, $30; 2 rooms, $50; 3 rooms, $75; 4 rooms, $95; 5 rooms, $120; 6 rooms, $140; each additional room, $15.

[2] Furnished units including sleeping rooms. Occupant does not own furniture.—First room, $59; 2 rooms, $113; 3 rooms, $140; 4 rooms, $169; 5 rooms, $196; 6 rooms, $224; 7 rooms, $252; 8 rooms, $279; 9 rooms, $300; to a maximum of $300.

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

Subtitle A—Office of the Secretary of Transportation

Table II.—*Mobile Homes*

State	Miles (kilometers)		Area—square feet (square meters)		Width—feet (meters)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Alabama			0 (0)	200 (18.6)			$165
			200 (18.6)	400 (37.2)			225
			400 (37.2)	600 (55.8)			285
			600 (55.8)				300
Alaska	All trailers						300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
California [1]					0 (0)	8 (2.4)	(1)
					8 (2.4)		(1)
Colorado [2]							(2)
Connecticut [3]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida	All trailers						300
Georgia			0 (0)	400 (37.2)			125
			400 (37.2)	500 (46.5)			185
			500 (46.5)	600 (55.8)			245
			600 (55.8)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7)	180
					12 (3.7)		230
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky [4]					0 (0)	8 (2.4)	285
					8 (2.4)		300
Louisiana					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300

Subtitle A—Office of the Secretary of Transportation—Continued

Table II.—*Mobile Homes*

State	Miles (kilometers)		Area—square feet (square meters)		Width—feet (meters)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota *					0 (0)	8 (2.4)	200
					8 (2.4)		300
Mississippi			0 (0)	300 (27.9)			200
			300 (27.9)	400 (37.2)			250
			400 (37.2)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana *					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	All mobile homes						300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico * *	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	180
					8.5 (2.6)	10.5 (3.2)	244
					10.5 (3.2)	12.5 (3.8)	252
					12.5 (3.8)		300
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	212
					8.5 (2.6)	10.5 (3.2)	252
					10.5 (3.2)	12.5 (3.7)	272
					12.5 (3.7)		300
New York			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			200
			500 (46.5)	700 (65.1)			250
			700 (65.1)				300
North Carolina * *					0 (0)	12 (3.7)	200
					12 (3.7)		300
North Dakota			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300
Ohio *	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			220
			1,120 (104.2)				275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			185
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	250
					10 (3)		300
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania			0 (0)	300 (27.9)			130
			300 (27.9)	500 (46.5)			225
			500 (46.5)	800 (74.4)			275
			800 (74.4)				300
Rhode Island					0 (0)	8 (2.4)	225
					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300
South Carolina *					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
			200 (18.6)	400 (37.2)			150
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300

Subtitle A—Office of the Secretary of Transportation—Continued

Table II.—*Mobile Homes*

State	Miles (kilometers)		Area—square feet (square meters)		Width—feet (meters)		Allowance dollars
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
South Dakota	All trailers						300
Tennessee [4]					0 (0)	10 (3)	100
					10 (3)		150
Texas					0 (0)	8.5(2.6)	175
					8.5 (2.6)	10.5 (3.2)	235
					10.5 (3.2)	12.5 (3.8)	270
					12.5 (3.8)		300
Utah [4]	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25(40.2)			0(0)	8(2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont [3]	All trailers						300
Virginia			0 (0)	200 (18.6)			150
			200 (18.6)	400 (37.2)			200
			400 (37.2)	600 (55.8)			250
			600 (55.8)	800 (74.4)			300
Washington	All trailers						300
West Virginia			0 (0)	300 (27.9)			100
			300 (27.9)	450 (41.9)			150
			450 (41.9)	550 (51.2)			225
			550 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming [4]					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	165
					10.5 (3.2)	12.5 (3.8)	210
					12.5 (3.8)		300

[1] Width to 8' (2.4 m) Length 40' (12.2 m)—$200; length 40' (12.2 m)—$300. Width over 8' (2.4 m) Length 40' (12.2 m)—$300; length 40'+(12.2 m)—$300.
[2] Under 8' (2.4 m) x 40' (12.2 m)—Unskirted $150. Over 8' (2.4 m) x 40' (12.2 m)—$300.
[3] Plus $50 for expandable trailer.
[4] $300 for double trailer.
[5] Escort fee included.
[6] Personalty only: Width—Under 10 feet (3 m), $60; 10 feet (3 m), $70; 12 feet (3.7 m) and over, $100; doubles, $175.
[7] $50 for extras.

[FR Doc. 81-3029 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 2)]

Rail General Exemption Authority—Miscellaneous Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; notice of exemption.

SUMMARY: The Commission has decided to exercise its authority under 49 U.S.C. 10505 and exempt shelled walnuts (STCC No. 20–7–6–12) from regulation. The exemption is designed to solve a "mixed shipment" transportation problem raised by Sun-Diamond Growers Inc. The exemption will place shelled walnuts on an equal basis with exempt in-shell walnuts.

DATES: The exemption will be effective January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: Sun-Diamond Growers Inc. on September 23, 1980 filed a petition for clarification of the March 24, 1980 decision in this proceeding. Sun-Diamond interprets our decision to mean that where shipments consist of both exempt and regulated commodities (mixed shipments), the regulated portion will remain regulated and the exempt portion will not be regulated. This is not what the decision said. Mixed shipments are exempt. This avoids any mitigation of the flexibility provided by the exemption. Carriers will not be burdened by complex rules or formulae in handling mixed shipments.

In our decision, we also stated that if problems developed we would accept petitions to reconsider the treatment given mixed shipments.

Sun-Diamond states that some railroads are reluctuant to transport mixed shipments of exempt in-shell walnuts (STCC No. 01–298–90) and regulated shelled walnuts (STCC No. 20–7–6–12) because of potential antitrust problems [1] Sun-Diamond's mixed

[1] We are at a loss to understand why carriers would fear potential antitrust problems under our treatment of mixed shipments as exempt. Today, prices for exempt service are being established without antitrust immunity. By including in those price discussions items which would otherwise be regulated, carriers should have no legal problems. Of course, if carriers are seeking to price their exempt services by using prices which were originally set collectively, problems are likely to develop.

shipment problem can be solved by exempting shelled walnuts.

Shelled walnuts are exempt when shipped by truck. It is a commodity which we would have included in our initial exemption proceeding, Ex Parte No. 346 (Sub-No. 1) *Rail General Exemption Authority—Fresh Fruits and Vegetables*, 361 I.C.C. 211 (1979). Shelled walnuts can move by either railroad or truck. As indicated by Sun-Diamond's petition, the railroads' ability to compete for this traffic is hampered by current regulatory problems.

49 U.S.C. 10505, as amended by the Staggers Rail Act of 1980, authorizes the Commission to exempt services from regulation where abuses of market power are unlikely to materialize or the service is of limited scope. Shelled walnut traffic appears to satisfy both criteria. In addition, regulation of shelled walnut traffic seems to be inhibiting rather than fostering the transportation policy of 49 U.S.C. 10101a. As noted above, this exemption would eliminate a regulatory barrier which is hurting railroads in their efforts to compete for Sun-Diamond's traffic.

An exemption for shelled walnuts is so clearly consistent with our prior actions in this proceeding that we see no need to hold a separate proceeding prior to authorizing this exemption. 49 U.S.C. 10505, as amended by the Staggers Rail Act of 1980, has eliminated the requirement for a proceeding prior to granting an exemption in appropriate cases.

§ 1039.10 [Amended]

49 CFR 1039.10 is amended by adding "Shelled walnuts 20–7–6–12" to the list of exempt commodities.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10101, 10321, and 10505)

Dated: January 21, 1981.

By the Commission, Chairman Gaskins, Vice-Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3306 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

National Wildlife Refuges in Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Washington and Oregon is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the 1981 sport fishing seasons.

DATES: January 1, 1981 to December 31, 1981.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Joseph R. Blum, Area Manager, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, Telephone: FTS 434–9578 or 9579, Com'l (206) 753–9578 or 9579.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Wildlife Refuge(s) were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 33 and the following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions and maps applying to individual refuges are available as pamphlet handouts at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Portland, Oregon 97232. Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

1. Sport fishing is allowed on the following refuge areas:

Cold Springs National Wildlife Refuge, P.O. Box 239, Easton Post Office Building, Umatilla, Oregon 97882. Contact Refuge Manager at (503) 922–3232.

a. Fishing allowed from March 1 through September 30.

b. Boats without motors may be used.

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344. Contact Refuge Manager at (509) 488–2668.

a. The following waters are open to fishing March 1 to September 30, 1981: Bobcat Creek and ponds; Cattail Lake; Coyote Creek and ponds; Crab Creek from Highway 26 to McMannaman Road; Deadman Lake; Gadwall Lake; Hampton Lakes and Sloughs; Hays Creek and ponds; Hutchinson Lake; Juvenile Lake; McMannaman Lake; Pillar Lake; Para Lake; Royal Lake; Shiner Lake; Widgeon Lake; Quail Lake (See special condition b.); and Shoveler Lake. All other waters are open year round.

b. Quail Lake is open to the use of artificial flies with barbless hooks only, and all fish must be released immediately.

c. Boats or any floating devices are prohibited on all lakes located between

Soda and Upper Hampton Lakes. Boats without motors are allowed on Upper Hampton Lake and Crab Creek and impoundments use of powered or non-powered boats is permitted on all other waters open for fishing.

d. Parking is permitted only in designated areas one hour before legal sunrise until one hour after sunset. During these hours, vehicles may also park along roads but not more than one vehicle length off the road.

e. Camping and overnight parking are permitted in Soda Lake Campground only.

f. Fires are allowed in camp stoves only.

g. Horseback riding is allowed only on graveled roads open to vehicle use.

g. Hiking and nature observation are permitted in areas only when open to hunting or fishing. All other refuge areas are closed to entry.

Conboy Lake National Wildlife Refuge, Glenwood, Washington 98619. Contact Refuge Manager at (509) 364–3410 for any special conditions.

Little Pend Oreille National Wildlife Refuge, Route 1, Colville, Washington 99114. Contact Refuge Manager at (509) 684–5343 for any special conditions.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, OR 97720. Contact Refuge Manager at (503) 493–2323.

a. Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

b. The use of motor boats is not permitted on Krumbo Reservoir.

c. Refuge waters are open during the trout season only.

McKay Creek National Wildlife Refuge, P.O. Box 239, Easton Post Office Building, Umatilla, Oregon. Contact Refuge Manager at (503) 922–3232.

a. Fishing is allowed from March 1 through September 30.

McNary National Wildlife Refuge, P.O. Box 308, Burbank, Washington 99523. Contact Refuge Manager at (509) 547–4942.

a. Fishing is allowed from March 1 through September 30.

b. The use of boats or other floating devices is prohibited.

Ridgefield National Wildlife Refuge, P.O. Box 457, Ridgefield, Washington 98642. Contact Refuge Manager at (206) 887–4071.

a. Fishing allowed from March 1 through September 30.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330. Contact Refuge Manager at (503) 753–8056.

a. Fishing allowed from April 25 through August 28.

b. Use of boats is prohibited.

c. During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. The use of artificial lights is prohibited.

d. The use of archery equipment is prohibited.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882. Contact Refuge Manager at (503) 922–3232 for any special conditions.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The primary author of this document is John H. Doebel, Assistant Area Manager, telephone FTS 434–9578 or 9579, Commercial (206) 753–9578 or 9579.

Dated: January 20, 1981.

John H. Doebel,

Acting Area Manager.

[FR Doc. 81–3451 Filed 1–28–81; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 46, No. 19
Thursday, January 19, 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

Soil Conservation Service

7 CFR Part 656

Procedures for Protecting Archeological and Historical Properties Encountered in SCS Assistance Programs

AGENCY: Soil Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes general guidelines for Soil Conservation Service (SCS) implementation of the several historic preservation acts and executive orders in its programs. These procedures have been drafted jointly with the Advisory Council on Historic Preservation as counterpart regulations under 36 CFR 800.11.

DATE: Comments are due on or before March 30, 1981.

ADDRESS: Interested persons are invited to submit written comments, suggestions, etc., to Arun Basu, Director of Social Sciences, Soil Conservaton Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, (202) 755–9701.

FOR FURTHER INFORMATION CONTACT: John M. Safley, Jr., Environmental Specialist, Ecological Sciences, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, (202) 447–8388, or Al Clark, Advisory Council on Historic Preservation, 1522 K Street, NW, Washington, D.C. 20005, (202) 254–3886.

The approved draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from John M. Safley, Jr.

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under USDA criteria established to carry out Executive Order 12044, "Improving Government Regulations," and has been classified "significant." On July 18, 1977, the Soil Conservation Service published in the **Federal Register** (42 FR 36804) its final rule entitled Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-Assisted Programs. (7 CFR Part 656.) This rule was amended on June 19, 1978, and on June 23, 1978, as published in the **Federal Register** (43 FR 26277 and 43 FR 27158).

This proposed rule is a total revision of the procedures SCS uses in protecting archeological and historical properties and was developed to insure complete compliance with the statutes and regulations for protecting archeological and historical properties. This is a counterpart rule to the Advisory Council on Historic Preservation regulations (36 CFR Part 800) for implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), and the U.S. Department of Agriculture rules for Enhancement, Protection, and Management of the Cultural Environment (7 CFR Part 3100).

Mr. Ned D. Bayley, Acting Assistant Secretary for Natural Resources and Environmental, SEC, has determined that this action will not have a significant economic impact on a substantial number of small entities.

Comments are solicited within 60 days after publication of this document, after which this proposed action will be reviewed so that a final document discussing the comments received and any revisions of these rules can be published in the **Federal Register** as soon as possible. We are particularly interested in receiving comments on the proposed procedures discussed in § 656.7(a) and the preliminary list of Appendix A.

Dated: January 16, 1981.

Norman A. Berg,

Chief.

(Catalog of Federal Domestic Assistance Programs numbered 10.900 (Great Plains), 10.901 (Resource Conservation and Development), 10.902 (Soil and Water Conservation), 10.904 (Watershed Protection and Flood Prevention), and 10.905 (Plant Materials). Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

It is proposed to revise Part 656 of Title 7, Code of Federal Regulations, to read as follows:

PART 656—PROCEDURES FOR PROTECTING ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS ASSISTANCE PROGRAMS

Sec.

656.1 Purpose.
656.2 Archeological and historical property protection laws and executive orders applicable to SCS assistance programs.
656.3 Policy.
656.4 Definitions.
656.5 Applicability.
656.6 SCS administrative responsibilities.
656.7 SCS considerations in nonproject undertakings.
656.8 SCS considerations in project undertakings.
656.9 Determining the course of action if cultural properties are discovered during construction.
656.10 Recovery, protection, and/or preservation of significant cultural data that may be irrevocably lost or destroyed by construction in SCS-assisted project undertakings.
656.11 Determining the effects of proposed SCS undertakings on cultural properties on Federal land.
656.12 Federal property under SCS control.
Appendix A—Conservation Systems and Practices Exempted from 7 CFR Part 656.

Authority: 7 CFR 2.62; Sec. 1 (3), E.O. 11593, (36 FR 8921, 3 CFR, 1971 comp., p. 154); Sec. 106, National Historic Preservation Act of 1966 Pub. L. 89–665 (16 U.S.C., 470f); Archeological and Historic Preservation Act of 1974 Pub. L. 93–291 (16 U.S.C. 469a).

§ 656.1 Purpose.

This part prescribes Soil Conservation Service (SCS) policy, procedures, and guidelines for implementing archeological and historical property protection laws and executive orders in its programs.

§ 656.2 Archeological and historical property protection laws and executive orders applicable to SCS assistance programs.

(a) The Reservoir Salvage Act of 1960 Pub. L. 86–523, 74 Stat. 220 as amended (16 U.S.C. 469 et seq.), relates to the preservation of historical and archeological materials or data, including relics and speciments, that might otherwise be lost or destroyed as a result of any Federal or federally assisted or licensed project, activity, or program.

(b) The National Historic Preservation Act of 1966 (NHPA), Pub. L. 89–665, 80 Stat. 915, as amended (16 U.S.C. 470 et seq.), establishes a positive national policy for preserving the cultural environment and sets forth a mandate for protection in Section 106 (16 U.S.C. 470f). The purpose of Section 106 is to protect properties listed in or eligible for listing in the National Register of Historic Places (NRHP) through review and comment by the Advisory Council on Historic Preservation (ACHP) on Federal, federally assisted, or federally licensed undertakings that affect such properties. Properties are listed in NRHP or declared eligible for listing by the Secretary of the Interior. As implemented through ACHP regulations, Section 106 establishes a public review in which the Federal agency responsible for an undertaking, the State historic preservation officer (SHPO), ACHP, and interested organizations and individuals participate. The review is designed to insure that the properties and any effects on them are identified and that alternatives which will avoid or mitigate an adverse effect on property eligible for listing in NRHP are adequately considered in planning.

(c) Executive Order 11593 (36 FR 8921, 3 CFR, 1971 Comp. p. 154), Protection and Enhancement of the Cultural Environment, provides that the Federal Government shall furnish leadership in preserving, restoring, and maintaining the historical and cultural environment of the Nation. This order directs Federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations. They shall initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance are preserved, restored, and maintained. Executive Order 11593 directs that agencies institute procedures to insure that Federal plans and programs contribute to the preservation and enhancement of nonfederally owned sites, structures, and objects of historical, architectural, or archeological significance in consultation with ACHP. The Executive Order also charges all Federal agencies to locate, inventory, and nominate to NRHP all site, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing in NRHP.

(d) Protection of Historic and Cultural Properties (36 CFR Part 800) establishes procedures for implementing Section 106 of NHPA and authorizes publication of agency implementing procedures in the form of counterpart regulations.

(e) Enhancement, Protection, and Management of the Cultural Environment (7 CFR Part 3100, Subpart C) sets forth U.S. Department of Agriculture (USDA) general policy and procedural direction pertaining to the cultural environment.

(f) American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996) declares that it is the policy of the United States to protect and preserve for American Indians, Eskimos, Aleuts, and Native Hawaiians inherent right of freedom to believe, express, and exercise their traditional religions.

(g) Archeological Resources Protection Act of 1979, Pub. L. 96–95, 93 Stat. 721 (16 U.S.C. 470aa et seq.) provides protection for archeological resources found on public lands and Indian lands of the United States.

(h) Archeological and Historical Preservation Act of 1974, Pub. L. 93–291, 88 Stat. 174 (16 U.S.C. 469 et. seq.) amended the Reservoir Salvage Act of 1960 and authorizes the Secretary of the Interior or the Federal agency itself to undertake recovery, protection, and preservation of historic and archeological data that would otherwise be lost as a result of Federal or federally assisted activities.

§ 656.3 Policy.

(a) SCS shall actively work toward the identification, management, convservation, and enhancement of significant historical, archeological, and architectural resources encountered in its undertakings.

(b) SCS shall owrk with the Heritage Conservation and Recreation Service (HCRS) and ACHP to provide positive managment of the cultrual environment, thereby contributing to the protection of rural communities and farmlands and their significant cultural properties.

§ 656.4 Definitions.

Archeological and historical inventory. An inventory study that includes a systematic field examination of the area of potential environmental impact to determine or reasonably predict the presence or absence of cultural properties.

Archeological and historical review. An examination of documentary research such as recorded history, prehistory ethnography, geography, and ecology of the region. Conducted as a part of the environmental evaluation, it is made to predict the kinds of cultural properties that may occur in the area or potential environmental impact and the distribution of such properties. The National Register, State and local registers, and other sources are consulted to identify known cultural properties. The State historic preservation officer, Indian tribal officials, native traditional religious leaders, State archeologist, State historians, State historical and archeological societies, and other appropriate individuals, agencies, or institutions are consulted concerning the presence of historic and cultural properties within the area, and minor field inspections may be conducted.

Cultural property specialists. Individuals who meet the applicable standards for history, archeology, architectural history, or historical architecture as set forth in 36 CFR 61.5.

Effect. Any change, beneficial or adverse, in the quality of the of the historical, architectural, archeological, or cultural characteristics that would qualify the property a meeting the criteria of the National Register.

Evaluatory archeological and historical survey. A survey to collect information to evaluate all historic and cultural properties within the area under consideration. This information is used to apply to the National Register Criteria (36 CFR 60.6) to previously unidentified historic and cultural properties. An evaluatory survey includes background research and an intensive on-the-ground examination of the entire area under consideration along with appropriate testing and analysis of the area.

Federally assisted actions. Actions, as defined in 7 CFR 650.4(d), planned and carried out by individuals, groups, or local units of government largely on nonfederal land with technical or financial assistance from SCS.

Field inspection. Field inspection may be a complete on-the-ground examination or an examination of an adequate sample of the total study area. An inventory study is designed to document or reliably predict the presence or absence of historic and cultural properties, to aid in determining the necessity for conducting evaluative surveys, and to provide data for planning such surveys.

Nonproject undertakings. Technical and financial assistance to land users on nonfederal lands through programs such as Conservation Operations, Great Plains Conservation, Rural Abandoned Mine, and Rural Clean Water as well as SCS technical assistance to other Federal, State, and local agencies.

Project undertaking. A project that is carried out within a specified area under a project plan by sponsors for the benefit of the general public. Project sponsors are units of government having the legal authority and resources to

install, operate, maintain works of improvement.

Significant cultural (historic and prehistoric, archeological, and architectural) properties. Districts, sites, buildings, structures, and objects having local, state, or national significance that are either listed in NRHP or are eligible for listing pursuant to 36 CFR 1202.6.

Undertaking. As used in Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), any technical or financial activity that may affect a site, building, district, or object listed in or determined to be eligible for listing in NRHP.

§ 656.5 Applicability.

This rule applies to all SCS assistance programs.

§ 656.6 SCS administrative responsibilities.

(a) *SCS National Office.* The SCS Chief is responsible for establishing and maintaining appropriate liaison with the USDA Office of Environmental Quality (OEQ), HCRS, ACHP, National Council of SHPO's, and other agencies, organizations and councils concerned with cultural properties. The Chief shall provide for the preparation and distribution of additional directives, as necessary, to technical service centers and state conservationists for use in compliance with applicable cultural property preservation laws, regulations, and executive orders. The Chief shall direct periodic reviews of the adequacy of the cultural property training available to cultural property specialists and other SCS personnel. The Chief shall include cultural property considerations and compliance in functional inspection guidelines.

(b) *SCS technical service centers (TSC's).* Directors of SCS TSC's are responsible for coordinating the cultural property training in their regions. Directors shall provide guidance for cultural property considerations in their regions through staff consultations and other appropriate means.

(c) *SCS state offices.* The SCS state conservationist is the responsible Federal official for implementing provisions of these regulations in a state. The state conservationist is responsible for establishing and maintaining relations with State agencies and officials (e.g., State historic preservation officer or State archeologist) responsible for cultural properties. The state conservationist shall contact cultural resource specialists, societies, and universities for information and request State historic preservation officers to advise on the likelihood of cultural properties being discovered in the areas of SCS's proposed undertakings. The state conservationist shall provide for the preparation and distribution of pertinent cultural property information furnished by the appropriate State historic preservation officer to each field office. This information includes but is not limited to NRHP and the location of known historic and cultural properties eligible for inclusion in NRHP.

(d) *SCS field offices.* The district conservationist in each SCS field office shall maintain a current list of historic and cultural properties that are included in or eligible for inclusion in NRHP in the field office work area. The district conservationist also maintains maps and other location data of known significant cultural properties in that district. Under the confidentiality rule in the Archeological Resources Protection Act of 1979 (16 U.S.C. 470hh), data are maintained for official use only. Use of these materials and responsibilities of field office personnel in providing nonproject undertakings are set forth in § 656.7 of this rule.

§ 656.7 SCS considerations in nonproject undertakings.

(a) The environmental evaluation made during nonproject planning includes consideration of the effects of all planning alternatives on historic and cultural properties. An environmental evaluation is conducted for all SCS assistance in accordance with 7 CFR 650.4(c). The environmental evaluation inventories the area of potential environmental impact and estimates the potential effects of the proposed assistance measures on the human environment. If SCS assistance would have any adverse effects, the planners should propose alternative solutions. If there are no feasible and prudent alternatives, planners should identify measures that will reduce the objectionable effects to acceptable levels. The steps used to consider the potential effects of assistance on historic and cultural properties are as follows:

(1) On receipt of a request for assistance, SCS shall examine the nature of the proposed assistance to determine if it would affect historic and cultural properties. The nature, scope, or magnitude of the proposed assistance may be such that there would be little likelihood of affecting a National Register or eligible property. Certain conservation practices and systems have been determined categorically to pose no threat of affecting historic and cultural properties. A list of these conservation practices and systems is contained in Appendix A.

(2) If proposed assistance is included in the listing in Appendix A, SCS shall document this finding as part of the reviewable record and continue processing the application for assistance. However, if facts and circumstances indicate that the proposed assistance is likely to affect a National Register or eligible property despite the assistance activity's inclusion in Appendix A, the SCS field office shall proceed as in subparagraph (3).

(3) If the provision of assistance could affect a historical or cultural property, the SCS planner shall consult the following published information concerning the sensitivity of the area: The latest published lists of the National Register and eligible properties prepared by the National Register of Historic Places; information provided by State historic preservation officers; information from state and local historic and archeological societies, State archeologists, universities, other Federal agencies; and county and local records. If the SCS review of this information indicates that the area of potential environmental impact is or may be an historically or culturally sensitive area or if there is insufficient information available to determine the sensitivity of the area, SCS shall request the assistance of a cultural resources specialist in determining the sensitivity of the area.

(4) If SCS determines that there are no National Register or eligible properties present within the area of potential environmental impact and the area is not historically or culturally sensitive, SCS shall document the reviewable record and proceed with processing the request for assistance.

(5) If SCS determines that the area of potential environmental impact contains one or more National Register or eligible properties or if the area is sensitive and might contain potentially eligible properties, SCS shall discuss Federal and State cultural preservation requirements with the land user.

(6) If the land user chooses not to request a determination from the SHPO, SCS shall document the record and terminate the assistance.

(7) If the land user chooses to request a determination from the SHPO, the SCS field office shall notify the SHPO of the nature of the assistance and its findings on the presence of historic and cultural properties. SCS shall discuss with the land user and the SHPO the nature and extent of properties present and the effect of the proposed assistance on those properties.

(b) If the proposed assistance is to be carried out near to properties listed in or

eligible for listing in the National Register, and there is likelihood of an adverse effect, SCS shall proceed as follows:

(1) In consultation with the State historic preservation officer (SHPO), SCS determines in accordance with the criteria contained in 36 CFR 800.3(a) the effect of the proposed assistance on all National Register or eligible properties located within the area of potential environmental impact. If the SHPO and SCS agree that there will be no effect on any National Register or eligible properties, SCS documents the reviewable record and proceeds with processing the application for assistance.

(2) If an effect is determined, SCS, in consultation with the SHPO, applies the Council's "adverse effect criteria" (36 CFR 800.3(b)). If the SHPO and SCS determine that the effect will not be adverse, SCS provides documentation (See 36 CFR 800.13(a)) to the Advisory Council on Historic Preservation. Unless the Council objects to the finding of "no adverse effect" within 30 days, SCS documents the reviewable record and proceeds with its processing of the request for assistance.

(3) If the effect is determined to be adverse or if the Executive Director of the Council objects to a finding of "no adverse effect," SCS notifies the land user and submits documentation in the form of a "preliminary case report" (See 36 CFR 800.13(b)) to the Council. In accordance with 36 CFR 800.6(b), SCS, in consultation with the land user, the SHPO, and the Council, investigates alternative measures to the proposed assistance that will avoid the adverse effects. If the consulting parties agree that no such alternative measures exist, the consulting parties shall investigate possible measures that would minimize the adverse effects to acceptable levels.

(4) If the consulting parties agree on alternatives to avoid the adverse effect or on mitigation measures that minimize the adverse effect, SCS provides the land user a formal proposal for assistance that incorporates the agreed-to measures. If the land user does not accept the formal proposal, SCS documents the reviewable record and terminates the assistance.

(5) If the consulting parties are unable to agree on the measures necessary to avoid or minimize the adverse effects of the proposed assistance, SCS documents the reviewable record and terminates the assistance.

(c) If there are historic and cultural properties that may be eligible for listing in the National Register or if the area of potential environmental impact has been determined to be historically or culturally sensitive, SCS shall proceed as follows:

(1) SCS notifies the land user of the necessity to conduct an evaluatory survey of the area of potential environmental impact. If the land user refuses to allow such surveys of the area, SCS documents the reviewable record and terminates the assistance.

(2) If the land user agrees to allow the area to be investigated for the presence of historic and cultural properties, SCS shall contact a cultural resources specialist and request an evaluatory archeological and historic survey of the area. The cultural resources specialist shall conduct the survey as expeditiously as possible. The cultural resources specialist shall design the survey in consultation with the SHPO and shall forward copies of the completed survey to the SHPO for review and comment.

(3) SCS discusses with the SHPO the potential of the proposed assistance to adversely affect those identified properties that may be eligible for listing in the National Register. If the SHPO and SCS agree that there is no potential to adversely affect any such property, SCS documents the reviewable record and proceeds with processing the request for assistance.

(4) If either SCS or the SHPO determine that the proposed assistance may adversely affect an historic or cultural property that may be eligible for listing in the National Register, SCS in consultation with the land user and the SHPO investigates alternative measures to avoid the adverse effects. If the parties agree that there are no prudent and feasible alternatives that would avoid the potentially adverse effect, the parties shall investigate possible mitigation measures to reduce the potentially adverse effects to acceptable levels.

(5) If the parties agree on alternatives to avoid the adverse effect or on mitigation measures to minimize the adverse effect, SCS provides the land user with a conservation plan for assistance that incorporates the agreed-to measures. If the land user does not accept the conservation plan, SCS documents the reviewable record and terminates the assistance.

(6) If the parties cannot agree on measures to avoid or minimize the potentially adverse effects, SCS offers the land user the option of continuing with the review at the land user's expense or at the expense of another Federal agency that is providing financial assistance, or terminating the assistance. If the land user elects to proceed with the identification and evaluation of properties within the area of potential environmental impact, the cost of which is borne by another agency or by the land user, SCS will continue to provide assistance.

(7) If the land user elects not to proceed with identification and evaluation, SCS documents the reviewable record and terminates assistance.

(d) If historic and cultural properties not previously identified are discovered after compliance with 36 CFR 800 and/or during installation, see Section § 656.9 of these rules.

§ 656.8 SCS considerations in project undertakings.

(a) In every project action, the responsible Federal official (RFO), in consultation with the State historic preservation officer (SHPO) and other cultural resource specialists, shall conduct an archeological and historical review as part of an environmental evaluation. The RFO shall document the findings and, in consultation with SHPO, determine the need for an archeological and historical inventory.

(b)(1) If the SHPO, the State archeologist, or other cultural resources specialist presents specific information concerning properties listed or eligible for listing in NRHP or information concerning sensitive areas that may contain historic and cultural properties, the RFO shall arrange for an archeological and historical inventory.

(2) The specialist conducting this inventory, in consultation with the SHPO, shall provide a written opinion to the RFO on the need to conduct a detailed archeological and historical survey. Any contract or cooperative agreement providing for a reconnaissance should be broad enough to allow needed testing of the sites if the specialist conducting the investigation recommends an evaluatory survey.

(c) If no cultural properties are identified during the archeological and historical inventory, SCS shall document the reviewable record and proceed with the undertaking.

(d) If the report of the archeological and historical inventory includes an opinion by the professional conducting the inventory or the SHPO that there are identified cultural properties which may be eligible for inclusion in NRHP and which may be affected by the proposed construction, the RFO shall request an evaluatory archeological and historical survey.

(e) SCS, in consultation with the SHPO, shall apply the National Register's Criteria for Evaluation (36 CFR 1202.6) to all historic and cultural properties identified within the area of potential environmental impact. If in the

opinion of the RFO or the SHPO a property appears to meet the 36 CFR 1202.6 criteria or if an interested party or organization raises a question concerning its eligibility, the RFO shall request a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR 1204.

(f) If the SHPO and SCS agree that no identified historic and cultural property meets the criteria and no question is raised or if the Keeper of the National Register determines that the identified properties are not eligible for listing in the National Register, the RFO shall document the reviewable record and proceed with the undertaking. Further consultation with the SHPO and the Council is not required unless § 656.9 applies.

(g) The RFO in consultation with the SHPO shall apply the Council's "Criteria of Effect" (36 CFR 800.3) to all properties listed in or eligible for the National Register within the area of potential environmental impact. If an effect is determined in accordance with 36 CFR 800.3(a), the RFO in consultation with the SHPO shall apply the criteria for adverse effect (36 CFR 800.3(b)). If the RFO and the SHPO agree that there is no effect on any National Register or eligible property within the area of potential environmental impact, the RFO shall document the reviewable record and proceed with the undertaking.

(h) If an effect on a National Register or eligible property is determined not to be adverse, the RFO shall send documentation in support of that finding to the Council in accordance with 36 CFR 800.13(a). Unless the Council objects within 30 days, the RFO shall document the reviewable record and proceed with the undertaking.

(i) If an effect on a National Register or eligible property is determined to be adverse or the Council objects to a finding of no adverse effect, the RFO shall request the comments of the Council pursuant to Section 106 of the National Historic Preservation Act. The RFO shall follow the requirements set forth in 36 CFR 800.6(b) to consider alternatives that will avoid or mimimize the adverse effects. The RFO is responsible for preparing of the "Preliminary Case Report" in accordance with 36 CFR 800.13(b).

(j) If the SHPO, the ACHP, and SCS agree on measures to avoid or mitigate the adverse effects of the proposed undertaking, they shall enter into a memorandum of agreement (MOA) in accordance with 36 CFR 800.6(c). The signature of the RFO shall bind SCS to the terms of the MOA. Once the RFO receives a copy of the MOA with all necessary signatures, including ratification by the Chairman of ACHP, the RFO shall document the reviewable record and proceed according to the terms of the MOA.

(k) If the SHPO, the ACHP, and SCS fail to agree on measures to avoid or mitigate the adverse effects of a proposed undertaking, the Council may consider hearing the case before the Council members. The procedure to be followed in such instances is set forth in 36 CFR 800.6(b)(7) and 36 CFR 800.6(d).

(l) If, as a result of the consultation, it is concluded that the proposed action would result in the irrevocable loss of significant archeological, historical, or cultural data, the RFO may request the assistance of the Secretary of the Interior, under the Archeological and Historical Data Preservation Act of 1974, as amended (Pub. L. 93–291, 16 U.S.C. 469 et. seq.), to carry out the data recovery plan in a timely manner by contract or cooperative agreement. If the Heritage Conservation and Recreation Service (HCRS) is requested to undertake recovery, the RFO shall provide the mitigation plan and the necessary construction schedules to HCRS to avoid delays in construction. SCS may transfer to HCRS up to 1 percent of the Federal share of the cost of the measure that creates the need for mitigation. SCS may choose instead to perform the mitigation up to the 1 percent limitation. If the 1 percent is inadequate to recover the data, SCS may work with HCRS, the appropriate SHPO, or interested organizations and individuals in obtaining additional funds.

§ 656.9 Determining the course of action if cultural properties are discovered during construction.

(a) If historic and cultural properties are discovered during construction after compliance with these regulations and 36 CFR 800.6 is complete, the RFO shall ask the Secretary of the Interior to investigate the discovery through the Heritage Conservation and Recreation Service (HCRS) to determine the appropriate action for SCS to take. The RFO shall cause the activity that threatens the property to cease. HCRS shall initiate an investigation in accordance with Section 4(a) of Activity that threatens the property to cease. HCRS shall initiate an investigation in accordance with Section 4(a) of the Archeological and Historical Preservation Act (16 U.S.C. 469(a)), as indicated in the "Statement of Program Approach" (44 FR 18117–19) and the HCRS implementing regulations (36 CFR 1210) within 48 hours after receiving notice from RFO. The RFO shall notify the Departmental consulting archeologist by telephone followed by a telegraphic abstract of the request and shall also notify the State historic preservation officer. If the Secretary of the Interior or SCS determines that the significance of the property, the effect, or any proposed mitigation measures warrant consideration by the Council, the RFO shall request the comments of the Council pursuant to 36 CFR 800.7(b). If HCRS does not provide advice about the significance of the property within 48 hours, the RFO shall document the characteristics of the property and continue the undertaking.

(b) If SCS does not agree with HCRS on the importance of the data, the SCS will seek an expedited determination of the property's eligibility for inclusion in the National Register as prescribed in 36 CFR 63.

(c) If HCRS, in consultation with the RFO and the SHPO, determines that the property is significant, the HCRS representative shall determine the steps to be taken to recover the significant data.

(d) If HCRS recommends stopping or delaying construction so that the appropriate detailed survey, recovery, protection, or preservation can be accomplished, the RFO shall determine if any potential costs due to construction delays can be avoided or mitigated, if there are private or nonfederal funds available to pay for these costs, or if HCRS will assume responsibility for such costs. SCS is not authorized to pay damages for the delays. If none of these alternatives is available and HCRS will not assume responsibility for delays in construction, the RFO shall notify the ACHP pursuant to 36 CFR 800.7(b). If HCRS documents its willingness to assume responsibility for the delays, the RFO shall inform the contractor or the local contracting organization to delay or terminate the contract. If the cultural resource is determined to be significant, SCS may transfer up to 1 percent of the Federal share of the construction cost of the particular structure or measure to HCRS to assist HCRS with a detailed survey, recovery, or preservation.

(e) The RFO shall cause construction to be resumed (if a federally administered contract) or recommend resumption of construction (if a locally administered contract) after HCRS has completed its work.

(f) It is the RFO and project sponsors' responsibility to check easements and other landrights instruments to determine if archeological or historical salvage can be accomplished without amending them.

(g) Because SCS does not own or have jurisdiction over the land, HCRS, in

consultation with the landowner, must determine the ownership and the appropriate repository of any salvaged artifacts. Curation should be accomplished consistent with HCRS guidelines.

§ 656.10 Recovery, protection, and/or preservation of significant cultural data that may be irrevocably lost or destroyed by construction in SCS-assisted project undertakings.

(a) *Implementation.* All provisions of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) are to be fully implemented with appropriate agencies.

(b) *Nonfederal land.* If it is determined that significant cultural data on nonfederal land are likely to be irrevocably lost or destroyed by implementation of an SCS undertaking, the RFO shall decide whether to request HCRS to undertake recovery. If the RFO requests HCRS assistance, the RFO shall forward the necessary documentation to the appropriate regional office of HCRS along with the concurrence of the SHPO and the determination of eligibility. The RFO shall inform HCRS that SCS may transfer to HCRS up to 1 percent of the Federal share of the construction cost of the measure that causes the irrevocable loss or destruction of significant cultural data. The RFO, in consultation with HCRS, shall decide the amount of funds to be transferred. The RFO may choose to recover the data by contract or cooperative agreement and may obligate up to 1 percent of the Federal share of the construction cost for that measure for such recovery. If the 1 percent is inadequate to satisfactorily accomplish data recovery, SCS may work with HCRS, the appropriate SHPO, or interested organizations and individuals in obtaining additional funds.

(c) *Federal land.* If significant cultural data on federally owned or controlled land are likely to be irrevocably lost or destroyed by construction of a watershed project or RC&D measure, the RFO, in consultation with the Federal land managing agency, shall decide which Federal agency is to carry out the data recovery plan. If it is decided to request HCRS to implement the data recovery plan, the RFO shall forward the data recovery plan to the appropriate regional office of HCRS, along with the SHPO concurrence letter and the determination of eligibility if applicable. The RFO shall request in writing that the recovery be accomplished by HCRS as specified in 16 U.S.C. 469a–1(a). The RFO shall inform HCRS that SCS will transfer to HCRS up to 1 percent of the Federal share of the construction cost of the measure that may cause the irrevocable loss or destruction of significant cultural data. Alternatively, the RFO and the Federal land-managing agency may choose to recover the data by contract or cooperative agreement or by using SCS personnel and may obligate up to 1 percent of the Federal share of the construction cost of the measure that may cause the irrevocable loss or destruction of significant cultural data.

(d) *Notification of HCRS in accordance with Section 1, Pub. L. 93–291 (16 U.S.C. 469a).* As soon as possible after project authorization, the RFO shall notify the appropriate HCRS office if SCS intends to assist with the construction of any dam that creates a reservoir of 40 or more surface acres or any floodwater-retarding structure providing 5,000 acre-feet or more of detention capacity. Notification is not needed for smaller dams and reservoirs, except as required in 16 U.S.C. 469a. If the cultural data are to be recovered, protected, or preserved, the RFO shall notify HCRS as soon as possible before construction starts. The notice is to include the site location, the approximate area to be disturbed, a cultural resource specialist's report, a copy of the memorandum of agreement concerning data recovery, and any additional information that may be useful. If SCS requests HCRS to undertake the recovery, protection, and preservation of data, HCRS is expected to start the recovery, protection, and preservation effort within 60 days after notification or within such other time period as agreed to by the RFO and HCRS. The RFO, in consultation with HCRS, shall establish the termination date for the data recovery program.

(e) *Implementing data recovery.* Before undertaking data recovery on nonfederal land, SCS shall assist local sponsors in obtaining any needed consent of persons, associations, or public entities having a legal interest in the property. If there are no prudent or feasible alternatives, HCRS implements the recovery in accordance with 16 U.S.C. 469a–2(d) and compensates any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of nonfederally owned lands. Recovery work that, in the determination of the RFO, will impede SCS's activities in connection with any emergency is not required.

(f) *Ownership and curation of artifacts.* The land management agency, not SCS, is responsible for the ownership and curation of cultural data recovered during SCS-assisted undertakings unless otherwise agreed. On privately owned land, HCRS makes that determination in consultation with the landowner.

§ 656.11 Determining the effects of proposed SCS undertakings on cultural properties on Federal land.

The steps outlined in § 656.8 apply to investigations on nonfederal land. But if significant cultural properties are discovered on Federal land, a lead agency shall be designated under the NEPA process.

§ 656.12 Federal property under SCS control.

In accordance with Section 2(a) of Executive Order 11593, SCS has inventoried all properties owned by SCS or otherwise under its control or jurisdiction. None of the properties is listed or eligible for listing in NRHP. Future SCS undertakings described in § 656.4(j) on property owned by SCS or otherwise under its jurisdiction will be carried out in compliance with Executive Order 11593.

Appendix A.—Conservation Systems and Practices Exempted From 7 CFR Part 656

A. Conservation systems and practices that pertain solely to land resources management and contain no structural features:

1. Channel vegetation
2. Conservation Cropping System
3. Conservation Tillage System
4. Contour Farming
5. Contour Orchard and Other Fruit Areas
6. Cover and Green Manure Crop
7. Crop Residue Use
8. Deferred Grazing
9. Emergency Tillage
10. Farmstead and Feedlot Windbreak
11. Field Border
12. Field Windbreak
13. Filter Strip
14. Firebreak
15. Fishpond Management
16. Grassed Waterway or Outlet
17. Grasses and Legumes in Rotation
18. Hedgerow Planting
19. Irrigation Water Management
20. Land Reconstruction, Abandoned Mined Land
21. Land Reclamation, Currently Mined Land
22. Livestock Exclusion
23. Mole Drain
24. Mulching
25. Pasture and Hayland Management
26. Pasture and Hayland Planting
27. Planned Grazing Systems
28. Prescribed Burning
29. Proper Grazing Use
30. Proper Woodland Grazing
31. Range Seeding
32. Recreation Area Improvement
33. Regulating Water in Drainage Systems
34. Row Arrangement
35. Spoilbank Spreading
36. Stripcropping: Contour, Field, and Wind

37. Stubble Mulching
38. Toxic Salt Reduction
39. Tree Planting
40. Waste Utilization
41. Wildlife Upland Habitat Management
42. Wildlife Wetland Habitat Management
43. Windbreak Renovation
44. Woodland Direct Seeding
45. Woodland Improved Harvesting
46. Woodland Improvement
47. Woodland Pruning

B. Conservation systems and practices that require some earthmoving or structure construction but have limited overall potential for effects on cultural properties:

1. Bedding
2. Chiseling and Subsoiling (only on lands where this has previously been performed)
3. Clearing and Snagging
4. Critical Area Planting
5. Diversion
6. Fencing
7. Fish Raceway
8. Fish Stream Improvement
9. Grade Stabilization Structure
10. Heavy Use Area Protection
11. Hillside Ditch
12. Pond Sealing or Lining
13. Pumped Well Drain
14. Pumping Plant for Water Control
15. Rock Barrier
16. Stock Trails and Walkways
17. Streambank Protection
18. Stream Channel Stabilization
19. Structure for Water Control
20. Subsurface Drain
21. Surface Drainage: Field Ditch, Main or Lateral

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Commodity Credit Corporation

7 CFR Part 1434

1981 Crop Honey Price Support Program

AGENCY: Commodity Credit Corporation.

ACTION: Proposed Determinations.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to the price support program for 1981 crop honey and issue regulations to carry out the program. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1981 crop honey. Written comments are invited from interested persons.

DATE: Comments must be received on or before March 16, 1981 in order to be sure of consideration.

ADDRESS: Mail comments to Mr. Jeffress A. Wells, Director, Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harry A. Sullivan, Agricultural Program Specialist, Production Adjustment Division, USDA–ASCA, P.O. Box 2415, Washington, D.C. 20013, telephone 202–447–7951. The Draft Impact Analysis describing the options considered in developing these proposed determinations and the impact of implementing each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044 and have been classified "not significant".

In compliance with Secretary's Memorandum No. 1955 and "Improving Government Regulations" (43 FR 50988), it is hereby determined after review of these and related regulations contained in 7 CFR 1434 for need, currency, clarity and effectiveness that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in the development of the final rule.

The title and number of the federal assistance program that this notice applies to are: Title-Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

These actions will not have a significant impact on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government be informed of this action.

In order to promulgate a program for 1981 crop honey by the start of the April 1, 1981, through March 31, 1982 marketing season, I have determined that it is impractical and contrary to the public interest to comply with the public rulemaking requirements of 5 U.S.C. 553 and Executive Order 12044. Accordingly, the public comment period for this Notice is being limited to 45 days.

A. *Price support program, color differentials and discounts for quality.* Section 201(b) of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases, or other operations, price support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Loan and purchase rates will be based on color, class and grade and will reflect market differentials under which honey is merchandised. Section 401(b) of the Agricultural Act of 1949, as amended, requires that, in determining a price support rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a price support program, the need for off-setting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Honey production during the 1950 to 1963 period averaged 250 million pounds annually. During that period, a decline in colony numbers was offset by an uptrend in yield per colony. After 1963, production trended downward, reaching a 1974–78 average of 199 million pounds as a result of low yields, declining colony numbers, or both. The long term decline in colony numbers bottomed in 1972 when a modest upturn appeared to begin. However, colony numbers declined again in 1978 to 4,081,000 colonies. Current projections for 1981 production of 225 million pounds (from 4,250,000 colonies) are 25 million pounds above anticipated 1980 production and above most recent years.

Honey prices, after rising strongly during the 1970–74 period, have stabilized at about the 50 cent per pound level on a bulk, wholesale, unprocessed basis. Prices are expected to remain stable to weak during the 1981–82 marketing season due to lackluster demand for available supplies.

The decline in domestic honey production has been partially offset by an increase in honey imports. While the U.S. was a net exporter of honey until the mid-sixties, it has been a net importer in recent years. Although imports have reached record or near record proportions in each of the last four years, total supply remained below 300 million pounds (the norm during the 1960's) until 1978 when total supply is estimated to have reached 316 million pounds.

Imports in 1980 are projected at 50.4 million pounds, below 1976's record 66.5 million pounds.

Honey bees perform a vital pollinating service to agricultural crops. Although other insects contribute to pollination, honey bees are the most efficient and only dependable pollinators. It has been estimated that about one-third of our total diet is derived, directly or indirectly, from insect-pollinated plants.

B. *Price support program availability dates.* The 1980 program offers loans on

eligible honey until March 31, 1981. Loans mature on June 30, 1981. Beekeepers desiring to offer eligible 1980 crop honey, not under loan, for purchase must complete a purchase agreement form on or before June 30, 1981.

C. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the program for honey will be considered for the 1981 crop. Procedures of this kind may be found in the regulations governing terms and conditions for the current price support program in Part 1434 of Title 7 of the Code of Federal Regulations.

Proposed Determinations

The Secretary of Agriculture is considering the following determinations for the 1981 crop honey:

A. Price support rates based on color differentials, class and grade.

B. Price support program availability dates.

C. Detailed operating provisions to carry out the program.

Prior to making these determinations, consideration will be given to any data, views and recommendations. All comments will be made available to the public at the office of the Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday (7 CFR 1.27(b)).

Signed at Washington, D.C. on January 26, 1981.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-3353 Filed 1-28-81; 8:45 am]

BILLING CODE 3410-05-M

Farmers Home Administration

7 CFR Part 1962

Servicing and Liquidation of Chattel Security

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to add regulations pertaining to the rotation of grain crops that are covered by a FmHA lien and the CCC Grain Reserve Program to the Code of Federal Regulations (CFR). The intended effect of these regulations is to provide a memorandum of understanding between FmHA and CCC whereby the CCC can relinquish its first lien position on the original grain reserve crop to FmHA and in turn the FmHA can relinquish its first lien position to CCC on the replacement grain reserve crop. The addition is needed to enable the borrower to maintain quality grain while it is under the CCC grain storage program.

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

ADDRESSES: Submit written comments in duplicate to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, 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, FmHA, USDA, Washington, D.C. 20250. Telephone 202-447-4669.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Joseph Linsley, Chief, Directives Management Branch, USDA, FmHA, Room 6346-S, Washington, D.C. 20250, Phone: 202-447-4057.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified not significant. This document has been reviewed in accordance with Subpart G of Part 1901 of this Chapter (FmHA Instruction 1901-G), "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, P.L. 91-190, an Environmental Impact Statement is not required. FmHA proposes to add a Memorandum of Understanding between Farmers Home Administration and Commodity Credit Corporation for rotation of grain crops as Exhibit C to Subpart A of Part 1962, Chapter XVIII, Title 7, Code of Federal Regulations. References to the new Exhibit will be added in § 1962.30.

As proposed, Subpart A of Part 1962 is amended as follows:

1. In § 1962.30 the introductory paragraph of (e) is revised and (e)(4) is added to read as follows:

§ 1962.30 Subordination and waiver of FmHA liens on chattel security

* * * * *

(e) *Loans under CCC program.* See Exhibits B and C of this subpart.

* * * * *

(4) When the borrower wishes to rotate or exchange a new crop for an old crop that is stored under the CCC Grain Reserve Program, the County Supervisor and the ASCS official will proceed as set out in Exhibit C of this Subpart.

2. Exhibit C is added and reads as follows:

FmHA Instruction 1962-A

Exhibit C

Memorandum of Understanding Between Farmers Home Administration and Commodity Credit Corporation Rotation of Grain Crops

Under the Commodity Credit Corporation (CCC) Farmer-Owned Grain Reserve Program, a producer may request to rotate or exchange new crop grain for the original crop grain that is in the Farmer-Owned Grain Reserve Program and already encumbered by CCC. The Farmers Home Administration (FmHA) may have subordinated their first lien position to CCC on the original grain placed in reserve and/or may have a first lien on the new crop. FmHA and CCC desire to devise a mechanism whereby the CCC can relinquish its first lien position on the original grain reserve crop to FmHA and in turn the FmHA can relinquish its first lien position to CCC on the replacement grain reserve crop.

Now, therefore, it is agreed as follows:

(1) Upon receipt of a memorandum from an Agricultural Stabilization and Conservation Service (ASCS) County Executive Director or other designated county office official requesting the rotation of a grain reserve crop for a producer borrower(s), the FmHA County Supervisor and the ASCS county office official will jointly indicate approval or rejection of the request on the bottom of the original and a copy of the memorandum (Approval Memorandum) as follows:

"We hereby agree to and authorize the rotation of the subject producer's grain crops in accordance with the provisions of the Memorandum of Understanding between Farmers Home Administration and Commodity Credit Corporation dated _____."

FmHA _____

ASCS _____

In the memorandum, ASCS will include the name(s) of the producer(s) desiring to rotate the grain crops, the approximate number of bushels being rotated, the type of crop, years' crop being rotated and the location of the original grain reserve crop (approximate land and facility description).

(2) Upon execution of the Approval Memorandum by both ASCS and FmHA, the security interest of FmHA in the new crop grain shall be subordinated to the security interest of CCC in such grain and the security interest of CCC in the original crop grain shall be subordinated to the security interest of FmHA in such grain. At the point in time it will be the responsibility of each agency and the borrower to account for their respective interests in the grain crops and/or proceeds from the sale of the grain. The crop rotation and subordination of liens will only involve the amount of grain that has been specifically provided for in the memorandum from ASCS.

(3) If there is an intervening third party lien and it is impossible for FmHA or CCC to

have a first lien on their respective grain crops, the request of the producer to rotate crops will not be granted.

(4) Nothing contained in this Memorandum of Understanding shall be construed to affect the rights and obligations of the parties except as specifically provided herein.

(5) This agreement may be terminated by either party on 30 days written notice to the other party.

(date) _____
Executive Vice President, CCC _____
(date) _____
Administrator, FmHA _____

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: January 1, 1981.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 81-3450 Filed 1-28-81; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 11

[Docket No. 81-3]

Securities Exchange Act Disclosure Rules

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed rules.

SUMMARY: The Office of the Comptroller of the Currency ("Office") proposes to amend its securities disclosure regulations ("Part 11 Regulations") promulgated under the Securities Exchange Act of 1934 ("Exchange Act"). The Part 11 Regulations are applicable to national banks and banks operating under the Code of Law of the District of Columbia (hereinafter collectively referred to as "national banks") having a class of securities registered under the Exchange Act.

The proposed amendments to the Part 11 Regulations concern, among other things requirements relating to the form and content of financial statements of national banks; prescribed formats for financial statements and schedules thereto; and requirements proscribing the falsification of accounting records and misrepresentations by officers and directors of national banks in connection with certain reports, audits and documents of national banks.

The proposed amendments are intended to generally conform the Part 11 Regulations to corresponding rules and regulations adopted by the Securities and Exchange Commission ("SEC") under the Exchange Act, as well as to simplify such regulations.

DATE: Comments on the proposed amendments to the Part 11 Regulations must be received within 60 days of the publication hereof.

ADDRESS: Comments should be sent to Docket No. 81-3, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219, Attn: Marie T. Giblin. Telephone: (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT:

David G. Anderson, Attorney, Securities Disclosure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: On February 23, 1979 the SEC adopted two rules under Section 13(b)(2) of the Exchange Act intended to ensure the reliability and accuracy of certain accounting books, records and reports of issuers.[1] In addition, on September 7, 1979 the SEC substantially amended its Regulation S-X under the Exchange Act (17 CFR 210.1-01 *et seq.*). Regulation S-X sets forth general requirements relating to the form and content of financial statements included in registration and report forms filed with the SEC. Further amendments to Regulation S-X, which became effective on March 12, 1980 and which reduced the extent of information required in a financial statement schedule regarding amounts due from certain persons, apply with respect to financial statements for periods ending on or after December 15, 1979.[2]

Section 12(i) of the Exchange Act (15 U.S.C. 78*l*(i)) requires the Office to issue regulations applicable to national banks, which have securities registered under Section 12(g) of the Exchange Act (15 U.S.C. 78*l*(g)). These regulations must be substantially similar to those promulgated by the SEC under sections of the Exchange Act administered and enforced by the Office, unless the Office finds that the issuance of such rules or regulations is not necessary or appropriate in the public interest or for the protection of investors. Any such finding must be published in the **Federal Register**. Section 12(i) imposes the same requirements on the Board of Governors of the Federal Reserve System ("FRB") and the Federal Deposit Insurance Corporation ("FDIC") with respect to their respective securities disclosure regulations under the Exchange Act applicable to State-chartered banks coming within their jurisdictions.[3]

In response to the SEC's adoption of the amendments described above, the FRB and the FDIC have issued amendments to their respective securities disclosure regulations which generally conform to the SEC amendments.[4] The proposals for amendment of the Part 11 Regulations set forth herein parallel the amendments recently adopted by the FRB and FDIC. The Office participated with the FRB and the FDIC in a joint task force which developed a draft proposal that served as the basis for the rule amendments adopted by those agencies.[5] In addition, the Office, in preparing the proposals contained herein, reviewed and considered the comments received by the FRB and FDIC on their respective rule proposals.

Although the amendments to the Part 11 Regulations proposed herein will not be effective on or prior to December 31, 1980, affected national banks may elect to voluntarily comply with the requirements contained in the proposal with respect to financial statements for periods ending December 31, 1980. In this regard, it should be noted that the proposals, in certain respects, are less burdensome than existing requirements.

The Secretary of the Treasury has certified that the proposed action will have no significant impact on a substantial number of small entities on two grounds: (1) The economic impact of the regulation flows from statutory requirements and (2) only those national banks having 500 or more shareholders will be affected.

The following summarizes the proposed amendments to the Part 11 Regulations:

A. Amendments To Ensure Accuracy of Accounting Records and Reports

Section 13(b)(2) of the Exchange Act (15 U.S.C. 78m(b)(2)) requires an issuer whose securities are registered under that act to (i) make and keep reasonably detailed books, records and accounts, which accurately and fairly reflect transactions and dispositions of its assets and (ii) devise and maintain a system of internal accounting controls sufficient to meet certain standards. As noted above, the SEC recently adopted Rules 13(b)2-1 and 13(b)2-2 (17 CFR 240.13b2-1 and 17 CFR 240.13b2-2, respectively) under Section 13(b)(2). Rule 13(b)2-1 proscribes the falsification

[1] See SEC Release No. 34-15571, 44 FR 10970 (February 23, 1979).

[2] See SEC Release No. 34-15135, 43 FR 41024 (September 14, 1978); see also SEC Release No. 34-16629, 45 FR 15925 (March 12, 1980).

[3] See 12 CFR Part 206 and 12 CFR Part 335, respectively.

[4] See 45 FR 65184 (October 2, 1980) and 45 FR 60885 (September 15, 1980), respectively.

[5] See 44 FR 76551 (December 27, 1979) and 44 FR 76800 (December 28, 1979), respectively.

by any person of a book, record or account subject to Section 13(b)(2)(A) of the Exchange Act (15 U.S.C. 78m(b)(2)(A)). Rule 13(b)2–2 prohibits false or misleading representations by officers or directors of issuers in connection with audits, examinations, and filings required under the Exchange Act.

The Office proposes to amend the Part 11 Regulations by adding new §§ 11.4(z) and 11.4(aa) thereto which would incorporate the provisions of Rules 13(b)2–1 and 13(b)2–2 under the Exchange Act.

B. Amendments To Conform Part 11 Regulations to Regulation S–X

1. *Redesignation of Forms.* The Part 11 Regulations currently denominate the financial statement formats applicable to national banks as "Forms". The proposal would redesignate these "Forms" as "Formats" to make clear that they are not forms to be filled in by the filing person. For the sake of clarity, the term "Form" is hereinafter referred to as "Format."

2. *Cash and Due from Depository Institutions.* Format F–9A, the balance sheet format, would be amended to require that interest bearing and non-interest bearing deposit balances be shown separately on the balance sheet.

3. *Holdings of Securities and Obligations.* Format F–9A would be amended to require that holdings of securities and obligations of an issuer, other than securities of the United States Treasury and other federal agencies, for which the aggregate book value exceeds 10 percent of the equity capital accounts of a national bank, would have to be separately disclosed in a note to the balance sheet. The name of the issuer, aggregate book value and aggregate amount, as determined by market quotations or in analysis of the fair value of the securities obligations, would have to be stated.

In addition, a new instruction to Format F–9A would require that, where appropriate, disclosure should be made of risk characteristics of securities and obligations held by a national bank, and of disparities in risk characteristics of different securities and obligations of the same issuer which are held by the bank.

4. *Loans.* Format F–9A would be amended to require note disclosure of the aggregate amount of loans outstanding to officers, directors, principal shareholders and associates of a national bank, if such aggregate amount exceeds 5 percent of the bank's equity capital as of the balance sheet date.

5. *Deposits.* Format F–9A would be amended to require disclosure, in a note to the balance sheet, of the aggregate principal amount of time certificates of deposit and other time deposits of $100,000 or more in domestic offices of a national bank.

6. *Bank Indebtedness.*

(a) Disclosure in the balance sheet notes would be expanded with respect to federal funds purchased, securities sold under agreements to repurchase and other liabilities for borrowed money by amending Format F–9A. Such expanded disclosure would include the weighted-average interest rate of a national bank's indebtedness as of the balance sheet date, the maximum month-end borrowings outstanding during each accounting period reported, average borrowings during the period and the weighted-average interest rate for such average borrowings.

(b) Format F–9A would be amended to include instructions which would require the inclusion, in a note to the balance sheet, of a table setting forth, on an annual basis for a five year period following the balance sheet date, the combined aggregate amounts of maturities and sinking fund requirements for mortgage, capitalized lease and subordinated note indebtedness of a national bank.

7. *Income Statement Format.* The amendments to Regulation S–X adopted by the SEC on September 27, 1979 provide for an income statement format substantially different from the format for required Reports of Condition and Income filed by all FDIC insured banks, including national banks ("Call Report(s)").[6]

Specifically, Regulation S–X requires persons subject to its coverage to follow a "net interest margin" format in preparing income statements.

Because of the differences between the Call Report format and the net interest margin format for income statements, the Office does not propose to adopt such format.[7]

The Office believes that the use of the Call Report format by national banks in lieu of the net interest margin format (which could be unfamiliar to many national banks, as well as their shareholders) will achieve full and fair financial statement disclosure which satisfies the objectives of the Exchange Act. Moreover, as is discussed below, the Office, in order to simplify and reduce compliance burdens, is proposing to permit national banks to follow the Call Report instructions in connection with the preparation of financial statements filed in accordance with the Part 11 Regulations. In view of the foregoing, the Office finds that the adoption of a mandatory net interest margin format for national banks would not be necessary or appropriate in the public interest or for the protection of investors.

It should be noted, however, that the general instructions relating to the financial statement formats in the Part 11 Regulations would be amended to state that such formats are intended to serve as guides to be used in the preparation of financial statements and are merely recommended presentations. The proposed instructions would also state that financial statements, including an income statement, could be prepared in such form as would best indicate their significance and character. Thus, a national bank could, at its option, use net interest margin income statements similar to those required by Regulation S–X, provided that all material information required by Format F–9B, which is the income statement format, is presented.

8. *Foreign Activities.* Section 11.7(c)(9) of the Part 11 Regulations (12 CFR 11.7(c)(9)) would be amended to require disclosure, in a note to the financial statements, of certain information relating to foreign activities of a national bank where assets, operating income, income (loss) before taxes and securities gains (losses) or net income (loss) associated with foreign activities exceed 10 percent of the corresponding amounts in the related financial statements. Banks subject to this proposed requirement would have to disclose information regarding loan categories, balances with banks in foreign countries, deposit liabilities, other borrowings, income and expenses and allowances for possible loan losses.

In addition, the total assets (net of valuation allowances), total operating income, income (loss) before taxes and securities gains (losses) and net income (loss) for each significant geographic area (defined as an area in which assets, operating income, or net income exceed 10 percent of the comparable amount in a related financial statement) would have to be stated separately. The same information would have to be disclosed on an aggregate basis for all other geographic areas not deemed significant. Also, Format F–9A would be revised to provide for the separate disclosure of

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[6] See 12 U.S.C. 161(a), 12 U.S.C. 1817 *et seq.*, 12 CFR 4.11(b) and Instructions for Preparation of Reports of Condition and Reports of Income * * * (as applicable).

[7] The amendments adopted by the FRB and FDIC to their securities disclosure rules referred to above also rejected the net interest margin format contained in Regulation S–X.

the aggregate of deposits in foreign offices.

9. *Technical amendments to Part 11 Regulations.* In addition to the proposed amendments to the Part 11 Regulation described above, a number of technical amendments to §§ 11.7 and 11.71 of the Part 11 Regulations are also proposed. These proposed technical amendments would result in an extensive redesignation of numerous provisions of §§ 11.7 and 11.71. In light of the foregoing, the Office proposes to restate these sections in their entirety.

C. Simplification of Financial Statement Requirements

As indicated above, national banks generally would be permitted to follow the instructions for the preparation of Call Reports in connection with the preparation of financial statements filed pursuant to the Part 11 Regulations. This is intended to reduce compliance burdens.

The Part 11 Regulations would direct persons to the Call Report instructions for guidance. Supplemental instructions would also be added to the Part 11 Regulations to ensure the inclusion of information not specifically required by the Call Report instructions in financial statements filed pursuant to the Part 11 Regulations. Thus, a national bank would be able to use a Call Report presentation by simply modifying such presentation to conform to the Part 11 Regulations.

In addition, existing Schedule II—Other Securities, would be eliminated; existing Schedule I—U.S. Treasury Securities, Obligations of Other U.S. Government Agencies and Corporations, Obligations of State and Political Subdivisions, and other Bonds, Notes and Debentures—would be expanded to include information previously required by Schedule II. Also, the par value column of Schedule I would be omitted. Schedule VI—Other Liabilities for Borrowed Money—and Schedule VIII—Deposits in Domestic Offices—would be deleted. A new Schedule II—Loans to Officers, Directors, Principal Security Holders, and Any Associates of the Foregoing Persons—would be added. The Office believes that the foregoing proposed amendments to the financial statement schedules will reduce compliance burdens without diminishing the adequacy of disclosure or investor protection.

As noted above, the SEC has adopted simplifying amendments to Schedule I—Amounts Receivable from Certain Persons—which is required by Rule 9-05 (17 CFR 210.9-05) under Regulations S-X. The Office proposes to conform the Part 11 Regulations to the foregoing amendment made by the SEC by amending Schedule III—Loans (12 CFR 11.71(D). In contrast to the present Schedule III—Loans—loans to individuals for household, family and personal expenditures would be excluded from the schedule, if these loans were made in the ordinary course of business. Ordinary course of business loans to directors (and any of their associates), who are not officers of the national bank or principal security holders thereof, would be required to be stated in the aggregate.

D. Request for Comments.

In publishing the proposed amendments to the Part 11 Regulations, the Office invites comments with respect to:

(1) Whether the cost of the proposals to a national bank would outweigh benefits to its shareholders and the public;

(2) The impact of the proposals on competition; and

(3) Any other aspect to the proposals.

Text of Proposed Rule and Form Amendments

The Office proposes to amend 12 CFR Part 11 as follows:

1. The authority citation for Part 11 reads as follows:

Authority: 15 U.S.C. 78*l*.

2. The table of contents to 12 CFR Part 11 would be amended to read as follows:

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

Sec.

* * * * *

Forms

* * * * *

11.71 Formats for financial statements (Formats F-9, A, B, C, D, and E).

3. 12 CFR 11.4 would be amended by adding paragraphs (z) and (aa) to read as follows:

§ 11.4 Registration statements and reports.

* * * * *

(z) *Falsification of accounting records.* No person shall, directly or indirectly, falsify or cause to be falsified, any book, record or account subject to section 13(b)(2)(A) of the Securities Exchange Act of 1934.

(aa) *Bank's representations in connection with the preparation of required reports and documents.* No director or officer of a bank shall directly or indirectly make or cause to be made a materially false or misleading statement, or omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which such statements were made, not misleading to an accountant in connection with (1) any audit or examination of the financial statements of the bank required to be made pursuant to this part or (2) the preparation or filing of any document or report required to be filed with the Comptroller of the Currency pursuant to this part or otherwise.

4. 12 CFR 11.5 would be amended by changing "Form" to "Format" in paragraphs (c)(1) and (c)(3) which would read as follows:

§ 11.5 Proxies, proxy statements, and statements where management does not solicit proxies.

* * * * *

(c)(1) * * *

Note—1 * * *

(a) Comparative statements of condition at the end of each of the last 2 fiscal years similar in form to Format F-9A.

(b) Comparative statements of income for each of the last 2 fiscal years similar in form to Format F-9B.

(c) Comparative statements of changes in capital accounts for each of the last 2 fiscal years similar in form to Format F-9C.

(d) Comparative statements of changes in financial position for each of the last 2 fiscal years for which a statement of income is furnished, similar in form to Format F-9E.

(e) A comparative reconciliation of the "Allowance for Possible Loan Losses" account for each of the last 2 fiscal years, similar in form to Schedule VI, Format F-9D, in a note to the financial statements.

* * * * *

(3) The report shall contain information for each of the last two fiscal years similar to that required by Schedule III of Format F-9D in a note to the financial statements.

* * * * *

5. 12 CFR 11.7 would be amended in certain technical respects and would read in its entirety as follows:

§ 11.7 Form and content of financial statements.

(a) *Principles of financial reporting.* Financial statements filed with the Comptroller of the Currency pursuant to this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Comptroller of the Currency may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification*—(1) *General.* (i) Every verification with respect to financial statements filed pursuant to this part shall be dated, shall be signed manually,

shall indicate the city and State where issued, and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making a verification considers that he/she must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and internal auditor.* Every verification by a bank's principal accounting officer and internal auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c)(5) of this section.

(3) *Examination of independent public accountants*—(i) *Qualifications of independent public accountants.* (A) The Comptroller of the Currency will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(B) The Comptroller of the Currency will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates: (*1*) In which, during the period of his/her professional engagement to examine the financial statements being reported on or at the date of his/her report, the firm or a member of the firm had, or was committed to acquire, any direct financial interest or any material indirect interest, or (*2*) with which, during the period of his/her professional engagement to examine the financial statements being reported on, at the date of the report or during the period covered by the financial statements, the firm or a member of the firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm will be deemed independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has been completely disassociated from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his/her employment by the person. For the purposes of § 11.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(C) In determining whether a public accountant is, in fact, independent with respect to a particular person, the Comptroller of the Currency will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Comptroller of the Currency.

(ii) *Representations as to the audit.* The independent public accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission. Nothing in this provision shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(3)(iii) of this section.

(iii) *Opinions to be expressed.* The independent public accountant's report shall state clearly:

(A) The opinion of the accountant with respect to the financial statements covered by the Report and the accounting principles and practices reflected therein; and

(B) The opinion of the accountant as to the consistency of the application of the accounting prinicples, or as to any changes in such prinicples which have a material effect on the financial statements required to be set forth by paragraph (c)(5) of this section.

(iv) *Exceptions.* If the accountant making the report considers that he/she must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 11.7(c)(13)(vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which the note is included.

(vi) *Examination of financial statements by more than one independent public accountant.* If, with respect to the examination of the financial statements of any bank, the principal independent public accountant relies on an audit made by another independent public accountant of certain of the accounts of such bank or its subsidiaries, the report of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the report of such other accountant need not be filed (A) if no reference is made directly or indirectly to such other accountant's report, or (B) if, having referred to such other accountant's audit the principal accountant's report indicates an assumption of responsibility for such other accountant's audit.

(c) *Provisions of general application*—(1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Formats F-9 A, B, C, D, and E. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to omitting amounts of less than $1 or $1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the formats set forth in this part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the

statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statements, such further information shall be furnished as is necessary to make the required statements, in light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(7) *Reacquired evidences of indebtedness.* Reacquired evidences of indebtedness shall be deducted from the appropriate liability caption.

(8) *Reacquired shares.* When the reacquisition of shares is authorized by the Comptroller of the Currency, reacquired shares not retired shall be shown separately as a deduction from capital shares, or from the total of capital shares and other stockholders' equity, at either par of stated value, or cost, as circumstances require.

(9) *Foreign activities.* If assets, or operating income, or income (loss) before taxes and securities gains (losses), or net income (loss) associated with foreign activities, exceeded 10 percent of the corresponding amount in the related financial statements, the following disclosures concerning foreign activities shall be furnished in a note to the financial statements.

(i) *Loans.* State separately loan categories as prescribed by Schedule A, Column C of Consolidated Report of Condition, as applicable. Categories of less than 10 percent of total loans related to foreign activities may be grouped with all other loans.

(ii) *Balances with banks in foreign countries.* State separately balances with foreign branches of other U.S. banks and with other banks in foreign countries. (See line 5 (a) and (b) of Schedule C, Column C of Consolidated Report of Condition, as applicable. Also furnish the amount of interest-bearing balances included above.

(iii) *Deposit liabilities.* Furnish deposit information as prescribed in Schedule F/F of the applicable Consolidated Report of Condition. State also amount of interest-bearing deposits in denominations of $100,000 or more.

(iv) *Other borrowings.* State separately short-term borrowings, other liabilities for borrowed money, and other indebtedness related to foreign activities corresponding to the amounts reported on the Balance Sheet (Format F-9A) Items 18, 20, 21 and 25.

(v) *Income and expense summary.* For each period for which an income statement is filed, furnish information as prescribed in Part 1, Column B and Part 2 of the applicable Statement of Income. State in a note the basis of pricing money transfers and the policy governing allocation of income and expenses to foreign activities.

(vi) *Allowance for possible loan losses.* For each period for which a statement of income is filed, furnish in a note a reconciliation of changes in the allowance of possible loan losses applicable to loans related to foreign activities.

(vii) If disclosure above is required, state separately in a note for each significant geographic area, and in the aggregate for all other geographic areas not deemed significant, the following:

(A) Total assets (net of valuation allowances)

(B) Total operating income.

(C) Income (loss) before taxes and securities gains (losses).

(D) Net income (loss).

Note.—A "significant geographic area" is one whose assets, operating income, or net income exceed 10 percent of the comparable amount as reported in the related financial statements.

(10) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(11) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, of fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material the following shall be set forth in a note to the appropriate financial statement:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals.

(ii) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet required, in the aggregate for (A) each of the five succeeding fiscal years and (B) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(iii) Additional disclosures shall be made to report in general terms; (A) the basis for calculating rental payments if dependent upon factors other than the lapse of time; (B) existence and terms of renewal or purchase options, escalation clauses, etc.; (C) the nature and amount of related guarantees made or obligations assumed; (D) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (E) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

(12) *General notes to balance sheets.* If present with respect to the bank for which the statements are filed, the following shall be set forth in the balance sheet or in referenced notes thereto. Information required by paragraph (c)(12), (i), (v), (vi), (vii), (viii), (ix) and (x) of this section shall be provided with the most recent fiscal

year balance sheet and any interim date balance sheet being filed.

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Pension and retirement plans.* (A) A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies relating thereto shall be given; (B) The estimated annual cost of the plan shall be stated; (C) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed; (D) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet accruals, less any pension prepayments or deferred charges, shall be stated as of the most recent practicable date; (E) A statement shall be given of the nature and effect of significant matters affecting comparability of pension costs for which income statements are presented.

(iv) *Capital stock optioned to officers and employees.* (A) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to each option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options; (B) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised; and the number of unoptioned shares available at the beginning and at the close of the latest period presented, for the granting of options under an option plan. A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and the fair value thereof (per share and in total) at the dates of sale or offer to sell, as appropriate. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (B); (C) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(v) *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.* Describe the most restrictive of any such restriction, other than as reported pursuant to Item 26(b) of Format F-9A, indicating briefly its source, its pertinent provisions, and where appropriate and determinable, the amount of the surplus and/or undivided profits (A) so restricted or (B) free of such restrictions.

(vi) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(vii) *Standby letters of credit.* State the amount of outstanding "standby letters of credit." For the purpose of this paragraph, "standby letter of credit" includes every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuing bank (A) to repay money borrowed by or advanced to or for the account of the account party or (B) to make payment on account of any evidence of indebtedness undertaken by the account party, or (C) to make payment on account of any default by the account party in the performance of an obligation,[1] except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank is paid an amount equal to the bank's maximum liability under the standby letter of credit, or has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, the amount of that standby letter of credit need not be stated.

[1] As defined, "standby letter of credit" would not include (1) commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (2) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of Regulation M of the Board of Governors of the Federal Reserve System.

(viii) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(ix) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(x) *Warrants or rights outstanding.* Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows: (A) Title of issue of securities called for by warrants or rights outstanding; (B) Aggregate amount of securities called for by warrants or rights outstanding; (C) Date from which warrants or rights are exercisable and expiration date thereof; (D) Price at which warrants or rights are exercisable.

(13) *General notes to statement of income.* If present with respect to the bank for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (A) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (B) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts;

(C) The accounting treatment for maintenance, repairs, renewals, and improvements; and (D) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(iii) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(iv) *Income tax expense.* (A) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (*1*) Taxes currently payable; (*2*) the net tax effects, as applicable, of (*i*) timing differences (indicate separately the amount of the estimated tax effect of each of the various types of timing differences where the amount of each such tax effects exceeds 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rates; other differences may be combined) and (*ii*) operating losses; and (*3*) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed 5 percent of the total for the component. (B) If it is expected that the cash outlay for income taxes with respect to any of the succeeding three years will substantially exceed income tax expense for such year, that fact should be disclosed together with the approximate amount of the excess during the year (or years) of occurrence and the reasons therefor. (C) Provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling time amounts to more than 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than 5 percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than 5 percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

(v) *Interest capitalized.* The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy of capitalizing interest cost shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined. (B) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(vi) *Disagreements on accounting and financial disclosure matters.* If, (A) within the twenty-four months prior to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants, (B) included in the Form F–3 there was a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, (C) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and (D) such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required, state the existence and nature of the disagreement and also state the effect on the financial statements if the method had been followed which the former accountant apparently concluded was required. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) *Disclosure of selected quarterly financial data in notes to financial statements.*—(A) *Exemption.* This rule shall not apply unless the bank meets the following conditions:

(*1*) The bank's securities registered under Section 12(g) of the Securities Exchange Act of 1934 are quoted on the National Association of Securities Dealers Automated Quotation System and (*i*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System or (*ii*) the bank has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; and

(*2*) The bank and its consolidated subsidiaries (*i*) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting of at least $250,000 of each of the last three fiscal years; or (*ii*) had total assets of at least $200,000,000 as of the end of the last fiscal year.

(B) *Disclosure requirement.* (*1*) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(*2*) When the data required by the preceding paragraph vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(*3*) Describe the effect of any unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments that are material to the results of that quarter.

(*4*) Where this note is part of audited financial statements, it may be designated "unaudited."

(d) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for

consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions, and stating the amount included in each.

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons, the investments in which are accounted for by the equity method, are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Comptroller of the Currency which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(8) A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between the investment of a bank and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method, and their equity in the net assets of such unconsolidated subsidiaries and 50 percent or less owned persons.

(e) *Statement of changes in equity capital.* A statement of changes in equity capital shall be filed with each statement of income filed pursuant to this part.

(f) *Statement of changes in financial position.* A statement of changes in financial position shall be filed with each statement of income filed pursuant to this part.

(g) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Treasury Securities, Obligations of other U.S. Government Agencies and Corporations, Obligations of State and Political Subdivisions, and Other Bonds, Notes and Debentures; Schedule III—Loans; and Schedule IV—Bank Premises and Equipment.

(2) The following schedule shall be filed with each statement of income filed pursuant to this Part: Schedule II—Loans to Officers, Directors, Principal Security Holders, and any Associates of the Foregoing Persons; Schedule V—Investments in Income from Dividends, and Equity in Earnings or Losses of Subsidiaries and Associated Companies; and Schedule VI—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in paragraphs (g)(1) and (2) of this section shall be made against the appropriate captions of the balance sheet or statement of income.

(4) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

6. 12 CFR 11.51, Item 15, would be revised by amending paragraphs (a) and (b) in certain technical respects to read as follows:

§ 11.51 Form for proxy statement or statement where management does not solicit proxies (Form F-5).

* * * * *

Item 15—Financial Statements.

(a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14, above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this Part. In addition, the latest available interim balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date and comparable prior period, shall be furnished. The information similar to that required by Schedules III and VI (Loans and Allowance for Possible Loan Losses) shall be furnished in the notes to financial statements for periods as required by § 11.7(g).

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedules III and VI (Loans; Allowance for Possible Loan Losses); and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

* * * * *

7. 12 CFR 11.71 would be revised to read in its entirety as follows:

§ 11.71 Format F-9: financial statements.

A. Balance Sheet (Format F-9A)
B. Statement of Income (Format F-9B)
C. Statement of Changes in Equity Capital (Format F-9C)
D. Statement of Changes in Financial Position (Format F-9D)
E. Schedules (Format F-9E)

General Instructions

1. Preparation of Financial Statements.—The formats are intended to serve as guides for preparation of financial statements required to be filed pursuant to this Part. The formats are recommended presentations, but financial statements may be filed in such form and order as will best indicate their significance and character. Requirements for inclusion of financial statements in certain other guideline forms required by Part 11 are found in the instructions to such forms. Requirements set forth in § 11.7 of this Part shall be applicable to financial statements filed pursuant to Part 11. The term, "financial statements," as used in this instruction, includes all required notes to financial statements and all required schedules.

2. Accrual accounting.—Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this Part.

3. Negative Amounts.—Negative amounts shall be shown in brackets or parentheses and so described in the related caption,

columnar heading or a note to the statement or schedule, as appropriate.

4. Items not Material.—If the amount that would otherwise be required to be shown with respect to any items is not material, it need not be separately set forth.

5. Inapplicable Captions and Omission of Unrequired or Inapplicable Financial Statements and Schedules.—No caption need be shown in any financial statement or schedule if the items and conditions are not present. Financial statements and schedules not required or inapplicable because the required matter is not present need not be filed, but the statements and schedules omitted and the reasons for their omission shall be indicated in the list of financial statements and schedules required by the applicable form.

A. Balance Sheet

The Balance Sheet shall be prepared in accordance with the Instructions for the Preparation of the Consolidated Report of Condition (as applicable) except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

Note.—Banks subject to this Part are required to report on the accrual basis of accounting.

The following captions and added supplemental instructions shall be observed in the preparation of the Balance Sheet required under this Part.

Assets

1. Cash and due from depository institutions.—(a) State separately (1) interest bearing deposits in other banks and (2) noninterest bearing deposits and cash. (See Schedule C of the applicable Consolidated Report of Condition.)

2. U.S Treasury Securities.

3. Obligations of other U.S. Government agencies and corporations.

4. Obligations of States and political subdivisions in the United States.

5. Other bonds, notes and debentures.

6. Federal Reserve stock and corporate stock.—(a) With respect to Items 2, 3, 4, 5 and 6, state parenthetically on the balance sheet or in a note for each category, the aggregate amount on the basis of market quotations or fair value, of securities at the balance sheet date.

(b) With respect to Items 2, 3, 4, 5 and 6, state in a note the basis by which book value is determined. Bond premium shall be amortized and discount shall be accreted.

(c) With respect to Items 4, 5 and 6, as applicable, state in a note the name of issuer, aggregate book value and aggregate amount on the basis of market quotations or fair value of the securities and other obligations of any issuer for which the aggregate book value exceeds 10 percent of the equity capital acocunts of the bank. Debt securities issued by a state of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. Consideration shall be given to disclosure of risk characteristics of the securities and other obligations of an issuer and of differences in risk characteristics of different issues of securities and other obligations of an issuer as may be appropriate.

7. Trading account securities.—(a) State in a note whether securities in the trading account are valued at lower of cost or market. If market basis is not used in valuing the trading account securities inventory, furnish the aggregate fair market value at each balance sheet date.

8. Federal funds sold and securities purchased under agreements to resell.

9. Loans (net of unearned income). Less: Allowance for possible loan losses. Loans, net.

(a) If the amount exceeds 5 percent of equity capital, state in a note the aggregate amount of loans outstanding to officers, directors and principal security holders and associates. Amounts to be reported shall include loans from the bank or any subsidairy. It shall not be necessary to disclose amounts related to individuals for household, family and other personal expenditures made in the ordinary course of business that (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features.

Note.—See Format F-9E, Schedule II for reporting requirements of certain individual indebtedness.

10. Lease financing receivables.

11. Bank Premises, furniture and fixtures and other assets representing bank premises.

12. Real estate owned other than bank premises.—(a) State in a note (1) the basis at which carried, (2) the aggregate fair market value of all real estate owned other than bank premises with an explanation of the method of determining such fair market value, and (3) a reconciliation of any valuation allowance account.

13. Investments in unconsolidated subsidiaries and associated companies.

14. Customers' liability to this bank on acceptances outstanding.

15. Other assets.

16. Total assets.

Liabilities

17. Deposits.—(a) State separately.

(1) Demand deposits in domestic bank offices.

(2) Savings deposits in domestic bank offices.

(3) Time deposits in domestic bank offices.

(4) Deposits in foreign offices.

(See Schedule F and FF of applicable Consolidated Report of Condition.)

(b) State in a note the aggregate amount of (1) time certificates of deposit and (2) other time deposits in denominations of $100,000 or more in domestic offices. (See Memoranda Items 1(b) of applicable Consolidated Report of Condition.)

18. Federal funds purchased and securities sold under agreements to repurchase.—(a) If the approximate average balance outstanding during the period for any category was more than 30 percent of equity capital accounts, state in a note with respect to each activity category the following:

(1) Weighted average interest rate at balance sheet date.

(2) Maximum amount of borrowings at any month-end during each period for which an end-of-period balance sheet is required.

(3) Approximate average borrowings outstanding during the period.

(4) Approximate weighted average interest rate for such average borrowings outstanding during the period.

19. Interest-bearing demand notes (note balance) issued to the U.S. Treasury.

20. Other liabilities for borrowed money.—See supplemental instruction to Item 18.

21. Mortgage indebtedness and liability for capitalized leases.—(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, a brief indication of the serial maturities, (4) if the payment of principal or interest is contingent, an appropriate indication of such contingency, (5) a brief indication of priority, and (6) the amount outstanding at the balance sheet date.

(b) Furnish in tabular form the combined aggregate amount of maturities and sinking fund requirements for all obligations, each year for the five years following the date of the balance sheet.

(c) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, state in a note the amount thereof together with an appropriate explanation.

22. Bank's liability on acceptances executed and outstanding.

23. Other liabilities.

24. Total liabilities (excluding subordinated notes and debentures).

25. Subordinated notes and debentures.—(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, an indication of serial maturities, (4) if the payment of principal or interest is contingent, an appropriate indication of such contingency, (5) a brief indication of priority and (6) the amount outstanding as of the balance sheet date.

(b) Furnish in tabular form the combined aggregate amount of maturities and sinking fund requirements for all obligations, for each of the five years following the date of the balance sheet.

Equity Capital

26. Preferred stock.—(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the

capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable thereform.

(b) State in a note (1) If callable, the date or dates and the amount per share at which such shares are callable, (2) if convertible, the terms of the conversion, (3) any arrears in cumulative dividends per share and in total for each class of shares, and (4) the preferences on involuntary liquidation, if other than the par or stated value. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits including reserve for contingencies and other capital reserves if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

27. Common stock.—(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the capital share liability thereof. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom.

28. Surplus.

29. Undivided profits.

30. Reserve for contingencies and other capital reserves.

31. Total Equity Capital.

32. Total Liabilities and Equity Capital.

General Notes to the Balance Sheets

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the balance sheets:

1. Assets subject to Lien.
2. Intercompany profits and losses.
3. Pension and Retirement Plans.
4. Capital Stock Optioned to Officers and Employees.
5. Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.
6. Contingent liabilities.
7. Standby letters of credit.
8. Defaults.
9. Significent Changes in Bonds, Mortgages, and Similar Debt.
10. Warrants or rights outstanding.

For detailed instructions as to required content of above general notes to the balance sheet, refer to Section 11.7(c)(12) of Part 11.

B. Statement of Income

The Statement of Income shall conform generally to the applicable Consolidated Report of Income and related instructions thereto, except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities and Exchange Act of 1934, as amended.

Note.—Banks subject to this Part are required to report on an accrual basis of accounting.

The following captions and added supplemental insturctions shall be observed in the preparation of the Statement of Income required under this Part:

1. Operating Income: (a) Interest and fees on loans.

(b) Interest on balances with depository institutions.

(c) Income on Federal funds sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries.

(d) Interest on U.S. Treasury securities.

(e) Interest on obligations of other U.S. Government agencies and corporations.

(f) Interest on obligations of States and other political subdivisions in the U.S.

(g) Interest on other bonds, notes and debentures.

(h) Dividends on stock.

(i) Income from lease financing.

(j) Income from fiduciary activities.

(k) Service charges on deposit accounts in domestic offices.

(l) Other service charges, commissions and fees.

(m) Other operating income.

(n) Total Operating Income.

2. Operating Expenses: (a) Salaries and employee benefits.

(b) Interest on time certificate of deposits of $100,000 or more issued by domestic offices.

(c) Interest on deposits in foreign offices.

(d) Interest on other deposits.

(e) Expense of Federal funds purchased and securities sold under repurchase agreements in domestic offices of the bank and of its Edge and Agreement subsidiaries.

(f)(1) Interest on demand notes (note balances) issued to the U.S. Treasury.

(2) Interest on other borrowed money.

(g) Interest on subordinated notes and debentures.

(h)(1) Occupancy expense of bank premises, Gross.

(2) Less—Rental income.

(3) Occuapancy expense of bank premises, Net.

(i) Furniture and equipment expense.

(j) Provision for possible loan losses.

(k) Other operating expenses.

(l) Total Operating Expenses.

3. Income (Loss) Before Taxes And Securities Gains (Losses).

4. Applicable Income Taxes.

5. Income (Loss) Before Securities Gains (Losses).

6. (a) Securities Gains (Losses), Gross.

(b) Applicable Income Taxes.

(c) Security Gains (Losses), Net.

7. Income (Loss) Before Extraordinary Items and Cumulative Effects of Changes in Accounting Principles.

8. Extraordinary Items, Less Applicable Income Tax.

9. Cumulative Effects of Changes In Accounting Principles.

10. Net Income (Loss).

11. Earnings (Loss) Per Common Share.[1] (a) Income (Loss) Before Securities Gains (Losses).

(b) Net Income.

Earnings per common share. State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to the financial statements.

General Notes to the Statement of Income

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the Statement of Income.

1. Intercompany profits and losses.
2. Depreciation and amortization.
3. Bonus, profit sharing, and other similar plans.
4. Income tax expense.
5. Interest capitalized.
6. Disagreements on accounting and financial disclosure matters.
7. Disclosure of selected quarterly financial data in notes to financial statements.

For detailed instructions as to required content of above general notes to the statement of income, refer to Section 11.7(c)(13) of Part 11.

C. Statement of Changes in Equity Capital

The format and content of the Statement of Changes in Equity Capital shall conform generally to Section B of the applicable Consolidated Report of Income and related instructions thereto except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

The following supplemental instructions shall be observed in the preparation of the Statement of Changes in Equity Capital required under this Part.

Reconcile the various equity capital accounts individually as follows:

1. Balance end of previous year.
2. Prior Period Adjustment.[2]

(a) Cumulative effect type changes in accounting principles shall be reported under Item 9 of the Statement of Income.

3. Adjusted balance end of previous year.
4. Net income (loss).
5. Sale, conversion, acquisition, or retirement of capital net: (a) Transactions with own holding company or affiliates; (b) Other.
6. Changes incident to mergers and absorptions, net.
7. Less: Cash dividends declared on common stock.
8. Less: Cash dividends declared on preferred stock.
9. Stock dividend issued.
10. Other increases (decreases).[2]
11. Balance end of period.

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[1] If amounts are entered for Item 8 and/or 9, per share amounts shall be stated separately for Items, 5, 8 and/or 9, and 10.

[2] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

D. Statement of Changes in Financial Position

Sources of Funds
Operations:
Net Income.
Charges (Credits) to Income not affecting Funds:[1]
Total Funds provided by Operations.
Equity funds—Sale Proceeds.
Subordinated Notes and Debentures—Sale Proceeds.
Increase (Decrease) in Liabilities:[2]
Total
Applications of Funds.
Payment of Dividends.
Purchase of Property and Equipment.
Increase (Decrease) in Assets:[1]
Total

E. Schedules

Schedule I.—*U.S. Treasury Securities, Obligations of Other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures*

Type and maturity grouping	Book value [1]	Market value [2]
U.S. Treasury Securities:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies and corporations:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions: [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligations of States and political subdivisions		
Other bonds, notes and debentures [4]		

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.
[3] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.
[4] State in a footnote the aggregate (a) book value and (b) market value of securities that are less than "investment grade".
NOTE.—See Schedule B of applicable Consolidated Report of Condition.

[2] Sources and applications of funds items shall be shown separately by amounts when they exceed 5 percent of the average of total funds provided during the respective reported periods.

Schedule II.—*Loans to Officers, Directors, Principal Security Holders, and any Associates of the Foregoing Persons* [1]

Col. A—Name of borrower [2]	Col. B—Balance at beginning of period	Col. C—Additions	Col. D—Deductions (1) Amounts collected [3]	Col. D—Deductions (2) Amounts charged off	Col. E—Balance at end of period

[1] Provide information if at any time during the period for which related income statements are required to be filed, loans to a specified person and associates exceeded 2½% of equity capital of the bank or $500,000 whichever is less.
It shall not be necessary to include amount of loans to related individuals for household, family and other personal expenditures made in the ordinary course of business as defined in item 9(a) of Format F-9A, Balance Sheet.
Loans to directors (and any associates) who are neither officers nor principal security holders may be stated in the aggregate. The number of directors for whom loans are stated in the aggregate shall be indicated in Column A.
[2] State in a note hereto pertinent information such as the maturity date, interest rate, terms of repayment and collateral, if any, of loans made to the specified persons named in Column A as of the date of the most recent balance sheet being filed.
[3] If collection was other than cash, explain.

Schedule III.—*Loans*

Type	Book value
Loans in domestic offices	
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	

Schedule III.—*Loans*

Type	Book value
Loans for purchasing or carrying securities (secured or unsecured)	
Loans to finance agricultural production and other loans to farmers	
Commercial and industrial loans	
Loans to individuals for household, family and other personal expenditures	
All other loans (including overdrafts)	
Loans in foreign offices	
Total loans, gross	
Less: Unearned income on loans	
Total loans (excluding unearned income)	

NOTE.—See Schedule A of applicable Consolidated Report of Condition.

Schedule IV.—*Bank Premises and Equipment*

Classification	Col. A—Gross book value [1]	Col. B—Accumulated depreciation and amortization [2]	Col. C—Amount at which carried on balance sheet
Bank premises (including land dollars)			
Equipment			
Leasehold Improvements			
Totals			

[1] State the basis of determining the amounts in column A.
[2] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions from depreciation accounts shall be stated in an explanatory footnote.

Schedule V.—*Investments in, Income From Dividends, and Equity in Earnings or Losses of Subsidiaries and Associated Companies*

Name of issuer [1]	Column A: Percent of Voting stock owned	Column B: Total investment	Column C: Equity in underlying net assets at balance sheet date [2]	Column D: Amount of dividends [3]	Column E: Bank's proportionate share of loss for the period
Totals					

[1] Group separately securities of (a) subsidiaries consolidated, (b) subsidiaries not consolidated, and (c) associated companies. Show shares, bonds, notes and advances separately in each case.
[2] Equity shall include advances and other obligations reported in column B to the extent recoverable.
[3] State as to any dividends other than cash the basis on which they have been reported as income. If any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

Schedule VI.—*Allowance for Possible Loan Losses*

	Amount
Balance end of previous period	
Recoveries credited to allowance	
Changes incident to mergers and absorptions [1]	
Provision for possible loan losses	
Less: Losses charged to allowance	
Foreign currency translation adjustment	
Balance end of period [2]	

[1] Describe briefly in a footnote any such addition.
[2] State in a footnote (1) the amount deducted for Federal income tax purposes, (2) the maximum amount that could have been deducted for Federal income tax purposes, and (3) the balance of the allowance at the end of the period as reported for Federal income tax purposes.

Note.—See Section C of applicable Consolidated Report of Income.

(15 U.S.C. 78*l*, 78m, 78n, 78p, 78w; 18 U.S.C. 1001)

Dated: January 5, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-3403 Filed 1-28-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-2]

Petitions for Rule Making; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

NOTICE: Notice of petitions for rulemaking and of dispositions of petitions denied.

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 of certain petitions previously received. The purposes of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before March 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 January 16, 1981.

Edward P. Faberman,

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

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
20784	Executive Air Fleet Corp.	*Description of Petition:* To amend the definition of "exclusive use" in § 121.155(d) by adding at the end thereof the following: "provided, that a commercial operator engaged in the provision of aircraft management services shall be deemed to have exclusive use of an aircraft when, pursuant to an agreement between the operator and an owner or lessee of an aircraft (a) such operator is solely responsible for the performance of required maintenance, and (b) other than the operator, only the owner or lessee may operate the aircraft, subject to the provision of adequate notice of such operation to the FAA." This would in effect codify the exemption petitioner has operated under for a number of years which petitioner states provides a substantial benefit to safety by upgrading the aircraft's maintenance and equipment and crew training when it is being operated by the owner under Part 91, without any adverse effect on safety, and also eliminates an unnecessary bar to the efficient and productive use of aircraft. The FAA has issued NPRM 81-2 (published in this FEDERAL REGISTER), proposing to revocate § 121.155 in its entirety. Comments on this petition will also be considered in that rulemaking action. *Regulation affected:* 14 CFR 121.155(d).

[FR Doc. 81-3141 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-SO-78]

Airworthiness Directives; Piper Models PA-31 Series Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) which would require the inspection of the nose wheel and replacement of wheels found with cracks on certain Piper Models PA-31, PA-31-325, and PA-31-350 airplanes. The proposed AD is needed to prevent a possible wheel failure which could result in a potentially hazardous condition during landing.

DATES: Comments must be received on or before March 31, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Engineering and Manufacturing Branch, Attn.: Rules Docket (ASO-210), Docket No. 80-SO-78, P.O. Box 20636, Atlanta, Georgia 30320.

The applicable Service Bulletin No. 700 may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the service bulletion is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, ASO-213, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 736-7781.

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

There have been reports of the failure of the Cleveland nose wheel P/N 40-76B, on certain Piper Models PA-31, PA-31-325 and PA-31-350 airplanes. The failure of the nose wheel during landing is considered to be potentially hazardous. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed Airworthiness Directive would require

inspection and replacement of nose wheels found to have cracks on certain Piper Model PA-31, PA-31-325, and PA-31-350 airplanes.

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 (AD):

Piper Aircraft Corporation: Applies to Models PA-31, PA-31-325, serial numbers 31-2 through 31-8112038, and PA-31-350, serial numbers 31-5001 through 31-8152088 airplanes certificated in all categories with Cleveland nose wheel, P/N 40-76B installed.

Compliance required as indicated, unless already accomplished.

To prevent a potentially hazardous condition during landing due to the failure of Cleveland nose wheel, P/N 40-76B, accomplish the following:

a. Within the next 100 hours' time in service after the effective date of this AD or before the accumulation of 2,000 hours time in service, whichever occurs later, and at each nose wheel tire change thereafter, inspect and replace, as necessary, the nose wheel in accordance with Piper Service Bulletin No. 700. After installation of Cleveland nose wheel, P/N 40-140, the repetitive inspections may be discontinued. Airplanes with Cleveland nose wheel, P/N 40-140, are not affected by the AD.

b. Make an appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(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. 1655a(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on January 19, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-3299 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-58]

Proposed Alteration of Transition Area; Falfurrias, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Falfurrias, Tex. The intended effect of the proposed action is to provide proper controlled airspace for aircraft executing a new instrument approach procedure to the Brooks County Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) approach to Runway 35.

DATES: Comments must be received on or before March 2, 1981.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Divison, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Falfurrias, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 2, 1981, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. 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.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Falfurrias, Tex. The FAA believes this action will enhance IFR operations at the Brooks County Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the NDB. Subpart G of Part 71 was republished in the Federal Register on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by deleting the present descriptions and substituting the following:

Falfurrias, Texas

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Brooks County Airport (latitude 27°12'30" N.; longitude 98°07'15" W.); and within 3.5 miles each side of the 177° bearing of the Brooks County NDB (latitude 27°12'23" N.; longitude 98°07'24" W.) extending from the 6-mile radius area to 8.5 miles south of the NDB.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of les than 45 days is appropriate.

Issued in Fort Worth, Texas on January 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-3200 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 18605/80-AWA-23]

Proposed Alteration of Group II Terminal Control Area; San Diego, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reconfigure the Group II Terminal Control Area (TCA) at San Diego, Calif., which first became effective on May 15, 1980. In the preamble to the amendment, the FAA stated that it would continue to work cooperatively with local user groups to ensure that the TCA was as effective as practicable for all users by identifying any adjustments or modifications that appear necessary. Through joint FAA and user cooperation, safety factors and problem areas in need of improvement were identified. This action proposes modifications developed by the user listening group established to monitor the effectiveness of the San Diego TCA. Further, this proposal would reduce the amount of airspace contained in the TCA, reduce the area in which the requirements for operating in a Group II TCA apply, and make it easier, safer and more economical for aircraft wishing to avoid flying in the TCA to do so. The proposed TCA configuration would also continue to provide a high level of safety for aircraft operating within the TCA.

DATE: Comments must be received on or before March 16, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 18605/80-AWA-23, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

The docket for this action may be examined at the office of the Regional Air Traffic Division, at the above address, or at the FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

The San Diego TCA became effective May 15, 1980. In April through May of this year, the FAA briefed over 3,000 pilots concerning the impacts on flight operations caused by the TCA. It was strongly emphasized that the FAA would work cooperatively with local user groups to ensure that the TCA would be as effective as practicable for all users by identifying any adjustments or modifications that appeared necessary. It was further asserted that through joint FAA and user cooperation, any problems that arose could be identified and corrective action taken when necessary. Keeping with the intent of FAA and user cooperation as stated in the preamble to the final rule, on May 19, 1980, letters were mailed to major users inviting participation in a listening group. The objective of the group was to evaluate the effectivenss of the TCA and to make recommendations for appropriate changes.

On July 9, 1980, the first meeting of the listening group was held in San Diego. Representatives were present from Air Transportation Association (ATA), Aircraft Owners and Pilots Association (AOPA), Airline Pilots Association (ALPA), Allied Pilots Association (APA), Experimental Aircraft Association (EAA), Southwest Flight Crew Association, San Diego General Aviation Council, Professional Air Traffic Controllers Organization (PATCO), U.S. Navy, City of San Diego, California Department of Transportation, Comprehensive Planning Organization, and the FAA. That group developed several recommendations. Those recommendations were analyzed by the FAA and discussed in detail with the user participants at an August 28, 1980, meeting. At that meeting three areas were identified and developed for essential changes required for safety and efficiency. Those areas are Area A west of the Mission Bay VORTAC, Area Q east of Miramar Naval Air Station (NAS), and Areas H and I south and southwest of Lindbergh Field. Those modifications are the basis of this proposal. However, other minor changes were developed and are included. These proposed alterations to the San Diego TCA would not change existing flight procedures, including those used for noise abatement purposes, or affect established minimum flight altitudes.

Summary of Proposed Changes

1. *Area A*—This area would be changed to eliminate from Area A of the TCA that area beginning at the Mission Bay VORTAC, then west on the Mission Bay VORTAC 264° radial to the 5-mile DME arc of Mission Bay, then clockwise to the Mission Bay VORTAC 310° radial, then direct to the Mission Bay VORTAC. This area would become part of Area K, an area with a 1,500-foot floor and 12,500-foot ceiling. This proposed configuration change would reduce the compression of uncontrolled VFR traffic and provide better ingress and egress for aircraft operating at Montgomery Field who wish to avoid the TCA, by removing from the core area some of the TCA airspace west of Montgomery Field. That opens a larger area in which westerly departures and arrivals from the west may operate to and from Montgomery Field and Gillespie Airports while still avoiding the TCA.

2. *Area B*—This area would be changed to reduce the eastern boundary from the 15-mile DME arc to the 13-mile arc of Mission Bay VORTAC. This proposed configuration change would reduce the overall size of Area B, the area with a 1,800-foot floor and 12,500-foot ceiling, and provide additional altitudes for use by uncontrolled VFR aircraft operating below the floor of the TCA transiting between Montgomery Field and Gillespie Airports to Brown Field and the border between the United States and Mexico.

3. *Area C*—With the reduction of airspace in Area B, the eastern portion of the existing Area B would be redesignated as new Area C, an area with a 3,000-foot floor and 12,500-foot ceiling. This proposed configuration change would raise the floor of the TCA between the 13-mile arc and the 15-mile arc of the Mission Bay VORTAC of the existing Area B and reduce the compression of aircraft operating in this area. This would provide more airspace for southbound aircraft operating from Montgomery Field and Gillespie Airport and northbound aircraft proceeding from Brown Field and Mexico.

4. *Area D*—This proposed area is the existing Area C and would be

designated as new Area D due to the establishment of new Area C as described above. This area would be changed to eliminate the portion north of the Mission Bay VORTAC 084°M radial. The northern boundary of this area would become the Mission Bay VORTAC 084°M radial. This proposed configuration change would provide for better identification of TCA boundaries by utilizing a VOR radial that provides radio, as well as visual, identification of the boundary, thus making it easier for pilots to identify their location in relation to the TCA segments. Additionally, this change would raise the TCA floor from 3,500 feet to 4,800 feet in the area north of the Mission Bay VORTAC 084°M radial which would be included in Area J. This would provide additional airspace for south and eastbound traffic from Montgomery Field and Gillespie Airports, and would provide more airspace beneath the TCA floor for the use of northbound aircraft from Brown Field. Moreover, the funneling effect required by the current configuration would be relieved for eastbound traffic from Montgomery Field and Gillespie Airports.

5. *Area E*—This area would be changed to redefine the northern boundary to be a line consistent with the northern boundary of Area J. This proposed configuration change would provide for the same kind of simplification of TCA boundary definition as in Area D, and it would also release unused airspace from the confines of the TCA for use by uncontrolled VFR aircraft.

6. *Area F*—This area would be changed to redefine the eastern and northern boundaries, thus eliminating approximately one-half of the existing Area F. This proposed configuration change would provide better identification of the TCA's boundaries by using the Oceanside VORTAC 100°M radial and the Julian VORTAC 160°M radial, in lieu of geographical coordinates. With this change, pilots would be provided with an additional method for determining TCA boundaries. In addition, a considerable amount of airspace that is not being used by controlled aircraft in the TCA would be removed from the TCA.

7. *Area G*—No change proposed.

8. *Area H*—This area would be changed to include all of Area I west of the VFR corridor out to the 17 nautical mile (NM) radius arc of the Mission Bay VORTAC. This proposed configuration change would continue to provide for the full containment of turbopowered aircraft departures from Runway 27 and turbopowered aircraft arrivals to Runway 09, at Lindbergh Field.

9. *Area I*—This area would be reduced to include only the portion of the existing Areas H and I east of the Silver Strand Highway. This proposed configuration change is necessary to coincide with the proposed expansion of Area H.

10. *Area J*—This area would be changed to include that portion of the existing Area C north of the Mission Bay Vortac 084°M radial and all of the existing Area D. The northern boundary of Area J east of the miramar NAS control zone would be moved south. The northern boundary of Area J south and west of the miramar NAS control zone would be moved north. This proposed configuration change would combine two Areas, D and J, utilizing the same altitude structure, a 4,800-foot floor and 12,500-foot ceiling. This change would provide for the raising of the TCA floor from 3,500 feet to 4,800 feet in the area north of the Mission Bay VORTAC 084°M radial at Area D. The relocation of the northern boundary would release airspace for uncontrolled VFR aircraft operating to and from Gillespie Airport, would provide better ingress and egress of uncontrolled VFR aircraft operating to and from Gillespie Airport, and would provide better ingress and egress of uncontrolled VFR aircraft operating at Montgomery Field. Also, please refer to the proposed Area D reconfiguration for further explanation.

11. *Area K*—This area would be changed to include the area from the 13 NM radius arc to the 17 NM radius arc of the Mission Bay VORTAC and the portion of current Area A that would be eliminated from the core TCA Area. This proposed configuration change would provide better east and west ingress and egress from Montgomery Field for aircraft remaining outside of the TCA. Additionally, this change would provide for simplification of airspace boundary lines as explained in the section dealing with proposed Area A.

12. *Area L*—This area would be reduced to include only the airspace from the 17 NM radius arc to the 21 NM radius arc of the Mission Bay VORTAC. The reduction in Area L coincides with the increase in the size of Area K.

13. *Area M*—This area would be changed by defining the northern boundary as the Oceanside VORTAC 230°M radial. This proposed configuration change would provide better airspace definition by using a VOR radial in an area over the ocean where landmarks are not available to define the boundaries.

14. *Area N*—This area would be changed by defining the northern boundary as the Santa Catalina VOR 090°M radial. This proposed configuration would move the northern boundary south and would provide better airspace definition by providing a VOR radial for determining the northern boundary.

15. *Area O*—This proposed change would exclude the Miramar NAS control zone from the TCA on the west, move the southern boundary north to coincide with the reconfiguration of Area J, and move the northern boundary north approximately 1 mile. This proposed configuration change would provide a simpler airspace definition and coincide with other changes. Use of the Miramar NAS control zone as a boundary line would help to eliminate the possible confusion between the various types of airspace and rules, TCA, control zone, and Airport Traffic Area by making the boundaries of all three of these types of airspace coincide.

16. *Area P*—This area would be changed to extend the west boundary to the Miramar NAS control zone. This proposed configuration change would provide for better airspace definition and eliminate some of the possible confusion between the airspace descriptions of the TCA, control zone, and Airport Traffic Area by having their boundaries coincide.

17. *Area Q*—This area would be changed to exclude the airspace within 2 statute miles of both sides of the Miramar NAS TACAN 063°M radial, extending from 8 NM east to 12 NM east of the TACAN. This proposed configuration change would reduce the area extending from the surface to 6,000 feet, thus providing additional airspace for aircraft desiring to avoid the TCA to the east of the TCA.

18. *Area R*—This area would be the eastern portion of existing Area Q, which would be excluded from the core area of the Miramar NAS. The altitude in this area would be changed to extend from 1,800 feet to 6,000 feet. This proposed configuration change would result from the proposed change in current Area Q and would provide better access for aircraft desiring to operate below the TCA. Use of this airspace would alleviate the problem of aircraft flying over the noise sensitive Eucalyptus Hills area.

19. *Area S*—This area would be established because the western portion of existing Area H below 5,800 feet would not be required within the TCA. This proposed change would remove unnecessary airspace from the TCA, making it available for aircraft wishing to avoid the TCA.

Local Benefits

The proposed modifications of the Group II TCA would increase the capability of aircraft electing not to operate within the TCA to circumnavigate the TCA and provide additional non-TCA airspace beneath the floor, to the northwest, and to the east of the TCA by reducing the TCA size. Consequently, this proposed action is expected to reduce the number of inadvertent penetrations of the TCA without appropriate ATC authorization presently being recorded, thereby increasing safety. All turbopowered aircraft and IFR arrival and departure profiles would continue to be contained within TCA airspace for air safety purposes, with the TCA's adverse impacts on aircraft not required to be under Air Traffic Control being minimized due to this action.

Economic Impacts

The costs of modifying the San Diego TCA were considered as part of the regulatory decisions being proposed. Since all turbine powered and IFR aircraft would be contained in the TCA as reconfigured, there would be no change in economic effect for those flights. Uncontrolled aircraft would have a larger amount of airspace in which to conduct their activities and therefore would have an increased degree of flexibility to plan their flights to use more economic routes or altitudes. Any adverse economic impact that may now exist will be the same or reduced as available airspace is increased for traffic not operating within the TCA.

Environmental Impacts

The major proposed change in the TCA configuration will be in raising the base altitudes of several segments of the TCA. VFR aircraft departing Montgomery Field and Gillespie Airports would have higher altitudes in which to operate, therefore the potential for noise reduction on the ground exists. Aircraft departing in other directions would observe the same TCA base altitudes as those used before this change, unless a clearance through the TCA is received. Aircraft emissions would be virtually the same after the TCA is modified as they are now. If a change would be noted in fuel consumption, fuel use would decrease because the VFR pilot would have greater flexibility when choosing altitudes and routes and therefore may choose more direct routes and, thus, more fuel efficient routes, while still avoiding the TCA. IFR arrival and departure routes for airports in the San Diego area would remain substantially the same with no change in fuel consumption for IFR aircraft. The revised TCA would not be expected to cause any change in flight paths below 3,000 feet AGL.

Airspace Outside the United States

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

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

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

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

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

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) by amending the San Diego, Calif., Group II TCA to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

San Diego, Calif., Terminal Control Area

Primary Airports

1. San Diego, Calif. (Lindbergh Field), (Lat. 32°43'58"N., Long. 117°11'14"W.).

2. Miramar NAS, Miramar, Calif., (Lat. 32°52'30"N., Long. 117°08'15"W.).

Boundaries. Based on the Mission Bay VORTAC ("Mission Bay") (Lat. 32°46'57"N., Long. 117°13'29"W.) arcs, DME distances, and radials and the Miramar NAS TACAN (Lat. 32°52'11"N., Long. 117°09'14"W.).

Southern TCA Boundary. A straight line beginning at the intersection of Julian 175° radial and a point 3 miles north of the Mexico Border to Lat. 32°33'07"N., Long. 117°30'45"W.

Area A. That airspace extending upward from the surface to and including 12,500 feet MSL within an area bounded on the west by a 5-mile radius arc of Mission Bay to the intersection of the Mission Bay 279° radial; then direct to Mission Bay; then easterly on the Mission Bay 099° radial to a 10-mile radius arc from Mission Bay; then clockwise along this 10-mile radius arc to the intersection of the Lindbergh Field-NAS North Island Control Zone east extension; then northwest along this extension to the Lindbergh Field-NAS North Island Control Zone boundary extended west to intersect the 5-mile radius arc of Mission Bay excluding (VFR Corridor) that airspace from 3,300 feet to 4,700 feet MSL in an area bounded on the north by the Mission Bay 099° radial, and on the west by intersection of Interstate 5 and the Mission Bay 099° radial then south along Interstate 5 to Interstate 8; then direct to Lat. 32°44'15"N., Long. 117°12'30"W., direct to Lat. 32°41'00"N., Long. 117°10'45"W., to intersect and proceed along the Silver Strand Highway to intersect the Mission Bay 10-mile radius arc, then counterclockwise along the Mission Bay 10-mile radius arc to Interstate 5 and the Mission Bay 10-mile radius arc, then north along Interstate 5 and to Highway 163; then northwest along Highway 163 to the Mission Bay 099° radial.

Area B. That airspace extending upward from 1,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 10-mile and 13-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by an extension of the Lindbergh Field-NAS North Island Control Zone line.

Area C. That airspace extending upward from 3,000 feet MSL to and including 12,500 feet MSL between the Mission Bay 13-mile and 15-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by an extension of the Lindbergh Field-NAS North Island Control Zone line.

Area D. That airspace extending upward from 3,500 feet MSL to and including 12,500

feet MSL between the Mission Bay 15-mile and 20-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by the Lindbergh Field-NAS North Island Control Zone line extension to the Southern TCA Boundary; then via the Mission Bay 17.8-mile radius arc to Mission Bay 120° radial; then to the Mission Bay 115° radial/20 DME fix; and then counterclockwise along the 20-mile radius arc to the Mission Bay 099° radial.

Area E. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL bounded on the north beginning at the intersection of Lat. 32°49'50"N., and the Mission Bay 28-mile radius arc to Lat. 32°49'45"N., and the 23-mile radius arc; then along the 23-mile radius arc to the Southern TCA Boundary; and then east along the boundary to the 28-mile radius arc and counterclockwise to point of beginning.

Area F. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL beginning where the Mission Bay 28-mile radius arc intersects the Southern TCA Boundary; then counterclockwise along the 28-mile radius arc to intersect Lat. 32°49'50"N.; then direct to the intersection of Lat. 32°55'00"N., and the Oceanside 115° radial; then southeast along the Oceanside 115° radial to the intersection of the Julian 175° radial; and then south on the 175° radial to the Southern TCA Boundary.

Area G. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL bounded on the west by a line from the Mission Bay 17.8-mile radius arc between Lindbergh Field-NAS North Island Control Zone line extension intersecting the Southern TCA Boundary and the Mission Bay 120° radial, on the north by a line between the Mission Bay 120° radial/17.8 DME and the Mission Bay 115° radial/20 DME fix, on the east by a line between the Mission Bay 115° radial/20 DME fix and Mission Bay 23-mile radius arc on the Southern TCA Boundary, and on the south by the Southern TCA Boundary.

Area H. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL beginning at Lat. 32°35'07"N., Long. 117°07'55"W., on the Southern TCA Boundary; then north along the shoreline to the 10-mile radius arc of Mission Bay; then counterclockwise along this 10-mile radius arc to the intersection of the Lindbergh Field-NAS North Island Control Zone line extension; then northwest along this line to, and; then west along an extension of the Lindbergh Field-NAS North Island Control Zone to a 17-mile radius arc of Mission Bay; and then along this 17-mile radius arc to its intersection with the Southern TCA Boundary to point of beginning, excluding the corridor described in Area A.

Area I. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL beginning at the intersection of the Southern TCA Boundary and the extension of Lindbergh Field-NAS North Island Control Zone line; then northwest along the Lindbergh Field-NAS North Island Control Zone line extension to the Mission Bay 10-mile DME arc; then clockwise to the intersection of the shoreline, then south along the shoreline to Lat. 32°35'07"N., Long. 117°07'55"W., on the Southern TCA Boundary; and then along the Southern TCA Boundary to the point of beginning.

Area J. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL bounded on the south beginning at Mission Bay, east on the 099° radial to the 20-mile DME fix; then clockwise on the 20-mile radius arc to the Mission Bay 115° radial; then on the 115° radial to a point on the Southern TCA Boundary at the 23-mile radius arc of Mission Bay; then north along the 23-mile radius arc to Lat. 32°49'45" No., and Mission Bay 23-mile radius arc; then to the most southeastern part of the NAS Miramar Control Zone; then along the southern boundary of the control zone until intersecting the 5-statute mile radius arc of the Miramar Control Zone; then to the intersection of Mission Bay 325° radial and the 5.5 DME fix; then along the 325° radial to point of beginning.

Area K. That airspace extending upward from 1,500 feet MSL to and including 12,500 feet MSL beginning at Mission Bay northwest on the Mission Bay 325° radial to a 17-mile radius arc; then counterclockwise to the west extension of Lindbergh Field/NAS North Island Control Zone; then east to the Mission Bay 5-mile radius arc; then clockwise along the 5-mile radius arc to Mission Bay 279° radial; and then to starting point.

Area L. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL between Mission Bay 17-mile and 21-mile radii arcs bounded on the northeast by the Mission Bay 325° radial, on the south by the Lindbergh Field/NAS North Island Control Zone west extension to Lat. 32°43'33"N., Long. 117°36'32"W., and on the west to Lat. 32°46'45"N., Long. 117°38'22"W., at the intersection of the 21-mile radius arc of Mission Bay.

Area M. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL from Mission Bay 21-mile radius arc beginning at Lat. 32°46'45"N., Long. 117°38'22"W.; then direct to Lat. 32°53'00"N., Long. 117°41'40"W.; then direct to Lat. 33°04'07"N., Long. 117°51'30"W., at the intersection of Oceanside 245° radial; then along the 245° radial to the intersection of Mission Bay 325° radial; then along the 325° radial to the intersection of the 21-mile radius arc of Mission Bay; and then along that 21-mile radius arc to point of beginning.

Area N. That airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial/17 mile DME fix; then on the Mission Bay 325° radial to the intersection of the Santa Catalina 105° radial; then east along the 105° radial to the intersection of the Mission Bay 005° radial; then direct to a point at the intersection of the 5-statute mile radius of the NAS Miramar Control Zone and a line 2-statute miles north and parallel to the NAS Miramar TACAN 078° radial; then counterclockwise along the control zone to the intersection of the NAS Miramar TACAN 305° radial; and then direct to point of beginning.

Area O. That airspace extending upward from 1,500 feet MSL to and including 2,500 feet MSL and that airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial 5.5 mile DME fix; then northwest on the Mission Bay 325° radial to the intersection of the 17 mile DME fix; then to the intersection of Miramar TACAN 305° radial and the Miramar Control Zone 5-statute mile radius; then counterclockwise along the 5-statute mile radius to the northern boundary of Area J; and then west along this boundary to point of beginning.

Area P. That airspace extending upward from the surface to and including 3,500 feet MSL and that airspace from 6,800 feet MSL to and including 12,500 feet MSL within a 5-statute mile radius arc of NAS Miramar, excluding the area south of the boundary of Area J.

Area Q. That airspace extending upward from the surface to and including 6,000 feet MSL within 2 statute miles on each side of the NAS Miramar TACAN 078° radial extending from the 5-statute mile radius zone to 8 NM east of the TACAN.

Area R. That airspace extending upward from 1,800 feet MSL to and including 6,000 feet MSL within 2 statute miles on each side of the NAS Miramar TACAN 078° radial extending from 8 NM east of the TACAN to 12 statute miles east of the TACAN.

Area S. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL starting at the west end of the Southern TCA Boundary to the 17-mile radius arc of Mission Bay; then along this 17-mile radius arc to the intersection of the Lindbergh Field/NAS North Island Control Zone line extended; then direct to Lat. 32°43'33"N., Long. 117°36'32"W.; and then to point of beginning.

(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)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

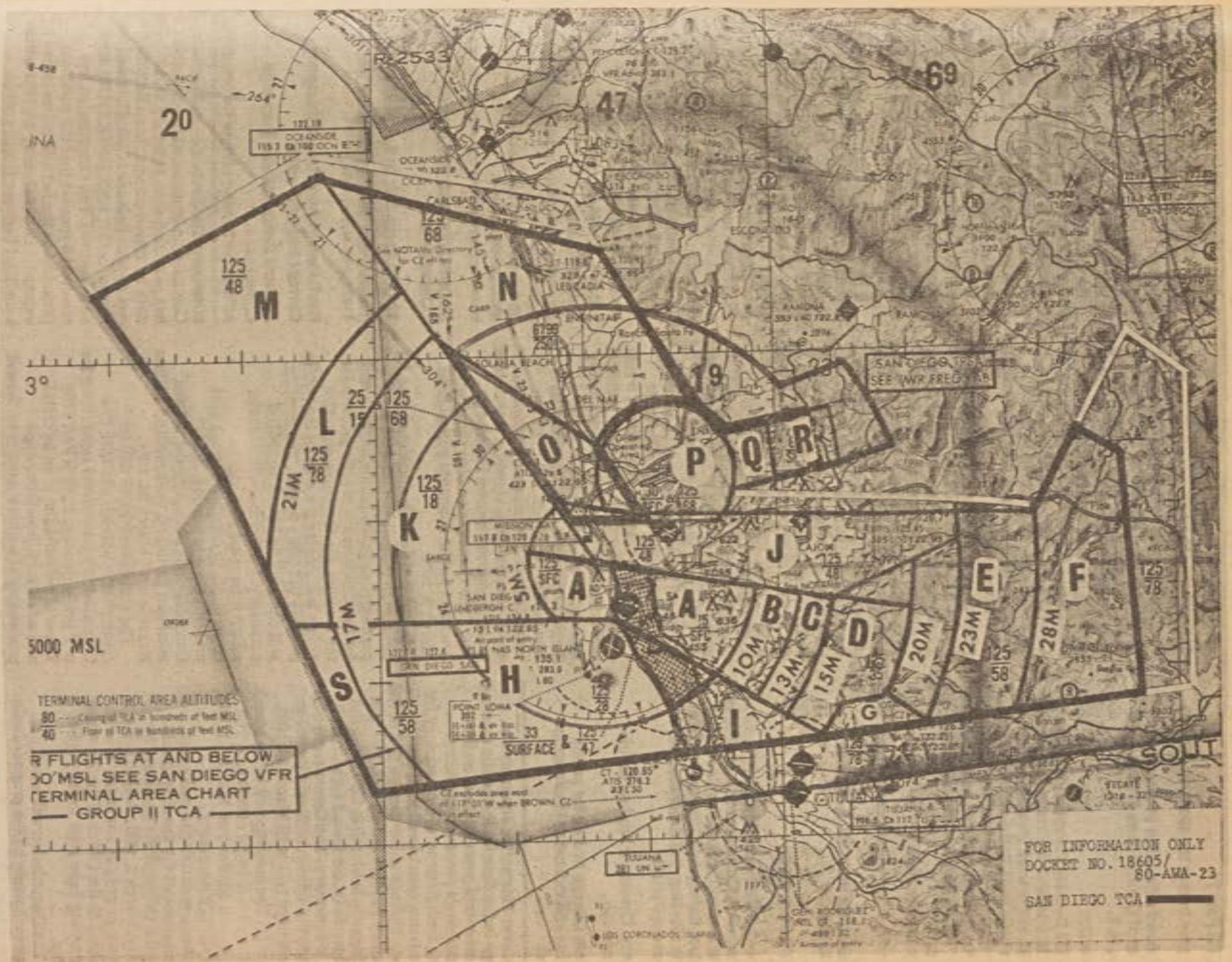
Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the Washington and Regional dockets. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT . . . ."

Issued in Washington, D.C. on January 26, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M



[FR Doc. 81-3327 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 18605/80-AEA-8]

Proposed Alteration of Group I Terminal Control Area (TCA)—New York, N.Y.

Correction

In FR Doc. 81-599 appearing at page 2088 in the issue for Thursday, January 8, 1981, make the following correction:

On page 2090, in the second column, after the bold-faced heading **"THE PROPOSED AMENDMENT"**, in the sixth line, "(46 FR 658)" should have read "(46 FR 762)".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1020

Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Product Safety Act; Change in Date for Public Meeting and Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Change in date for public meeting and extension of comment period.

SUMMARY: This notice announces a change in the date for the public meeting to receive oral presentations on the Commission's proposed regulation setting forth its general methodology for Commission consideration of the various findings under section 9(c) of the Consumer Product Safety Act. The new meeting date is March 9, 1981, with the meething to be continued on March 10, 1981, if necessary. The Commission also extends the written comment period on the proposed rule until March 24, 1981.

DATES: (1) The meeting will be on March 9, 1981 and will begin at 9:30 a.m. The meeting will continue on March 10, 1981 at 9:30 a.m., if necessary.

(2) Persons desiring to make oral presentations at the meeting should notify the Office of the Secretary by Monday, March 2, 1981. Additionally, a summary or copy of testimony is to be submitted to the Office of the Secretary two working days prior to the public meeting.

(3) The Commission will receive written comments on the proposed rule until March 24, 1981.

ADDRESSES: Written comments, preferably in five copies, should be sent to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received may be seen in the Office of the Secretary, Third floor, 1111 18th St., N.W., Washington, D.C. during working hours Monday through Friday. Persons wishing to make oral presentations should contact Richard Danca in the Office of the Secretary. These oral presentations will be held in the Commission's 3rd floor hearing room at the address above.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Office of Public Participation, Consumer Product Safety Commission, Washington, D.C. 20207 (202-634-7700). Persons wishing to make oral presentations should contact Richard Danca, Office of the Secretary, for scheduling purposes (202-634-7700).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 30, 1980 (45 FR 85772), the Commission proposed a rule setting forth its general methodology for Commission consideration of the various findings under section 9(c) (15 U.S.C. 2058(c)) of the Consumer Product Safety Act (CPSA). These findings, which relate to the risk which will be eliminated or reduced by a rule and the costs of a rule, are required for the issuance or material amendment of consumer product safety standards or bans. In the **Federal Register** document the Commission announced that there would be an opportunity for interested persons to orally present data, views, or arguments on the proposed rule on February 3, 1981. The Commission also provided for a written public comment period until March 2, 1981.

In order to provide additional time for persons to indicate an interest in participating in the public meeting and for the Commission to fully prepare for the meeting, the Commission in this notice is changing the date of the public meeting to March 9, 1981. The meeting will continue on March 10 1981, if necessary. Furthermore, in order to afford interested persons the opportunity to comment on the oral presentations in writing, the Commission is extending the written comment period on the proposed section 9(c) rule until March 24, 1981.

The oral presentation will be conducted in accordance with the Commission's procedural regulations for oral presentations, 16 CFR Part 1109. The oral presentation is an informal, non-adversary, legislative-type proceeding at which there are no formal pleadings or adverse parties. Persons wishing to make oral presentations must notify the Office of the Secretary on or before March 2, 1981 and must provide a summary or copy of testimony to be presented two working days before the meeting. The oral presentation will begin at 9:30 a.m. in the Commission's hearing room, 3rd floor, 1111 18th St., N.W., Washington, D.C.

As indicated in the December 30, 1980 **Federal Register** document, the Commission is interested in receiving written and oral comment on all aspects of the proposed rule as well as on the following three issues:

1. Whether in considering costs and benefits of proposed regulations, the Commission should ever assign a monetary value to life, types of injuries, and pain and suffering and if so, in what circumstances;

2. Whether the Commission should discuss in the rule its methodology or methodologies available for assessing risk, particularly risk from chronic hazards such as carcinogens, including specification of preferred risk assessment models (e.g. linear, multistage, and so forth); and

3. Whether the Commission should discuss in detail in the rule the types of indirect benefits (e.g. pain and suffering avoided) it expects from regulations and the methods used for assigning values to such indirect benefits.

Dated: January 27, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-3472 Filed 1-28-81; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 249, and 274

[Release Nos. 33-6283, 34-17479, and IC-11576; File No. S7-864]

Revisions of Investment Company Current Report Forms

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended until February 27, 1981, the date by which comments on Securities Act of 1933 Release No. 6263, issued on November 17, 1980, [45 FR 78158] must be submitted. The Commission has received a request that the comment period be extended and believes that an extension until February 27, 1981 will be beneficial because it will enable additional interested persons to submit comments. The release, entitled "Revision of Investment Company

Current Report Forms," originally had a comment period ending on January 23, 1981.

DATES: Comments must be received on or before February 27, 1981.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File S7–864 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Esq. (202) 272–2112 or Anthony A. Vertuno, Esq. (202) 272–2107, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In the release issued on November 17, 1980, the Commission requested comments on proposed amendments to its Form N–1Q (17 CFR 274.106), adopted pursuant to section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29), which is used by management investment companies to report the occurrence during the preceding calendar quarter of any one or more of twelve specified events. To reduce the number of times a reporting company must file Form N–1Q, the Commission has proposed to eliminate the reporting of portfolio changes on Form N–1Q and to modify the reporting of shareholder voting on the form. In order to receive the benefit of the comments of the greatest number of interested persons and in view of the request received by the Commission for additional time in which to comment, the Commission has extended the comment period for the release until February 27, 1981. In this regard the attention of interested parties is directed to the Commission's "Rules of Practice" (17 CFR 201.27, 201.28) and "Informal and Other Procedures" (17 CFR 202.6), which provide that the Commission may, in its discretion, accept and include in the public record written comments filed with the Commission after the closing date.

By the Commission.

Dated: January 22, 1981.

George A. Fitzsimmons,

Secretary

[FR Doc. 81–3443 Filed 1–28–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4, 16, 131, and 375

[Docket No. RM81–10]

Application for License for Minor Water Power Projects and Major Water Projects 5 Megawatts or Less

January 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission proposes to adopt regulations governing so-called "short-form" applications for license for minor water power project and any water power project with an installed generating capacity of 5 megawatts or less. The requirements in the Commission's existing regulations are clarified by these regulations and the threshold installed capacity requirement for use of the short-form application is raised. This rulemaking is designed to expedite hydropower development by easing the burden of preparing an application for license and by assisting the Commission in more rapid processing of applications.

DATE: Written comments not later February 27, 1981.

ADDRESS: Office by the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Ronald Corso, Office Electric Power Regulation, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, 202–376–9171

Philip Leber, Office of The General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, 202–357–5514

James Hoecker, Office of The General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, 202–357–9342

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations governing applications for licenses under Part I of the Federal Power Act (Act) for water power projects with an installed generating capacity of 5 Megawatts (MW) or less. The proposed rule would revise §§ 4.31, 4.50, 4.51, 16.12, 131.6, and 375.308 of the Commission's regulations.

1. Background.

On September 5, 1978, the Commission initiated the first phase of a program to revise its regulations to simplify and expedite hydropower licensing by adopting regulations governing so-called "short-form" application for license.[1] Since that time the Commission has promulgated four rulemakings which revise its regulations governing hydropower licensing in order to reduce the burden on hydropower license applicants.[2]

The Commission has determined that further changes in the abbreviated license application requirements would expedite hydropower development. The rules proposed in this notice are designed to simplify the regulations and bring them into general conformance with other recent revisions to license application regulations. Specifically, the exhibits required as attachments to the application have been redesignated as Exhibit E (Environmental Report), Exhibit F (project drewings), and Exhibit G (maps). The Environmental Report has been revised slightly to be consistent with the report required under the Commission's rule governing case-by-case procedures for exempting small hydroelectric power projects from all or part of Part I of the Act.[3]

Most important, the proposed rules would expand the applicability of the abbreviated application regulations to include all projects with an installed generating capacity of 5 megawatts or less, including all minor water power projects and certain major water power projects.[4] The Commission recognizes

[1] Order No. 11, "Regulations Governing Applications for Shortform License (Minor)" (Docket No. RM78–9), issued September 5, 1978, 43 FR 40215, September 11, 1978.

[2] *See* Commission Order No. 59, "Regulations Governing Applications for License for Major Projects—Existing Dam" (Docket No. RM79–36), issued December 16, 1979, 45 FR 75383, December 20, 1979;

Order No. 76, "Exemptions of Small Conduit Hydroelectric Facilities from Part I of the Federal Power Act" (Docket No. TM79–35), issued April 18, 1980, 45 FR 28085, April 28, 1980; and

Order No. 106, "Exemption from All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or Less" (Docket No. RM80–65), issued November 7, 1980, 45 FR 76115, November 18, 1980.

[3] See § 4.107(e)(Exhibit E).

[4] The Commission and its predecessor, the Federal Power Commission, have maintained a distinction between "major" and "minor" projects based on section 10(i) of the Federal Power Act. That provision permits waiver of some provisions or requirements of the Act for projects with not more than 2000 horsepower or 1.5 megawatts of installed capacity. Such waiver is manifested in the kinds of conditions contained in licenses for projects above ("major") and below ("minor") the 1.5 megawatt demarcation. *See* § 2.9. The "short-form" license application procedures now set forth in § 131.6 have

that major projects that have at the time of application no dam or impoundment previously constructed, and major projects at existing dams which involve construction or operational changes that would significantly increase the maximum surface area or elevation of an existing impoundment will usually result in different and more substantial environmental impacts than will other major water power projects with between 1.5 and 5 megawatts of installed capacity. The Commission will therefore require any application for license for a major unconstructed or so-called major modified project with an installed capacity between 1.5 MW and 5 MW to include an Environmental Report under § 4.41(f); the abbreviated application requirements would otherwise remain applicable to all projects under 5 megawatts.

II. Initial Regulatory Flexibility Analysis for Docket Nos. RM81–10 and RM80–39

This small entity impact analysis is prepared pursuant to the Regulatory Flexibility Act (RFA),[5] which requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities." These RFA requirements apply only to generic rules for which a notice of proposed rulemaking is issued on or after January 1, 1981. The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules that may significantly affect small business and small government entities, and to encourage cost-benefit analyses of these rules as well as the agency's consideration of alternative approaches that may better resolve any unnecessarily costly or adverse effects on these small entities.

In the preambles to both the proposed rule in this docket and the proposed rule governing applications for license for major unconstructed and major modified water power projects,[6] the Commission has presented its reasons for those agency actions, its objectives and the legal basis for the rulemakings, and the reporting, recordkeeping, and other compliance requirements which they impose, in accordance with the requirements of section 603(b) (1), (2), and (4) of the RFA. In sum, the proposed rules constitute part of the Commission's program under section 405 of PURPA to provide simplified and espeditious licensing procedures for small water power projects, consistent with the Federal Power Act and other applicable laws. Although the rules deal with two distinct categories of projects, their common objective is to ease the burden of applying for a license, particularly for those projects with a coparatively small installed capacity. This objective is accomplished by clarifying and consolidating the exhibits that must be filed and by extending the benefits of so-called "short-form" application procedures from licenses for projects of 1.5 megawatts or less to licenses for any water power project with an installed capactiy of 5 megawatts or less. The Commission believes that while these changes will have a significant impact of small hydroelectric facilities, and consequently upon small businesses and small governmental entities that build, own, and operate many of them, the impact is a beneficial one that will reduce their regulatory and compliance costs.

Section 603(b)(3) of the RFA requires a description, and, if possible, an estimate of the number of small entities subject to the proposed rule. Historically, applications for license for the king of water power projects that would be covered by the procedures proposed in this docket number approximately 150 each year. Of these applications, possibly 75 percent are filed by entities that qualify as "small entities", including, within the meaning of the RFA, municipalities under 50,000 population. The Commission receives annually between 10 and 15 applications for licenses for major unconstructed water power projects that would be covered by the rule in docket No. RM80–39. Between 50 per cent and 60 per cent of these applicants are "small entities", including municipalities. Hence, the greatest simplification of the application procedures is proposed for those projects for which small entities most frequently seek licenses.

Section 603(c) of the RFA requires a description of significant alternatives to the proposed rule that may help minimize the proposal's adverse economic impact on small entities. From the viewpoint of regulatory flexibility, the significant alternatives to the proposed rules are to leave the existing provisions intact or to further simplify the licensing regulations. The first alternative would contradict the objectives of the Regulatory Flexibility Act. With respect to the second alternative, the Commission will continue to explore ways of easing the regulatory burdens on all regulated entities consistent with its responsibilities under existing law.

In particular, the Commission notes that the major purpose of these proposals, especially RM80–10, is to "establish differing compliance * * * requirements * * * that take into account the resources available to small entities," and to "clarify, consolidate, or simplify compliance and reporting requirements * * * for small entities"—precisely the approach which the RFA seeks to encourage.[7] One further alternative is possible: two kinds of short-form license applications for 5 megawatts and smaller facilities could be established—one for applications filed by "small entities" within the meaning of the RFA, and another for applications filed by larger entities. But the Commission does not believe this represents a sensible approach. It would create an unnecessary multiplicity of license application forms for projects 5 megawatts and smaller, and result in an undesirable proliferation of categories that would complicate, not simplify, hydroelectric regulation. In any event, the cost and time benefits of the short-form procedures should be equally available to all entities, small and large, which seek these licenses.

In compliance with section 603(b)(4) of the RFA, the reporting and filing requirements of this proposed rule are set forth in Section III of this preamble. In further compliance with section 603(b)(4), the Commission notes that expertise in legal, environmental, and hydroelectric engineering matters would be required to satisfactorily comply with this proposed rule's filing requirements.

Finally, in compliance with section 609 of the RFA, the Commission notes that advance references to, and descriptions of, the proposed rules in both Docket Nos. RM81–10 and RM80–39 have been included within past editions of the Commission's Rulemaking Calendar which is published every three months and circulated to well over 1,000 individuals, companies, and agencies, including the Small Business Administration's Office of Advocacy.

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been previously applied only to minor projects. Under this proposed rule, those procedures would also apply (with the exception of an Exhibit E for unconstructed projects) to major projects with an installed capacity of 5 megawatts or less. However, section 10(i) will continue to permit the less stringent conditions only in licenses for minor projects. For purposes of providing exemption from all or part of Part I of the Act, all water power projects that are located at existing dams and have an installed capacity of 5 megawatts or less are called "small hydroelectric power projects." *See* §§ 4.101 through 4.112 of the Commission's regulations.

[5] 5. U.S.C. 601–612 (Pub. L. 96–354).

[6] "Regulations Governing Application for License for Major Unconstructed Projects and Major Modified Projects; Application for License for Transmission Line Only; and Application for Amendment to License" (Docket No. RM80–39), issued January, 1981.

[7] 5 U.S.C. 603(c) (1) and (2).

III. Summary of the Proposed Regulations

Applicability and Definitions. § 4.60

This section states that §§ 4.60 and 4.61 apply to any application for either an initial or new license for a water power project with an installed generating capacity of 5 megawatts or less. The section defines "minor water power project," "new license," and "initial license." Under § 4.50(a) and § 4.40(a), as revised in Docket No. RM80–39, an applicant for a major project with an installed capacity of 5 megawatts or less must use the abbreviated application requirements provided in §§ 4.60 and 4.61.

Contents of Application. § 4.61

This section contains the specific regulations governing the contents of the abbreviated application for license for water power projects with a total installed generating capacity of 5 megawatts or less. The requirements are embodied in the general instructions, an initial statement, and three lettered exhibits.

(a) *General instructions.* The general instructions prescribe the number of copies of the application that must be filed with the Commission, and explain the level of detail required of the applicant in describing the project. The applicant is required to consult with appropriate Federal, State, and local agencies with expertise in environmental matters and submit with its abbreviated application for license documentation of or a summary of the consultation process.

(b) *Initial statement.* The initial statement provides basic information, including the nature of the application, the names, addresses, and telephone numbers of the applicant and its authorized agents, the nature of the applicant, and the name and location of the project. Information regarding the project description, purposes, and construction dates is required, together with a list of any public lands or reservations affected by the project, and a copy of the applicant's water quality certificate or a copy of a letter from the applicant to the appropriate agency requesting the certification.

(c) *Exhibit E.* This exhibit provides a report on the environmental resources of the project and the impacts of the project on those resources. Applicants for license of unconstructed or modified projects between 1.5 megawatts and 5 megawatts ("major") must file an Environmental Report as required under the Commission's regulations governing major unconstructed projects and major modified projects.* Applicants for license for projects with an installed capacity of 1.5 megawatts or less and for most major projects at existing dams must file a less extensive Environmental Report, as outlined in the proposed Exhibit E. The more stringent requirements are necessary for major unconstructed and major modified projects because there are greater impacts associated with the construction of dams and the creation of impoundments, or any subsequent significant increase in the size of an impoundment.

The environmental report is required to contain a description of the steps taken by the applicant in consulting with Federal, state, and local natural resources agencies, and the applicant must furnish copies of any letters containing the comments of those agencies.

(d) *Exhibit F.* This exhibit consists of general design drawings of the principal project works. The drawings must show a plan, elevation, profile, and section of the dam structure and powerplant, but the drawings need not conform to the specifications of § 4.32 of the Commission's regulations. Instead, the exhibit must be a simple drawing, and may be displayed on smaller sheets.

(e) *Exhibit G.* The final exhibit is a map of the project. The map need not conform to the specifications of § 4.32. If the project is proposed to have an installed capacity of 1.5 MW or less, and will not occupy any public lands or reservations, a definitive project boundary need not be shown. All other projects must include a project boundary defined by contours, courses, and distances, or a public land survey, depending upon the project works involved.

IV. Other Proposed Amendments to the Regulations

In addition to the described amendments to §§ 4.60 and 4.61, the Commission proposes further changes to the existing regulations. Section 4.31 would be amended to reflect the nomenclature in §§ 4.60 and 4.61. In the proposed rulemaking in Docket No. RM80–39, § 4.50(a) which now defines the applicability of the major project—existing dam regulations is proposed to require use of the abbreviated application for license for any such project with a generating capacity of not more than 5 megawatts.

Section 16.12 would be revised to reflect the nomenclature of §§ 4.60 and 4.61. Section 131.6, which prescribes the existing abbreviated application for license, would be revoked, since the proposed rule contains a new application format that obviates § 131.6. Finally, § 375.308 would be revised to omit the reference to § 131.6.

V. Written Comment Procedures

The Commission invites interested persons to submit written comments on the matters proposed in this notice. An original and 14 copies of such comments must be filed with the Commission not later than February 27, 1981. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should refer to Docket No. RM81–10.

Written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. the Commission will consider all timely comments before acting on the matters proposed in this notice.

(Federal Power Act, as amended, (16 U.S.C. 782–828c); Public Utility Regulatory Policies Act of 1978, (16 U.S.C. 2601–2645); the Department of Energy Organization Act, (42 U.S.C. 7101–7352; E.O. 12209), 3 CFR 142 (1978))

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATIONS OF PROJECT COSTS

Part 4 is amended in the Table of Contents by revising Subpart G to read as follows:

* * * * *

Subpart G—Application for License for Minor Water Power Projects and Major Water Power Projects 5 MW or Less

Sec.

4.60 Applicability and definitions.
4.61 Contents of application.

* * * * *

2. Subpart G (§§ 4.60 and 4.61) is revised to read as follows:

Subpart G—Application for License for Minor Water Power Projects and Major Water Power Projects 5 MW or Less

§ 4.60 Applicability and Definitions.

(a) *Applicability.* The provisions of §§ 4.60 and 4.61 apply to any application for an initial license or a new license for:

(1) A minor water power project, as defined in paragraph (b) of this section;

(2) Any major project—existing dam, as defined in § 4.50(b)(5), that has a total

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* *See* § 4.41(f) of Docket No. RM80–39.

installed capacity of 5 megawatts or less; or

(3) Any major unconstructed project or major modified project, as defined in § 4.40 (b)(2) and (3), that has a total installed capacity of 5 megawatts or less.

(b) *Definitions.* For the purposes of this subpart:

(1) "Initial license" means the first license issued for a water power project under either the Federal Water Power Act of 1920 or the Federal Power Act;

(2) "New license" means any license for a water power project that is issued under the Federal Power Act after the initial license for that project, except an annual license issued under Section 15 of the Federal Power Act; and

(3) "Minor water power project" means any licensed or unlicensed, existing or proposed water power project that, as proposed to be licensed, would have a total installed generation capacity of 2000 horsepower, 1.5 megawatts, or less.

(c) *Notice to agencies.* For any water power project 5 megawatts or less, Federal, state, and local agencies will be notified and requested to comment on the application by the Commission only through the public notice procedure. Copies of the application will be available for inspection at the Commission's Office of Public Information, and agencies may request additional copies of the application from the applicant.

§ 4.61 Contents of application.

(a) *General Instruction*—(1) *Consultation.* Each application for license for a water power project with an installed capacity of 5 megawatts or less must be prepared after consultation with appropriate Federal, state and local agencies with expertise in environmental matters. Information from the consultation process must be included in the applicant's Exhibit E, as appropriate. Such agencies are to be given the opportunity to comment on the proposed project prior to filing of the application. A list of agencies to be consulted can be obtained from the Director of the Commission's Division of Hydropower Licensing.

(2) *Copies and appendix.* (i) This application is to be completed and filed in an original and fourteen copies with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, and a copy must be served at the same time on the Commission's regional engineer for the region in which the project is located, and on each of the agencies consulted under subparagraph (1) of this paragraph.

(ii) The applicant must attach to the application as an appendix, either:

(A) A copy of a water quality certificate as described in Section 401 of the Federal Water Pollution Control Act (also known as the Clean Water Act, 33 U.S.C. 1341), or an agency statement that such certification is waived; or

(B) A copy of a dated letter from the applicant to the appropriate agency requesting that certification.

(3) *Entry upon land.* No work may be started on the project until receipt of a signed license from the Commission. Acceptance of an application does not authorize entry upon public lands or reservations of the United States for any purpose. The applicant should determine whether any Federal, state, or local permits are required.

(4) *Project description.* The project description must include, in tabular form if possible, as appropriate:

(i) The number of generating units, including auxiliary units, the capacity of each unit, and provisions, if any, for future units;

(ii) The type of hydraulic turbine(s);

(iii) A description of how the plant is to be operated, manual or automatic, and whether the plant is to be used for peaking;

(iv) The estimated average annual generation in kilowatt-hours or mechanical energy equivalent;

(v) The estimated average head on the plant;

(vi) The reservoir surface area in acres and, if known, the net and gross storage capacity;

(vii) The estimated hydraulic capacity of the plant (flow through the plant) in cubic feet per second and estimated average flow of the stream or water body at the plant or point of diversion; for projects with installed capacity of more than 1.5 megawatts a flow duration curve and a description of the drainage area for the project site must be provided;

(viii) Sizes, capacities, and construction materials, as appropriate, of pipelines, ditches, flumes, canals, intake facilities, powerhouses, dams, transmission lines, and other appurtenances; and

(ix) The estimated cost of the project.

(5) Exhibits F and G must be submitted on separate drawings. Drawings for Exhibits F and G must have identifying title blocks and bear the following certification: "This drawing is a part of the application for license made by the undersigned this —— day of ————, 19—."

(6) Each application for a license for a water power project 5 megawatts or less must include an initial statement and lettered exhibits described by paragraphs (b) through (e) of this section. The Commission reserves the right to require additional information, or another filing procedure, if data provided indicate such action to be appropriate.

(b) *Initial Statement.*

Before the Federal Energy Regulatory Commission

Application for License for a [Minor Water Power Project, or Major Water Power Project, 5 Megawatts or Less, as Appropriate]

(1) ———— (Name of Applicant) applies to the Federal Energy Regulatory Commission for ———— (license or new license, as appropriate) for the ———— (name of project) water power project, as described hereinafter. (Specify any previous FERC project number designation.)

(2) The location of the project is:
State or territory ————
County ————
Township or nearby town ————
Stream or other body of water ————

(3) The exact name, address, and telephone number of the applicant are:
————
————
————

(4) The exact name, address, and telephone number of each person authorized to act as agent for the applicant in this application, if applicable, are:
————
————
————

(5) The applicant is a ———— (citizen of the United States, association of citizens of the United States, domestic corporation, municipality, or State, as appropriate).

(6) Project description and proposed mode of operation, with reference to Exhibits F and G, as appropriate (see General Instruction #4).

(i) Proposed installed generating capacity ——— MW.

(ii) Check appropriate box:
☐ existing dam ☐ unconstructed dam
☐ existing dam, major modified project (see § 4.40(b)(3))

(7) Lands of the United States affected (shown on Exhibit G):

	Name	Acres
(i) National Forest		
(ii) Indian Reservation		
(iii) Public Lands Under Jurisdiction of		
(iv) Other		
(v) Total U.S. Lands		
(vi) Check appropriate box: ☐ Surveyed land ☐ Unsurveyed land		

(8) Purposes of project (for example, use of power output).

(9) Construction of the project is planned to start within ——months, and is planned to be completed within —— months, from the date of issuance of license.

(10) This application is executed in the State ————
County of ———— ss:
By: ————

(Name and Address)

being duly sworn, depose(s) and say(s) that the contents of this application are true to the best of —— (his or her) knowledge or belief. The undersigned applicant(s) has (have) signed this application this ——day of ——, 19—.

(Applicant(s))

By:

Subscribed and sworn to before me, a [Notary Public, or title of other official authorized by the state to notarize documents, as appropriate] of the State of ——, this —— day of ——, 19—.

SEAL/ [if any]

(Notary Public, or other authorized official)

(c) *Exhibit E* is an environmental report. The report should be consistent with the scope of the project and the environmental impacts of the proposed action.

(1) *For major unconstructed and major modified projects, 1.5 to 5 MW.* The Application must contain an Exhibit E conforming with the requirements of § 4.41(f) of this chapter if the application is for license for a water power project which has, or is proposed to have, a total installed generating capacity greater than 1.5 MW but not greater than 5 MW, and which:

(i) Would use of the water power potential of a dam and impoundment which, at the time of application, has not been constructed (*see* § 4.40(b)(2)); or

(ii) Involves any repair, modification or reconstruction of an existing dam that would result in a significant change in the normal maximum surface area or elevation of an existing impoundment or involves any change in existing project works or opeations that would result in a significant environmental impact (*see* § 4.40(b)(3)).

(2) *For minor projects and projects at existing dams, 5 MW or less.* If the application is for license for any minor water power project with a total proposed installed generating capacity of 1.5 MW or less, or any major project—existing dam with a proposed installed capacity of 5 MW or less, the application must contain an Exhibit E that contains:

(i) A description of the environmental setting of the project, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational uses, historical and archeological resources, and scenic and aesthetic resources. The report must include a discussion of endangered or threatened plant and animal species, any critical habitats, and any sites eligible for or included on the National Register of Historic Places. The applicant may obtain assistance in the preparation of this information from state natural resources agencies, the state historic preservation officer, and from local offices of Federal natural resources agencies.

(ii) A description of the expected environmental impacts from proposed construction or development and the proposed operation of the power project, including any impacts from any proposed changes in the capacity and mode of operation of the project if it is already generating electric power, and an explanation of the specific measures proposed by the applicant, the agencies, and others to protect and enhance environmental resources and values and to mitigate adverse impacts of the project on such resources. The applicant must explain its reasons for not undertaking any measures proposed by any agency consulted.

(iii) A description of the steps taken by the applicant in consulting with Federal, state, and local agencies with expertise in environmental matters during the preparation of the environmental report prior to its filing with the Commission. In its report, the applicant must:

(A) Indicate which agencies were consulted during the preparation of the environmental report and provide copies of letters or other documentation showing that the applicant consulted or attempted to consult with each of the relevant agencies (specifying each agency) before filing the application, including any terms or conditions of license that those agencies have determined are appropriate to prevent loss of, or damage to, natural resources;

(B) List those agencies that were provided copies of the application as filed with the Commission, the date or dates provided, and copies of any letters that may be received from agencies commenting on the application; and

(iv) Any additional information the applicant considers important.

(3) *Time for Consultation.* If any agency that an applicant is required under paragraph (a)(1) of this section to consult when preparing an application fails to provide the applicant with documentation of the consultation process within a reasonable time, in no case less than 30 days after such documentation is requested, the applicant may submit a summary of the consultation and any recommendations of the agency.

(d) *Exhibit F* consists of general drawings of the principal project works. The drawings need not conform to the specifications of § 4.32. The exhibit must instead conform to the following requirements:

(1) The exhibit must consist of simple ink drawings, or drawings of similar quality, on sheets no smaller than 8 and one-half inches by 11 inches, drawn to a scale no smaller than 1 inch equals 50 feet for plans, elevations, and profiles, and 1 inch equals 10 feet for sections. After initial review of the application, an original and 2 copies of any drawing must be submitted on 35mm microfilm, if requested by Commission staff.

(2) The drawings must show a plan, elevation, profile, and section of the dam structure and powerplant. Generating and auxiliary equipment proposed must be clearly and simply depicted and described. Include a north arrow on the plan view.

(e) *Exhibit G* is a map of the project. The map need not conform to the specifications of § 4.32. The exhibit must instead conform to the following requirements:

(1) The exhibit is a map or maps that must show the location of all project works and their location in relation to the stream or other water body on which the project is located and to the nearest town or any permanent monuments or objects, such as roads, transmission lines, or other structures, that can be noted on the map and recognized in the field. In the case of unsurveyed public land, or land that is not public land, give the best legal description available. If surveyed land, provide sections, subdivisions, range and township, and principal base and meridian.

(2) The map must consist of ink drawings or drawings of similar quality on sheets no smaller than 8 and one-half inches by 11 inches and not larger than 24 inches by 36 inches, drawn to a scale no smaller than one inch equals 1,000 feet. After review of the application, the applicant must submit an original of the map(s), if requested by Commission staff. Each original map must consist of a print on silver or gelatin 35mm microfilm mounted on Type D (3¼" × 7⅜") aperture cards. Two duplicates of each original must also be submitted at that time.

(3) If the project is proposed to have an installed capacity of 1.5 MW or less, and will not occupy any public lands or reservations of the United States, a definitive project boundary need not be shown. The map should provide a reasonably accurate depiction of the project location and all project works. If any project 1.5 megawatts or less would occupy public lands, the definitive project boundary need only be shown on such U.S. lands or reservations.

(4) Water power projects not excepted by subparagraph (3) of this paragraph must include a project boundary as follows:

(i) The project boundary must enclose all project works, such as the dam,

reservoir, pipelines, roads, powerplant, access roads, and transmission lines. The boundary must be set at the minimum feasible distance from project works necessary to allow operation and maintance of the project and control of the shoreline and reservoir. The project boundary may be contour elevation lines, specified courses and distances, or lines upon or parallel to public land survey lines.

(ii) The project boundary must be depicted on the map by use of contour lines (preferred method), courses and distances, public land survey or lines parallel to the lines of the survey, or any combination of those methods for reservoirs and impoundments, and the project boundary around dams, spillways, and powerhouses; and must be depicted by specified distances from a surveyed center line or offset lines of survey for continuous features such as access roads, transmission lines, pipelines, or canals. A tape-compass survey is acceptable for determining courses and distances.

(iii) The area of public lands or reservations within the project boundary must be shown in acres. The appropriate Federal agency should be contacted for assistance in determining the acreages.

(iv) For clarity, use inset sketches to a larger scale than that used for the overall map to show relationships of project works, natural features, and property lines.

(v) Show one or more ties by distance and bearing from a definite, identifiable point or points on project works or the project boundary to established corners of the public land survey or other survey monuments, if available.

(vi) If the project affects unsurveyed Federal lands, the protraction of township and section lines must be shown. Such protractions, whenever available, must be those recognized by the agency of the United States having jurisdiction over the lands. On unsurveyed lands, show ties by distance and bearing to fixed recognizable objects.

3. Section 4.31 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 4.31 Acceptance for filing or rejection.

(a) Each application for a preliminary permit or license must:

* * * * *

(2) Contain the information and documents prescribed in the following sections of this chapter, according to the type of application:

* * * * *

(ii) License for a minor water power project and major water power projects 5 megawatts or less: §§ 4.60 and 4.61.

* * * * *

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

* * * * *

4. Part 16 is amended in the Table of Contents by revising § 16.12 to read as follows:

Sec.

16.12 Renewal of license for a minor water power project or for a minor part of a water power project not subject to sections 14 and 15 of the Federal Power Act.

* * * * *

6. Section 16.12 is revised to read as follows:

§ 16.12 Renewal of license for a minor water power project or for a minor part of a water power project not subject to sections 14 and 15 of the Federal Power Act.

A licensee whose minor water power project license or license for a minor part of a project is not subject to sections 14 and 15 of the Act, and who wishes to continue operation of the project after the end of the license term, must file an application for a "new license" not later than one year prior to the expiration of the original license, in accordance with § 4.31 of this chapter. Each application for new license under this section must conform to §§ 4.60 and 4.61 of this chapter.

PART 131—FORMS

§ 131.6 [Revoked and Removed]

6. Section 131.6 is revoked and removed.

PART 375—THE COMMISSION

7. Section 375.308 is amended by revising paragraph (c) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(c) Take appropriate action on uncontested filings made in response to a term or condition in a preliminary permit or license issued for a water power project, or in response to the requirements of an order of the Commission concerning a water power project, including:

(1) Acceptance and approval of new or revised exhibits in Part 4 of this chapter; and

(2) Acceptance and approval of any studies, plans, reports, maps, drawings, or specifications.

* * * * *

[FR Doc. 81-3146 Filed 1-28-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 81-1]

General Material Requirements; Proposed Revisions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to consolidate, revise, and streamline FHWA policy and procedures with regard to specifying materials for use on Federal-aid highway projects.

DATE: Comments must be received on or before March 30, 1981.

ADDRESS: Interested persons are invited to submit comments, preferably in triplicate, to FHWA Docket No. 81-1, Federal Highway Administration, Room 4205, HCC-10, 400 7th Street, SW., Washington, D.C. 20590. All coments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Peter R. Picard, Construction and Maintenance Division, (202) 426-4847, or Mr. Hugh T. O'Reilly, Office of the Chief Counsel, (202) 426-0781, Federal Highway Administration, 400 7th 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: Subpart D of 23 CFR Part 635 establishes general requirements for specifying materials to be used on Federal-aid highway projects. As part of a government-wide program of regulation reduction, the current regulation was examined for requirements which could be eliminated or modified to lessen the regulatory effect of the Federal Government on the States.

This proposed rule would modify many procedural requirements now imposed on the recipients of Federal-aid highway funds. Certain requirements are proposed for elimination because they are no longer necessary, covered in

other parts of Title 23 of the Code of Federal Regulations (23 CFR), or considered to be standard practices of the State highway agencies and consequently do not require Federal regulation.

The proposed rule is written to provide clear, concise statements of FHWA policy on materials to be specified for use on Federal-aid projects. Procedures for compliance on each project would be developed by the States with the concurrence of the FHWA. A discussion of the major elements of the proposed rule follows:

The requirements for use of materials made available by a public agency in existing § 635.407 would be replaced by two general requirements in proposed § 635.405. First, contractors would generally be required to furnish all materials. Exceptions would be permitted by the FHWA only if it agreed that such exceptions were in the public interest. Second, project plans, specifications, and estimates would be required to clearly identify the respective responsibilities of the contractor and the State highway agency for furnishing materials.

The material selection requirements in existing § 635.411 would be replaced by a new § 635.409 which would clearly encourage the widest practical competitive selection of materials among all products of processes which are equally suitable for serving an intended purpose. States would not be permitted to exclude acceptable products or processes without justification, or to specify the use of a single product or process where equally suitable alternatives are available. Limited exceptions to this policy could be approved by the FHWA, upon request by a State, but only to assure compatibility with existing systems or to enable experimental evaluation work to be performed.

Current restrictions in § 635.413 on clauses that require contractors to guarantee or warrant materials and workmanship would be replaced by a more permissive policy. Proposed § 635.411 would allow State highway agencies to require contractors to provide warranties or guarantees where the FHWA agreed that such provisions were consistent with the State's responsibility to maintain the completed project in accordance with 23 U.S.C. 116.

Appendix A, Summary of Acceptable Criteria for Specifying Types of Culvert Pipes, would be deleted because those requirements would be replaced by the general requirement in proposed § 635.409. One of the aims of the FHWA's regulatory reduction effort is to eliminate prescriptive requirements such as those currently contained in Appendix A.

Docket Number 81–1 has been assigned to this proposal and the public is invited to submit comments. Comments are particularly requested with respect to those elements of the proposal which are discussed in this preamble and the economic consequences of those elements, if any. All comments will be considered in developing a final regulation.

Existing § 635.410, Buy America, is the subject of a separate notice of proposed rulemaking (FHWA Docket No. 80–1, 45 FR 77455, November 24, 1980) and is not a part of this proposal. However, any party who wishes to address the relationship between the Buy America requirements and this proposal may do so.

The FHWA has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A draft regulatory evaluation is available for inspection in the public docket (81–1) and may be obtained by contacting Mr. Peter R. Picard at the address specified above under the heading "For Further Information Contact." The FHWA has also determined that this proposal, if promulgated, would not have a significant economic impact on a substantial number of small entities due to the fact that the proposed requirements are less restrictive than those currently in effect. Also, this proposal does not contain any reporting or recordkeeping requirements which would be a burden to small entities.

(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 on: January 19, 1981.

John S. Hassell, Jr.,

Federal Highway Administrator.

In consideration of the foregoing, and under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), it is proposed to revise 23 CFR 635, Subpart D, §§ 635.401 through 635.413, except of § 635.410 which deals with the Buy America requirements, to read as follows:

PART 635—CONSTRUCTION AND MAINTENANCE

* * * * *

Subpart D—General Material Requirements

Sec.

635.401 Purpose.
635.403 Applicability.
635.405 Furnishing materials.
635.407 Materials restrictions.
635.409 Alternate products or processes.
635.410 Buy America requirements.
635.411 Warranty and guaranty clause.

Authority: 23 U.S.C. 315; 49 CFR 1.48(b).

Subpart D—General Material Requirements

§ 635.401 Purpose.

The purpose of this regulation is to prescribe policy and procedures for specifying materials to be used on Federal-aid highway projects.

§ 635.403 Applicability.

The policies and procedures in this regulation apply to all Federal-aid highways projects.

§ 635.405 Furnishing materials.

States shall generally require contractors on Federal-aid projects to furnish all materials incorporated into the work and to select the sources from which the materials are to be obtained and waste disposal sites. States may require contractors to use materials or sources of materials furnished by the State or sites designated by the State for disposal of excess materials, if the State and the FHWA agree it is in the public interest. Project plans, specifications, and estimates shall clearly identify the responsibilities of the contractor and State for furnishing materials and for selecting sources of materials and waste disposal sites.

§ 635.407 Materials restrictions.

States shall not restrict or prohibit the use of otherwise acceptable materials produced, made, prepared, or assembled within any State, territory, or possession of the United States.

§ 635.409 Alternate products or processes.

(a) It is FHWA policy to encourage the widest practicable competitive selection among all products or processes which are equally suitable for serving an intended purpose.

(b) States shall not exclude acceptable products or processes without justification. States shall not specify use of a single product or process where other equally suitable products or processes are available. Limited exceptions to this policy may be approved by the FHWA, upon request by the State, to assure compatibility with existing systems or to enable experimental evaluation work to be performed.

§ 635.410 [Proposed revision set forth at 45 FR 77455]

§ 635.411 Guaranty (or warranty) clause.

States may specify guaranty requirements where the FHWA agrees that such provisions are consistent with the State's responsibility to maintain the completed project in accordance with 23 U.S.C. 116.

[FR Doc. 81-2944 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 21 and 212

[Notice No. 364]

Formulas for Denatured Alcohol and Rum

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment and recodification of the regulations regarding formulas for denatured alcohol and rum, presently codified in 27 CFR Part 212. The recodification is part of a general plan to reorganize, under Title 27 of the Code of Federal Regulations, all regulations administered by the Bureau of Alcohol, Tobacco and Firearms (ATF). In addition, numerous changes are proposed to these regulations as they currently exist in 27 CFR Part 212. The most important of these are discussed under "Supplemental Information."

DATE: Comments must be received on or before March 30, 1981.

ADDRESS: Comments must be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C., 20044.

FOR FURTHER INFORMATION CONTACT: Steve C. Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044; (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons who wish to participate in the making of the proposed rules are invited to submit written comments or suggestions, in duplicate, to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. box 385, Washington, D.C., 20044, on or before March 30, 1981. Copies of the proposed changes and any comments received are available for public inspection from 8:30 a.m. to 5:00 p.m. in the ATF Reading Room, Room 4407, Federal Building, 12th Street and Pennsylvania Ave., NW, Washington, D.C.

Any interested person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Chief, Regulations and Procedures Division, within the 60-day period. However, the Bureau reserves the right to determine, in light of all the circumstances, whether a public hearing should be held.

Changes in Ingredients

Recent developments in industry practices, market conditions, and chemical terminology have led to the addition or deletion of certain ingredients from certain formulas and to changes in some ingredient names. Material is incorporated from the following rulings: Revenue rulings 59-283 (C.B. 1959-2, 578), 68-501 (C.B. 1968-2, 620), 69-483 (C.B. 1969-2, 273), 72-145, (C.B. 1972-1, 418) and 72-177 (C.B. 1972-1, 417); and ATF Rulings 74-14 (1974 ATF C.B. 38), 77-5 (1977 ATF C.B. 175), 78-12 (1978 ATF C.B. 66), 79-11 (1979-2 QB 5), and 79-19 (1979-4 QB 9). The following sections are affected: §§ 21.22, 21.23, 21.31, 21.32, 21.33, 21.34, 21.39, 21.42, 21.47, 21.53, 21.54, 21.57, 21.59, 21.67, 21.69, 21.72, 21.110, 21.111, 21.116, 21.118, 21.130, and 21.151.

Changes in Conditions Governing Use

A study on specially denatured alcohol has shown that the sentence in §§ 21.33(c) and 21.34(c) which reads, "this formula must be used in a closed and continuous system unless it is shown that it is not practical to do so," has been confusing to inspectors and permittees. Consequently, the sentence has been changed to read, "this formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch." Also, since the Food and Drug Administration has banned the use of FD&C Violet No. 1 in meat branding inks, the sentence reading "such inks shall be made with FD&C Violet No. 1" has been deleted from § 21.59(c). Finally, since S.D.A. Formulas No. 1, 3-A, and 13-A are no longer authorized for use in food product inks, the phrase in Use Code 052 "including meat branding inks" is removed from §§ 21.32, 21.35, and 21.40.

Changes Involving Use Codes

Due to new developments in industry practices and new discoveries in chemical science, it has been decided to eliminate certain use codes from some formulas and to add certain new use codes to others. Also, the names of some codes have been changed, and code 810 has been subdivided into three separate codes (810, 811, and 812). The following sections are affected: §§ 21.32-21.80, and 21.141.

Changes in Nomenclature for U.S.P. and N.F. Denaturants

Several U.S.P. and N.F. oils used as denaturants have been shifted from the U.S. Pharmacopoeia to the National formulary (or vice versa) and others have been dropped from the most recent editions of these books. Therefore, changes are required in the following sections: §§ 21.36, 21.37, 21.40, 21.43, 21.46, 21.47, 21.48, 21.51, 21.52, 21.53, 21.57, 21.58, 21.62, 21.63, 21.64, 21.67, 21.68, 21.69, 21.72, 21.77, 21.80, and 21.151.

Specifications Corrected

The figures for the weights and specific gravities of S.D.A.-29 and S.D.A.-23A given in § 21.161 have been corrected, since the previous figures were incorrect. The specific gravities of all formulas are now given in air (rather than in vacuum) because this is easier to test.

Authority Delegations

Authority to perform certain functions has been transferred by delegation orders from the Director to the Chief, ATF Chemical Branch. The following sections are affected: §§ 21.3, 21.11 (new definition of "Chief, Chemical Branch"), 21.21, 21.31, 21.33, 21.34, and 21.55.

Wood Alcohol Dropped

The last supplier of wood alcohol has discontinued operations. Consequently, wood alcohol has been deleted from the list of authorized denaturants for S.D.A. Formula No. 1 (§ 21.32), and the specifications for wood alcohol have been removed from new Part 21. (Former § 212.96 has not been carried over, and § 21.151 has been modified.)

Form Number Changed

References to ATF Form 1479-A (Formula for Articles made with Specially Denatured Alcohol and Rum) have been changed to refer to its new number (5150.19) under the subject classification system. No substantive change in this form is involved. Sections 21.3, 21.31, and 21.141 are affected.

Substitute Denaturants

When substitute denaturants are proposed to be used in Formula Nos. 29 (§ 21.55), 38-B (§ 21.64), and in accordance with § 21.91, the amended

regulations call for the *denaturer* to submit an application for such use. The reason for this is that the denaturer is the one who will actually use the proposed substitutes. (This change supersedes instructions in Revenue Procedure 65–3, which had instructed the user to submit the application.)

Denatured Spirits for Export

A new § 21.5 is added to permit alcohol or rum to be denatured for export in accordance with the formulas prescribed by the government of the foreign country to which the denatured spirits are destined. Application for permission to denature such alcohol or rum is to be submitted by the denaturer.

Drafting Information

The principal drafter of this document was Steve C. Simon of the Research and Regulations Branch.

Issuance

The proposed regulations are to be issued under the authority contained in 26 U.S.C. 5242 and 7805 (72 Stat. 1369 and 68A Stat. 917, as amended).

In consideration of the above, the following changes to Title 27 of the Code of Federal Regulations are proposed.

PART 212 [Removed]

Paragraph 1. Part 212 is removed.

Paragraph 2. Part 21 is added to read as follows:

PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM

Subpart A—General Provisions

Sec.

21.1 Scope of Regulations.
21.2 Forms prescribed.
21.3 Stocks of discontinued formulas.
21.4 Related regulations.
21.5 Denatured spirits for export.

Subpart B—Definitions

21.11 Meaning of terms.

Subpart C—Completely Denatured Alcohol Formulas

21.21 General.
21.22 Formula No. 18.
21.23 Formula No. 19.
21.24 Formula No. 20.

Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

21.31 General.
21.32 Formula No. 1.
21.33 Formula No. 2–B.
21.34 Formula No. 2–C.
21.35 Formula No. 3–A.
21.36 Formula No. 3–B.
21.37 Formula No. 4.
21.38 Formula No. 6–B.
21.39 Formula No. 12–A.
21.40 Formula No. 13–A.
21.41 Formula No. 17.
21.42 Formula No. 18.
21.43 Formula No. 19.
21.44 Formula No. 20.
21.45 Formula No. 22.
21.46 Formula No. 23–A.
21.47 Formula No. 23–F.
21.48 Formula No. 23–H.
21.49 Formula No. 25.
21.50 Formula No. 25–A.
21.51 Formula No. 27.
21.52 Formula No. 27–A.
21.53 Formula No. 27–B.
21.54 Formula No. 28–A.
21.55 Formula No. 29.
21.56 Formula No. 30.
21.57 Formula No. 31–A.
21.58 Formula No. 32.
21.59 Formula No. 33.
21.60 Formula No. 35.
21.61 Formula No. 35–A.
21.62 Formula No. 36.
21.63 Formula No. 37.
21.64 Formula No. 38–B.
21.65 Formula No. 38–C.
21.66 Formula No. 38–D.
21.67 Formula No. 38–F.
21.68 Formula No. 39.
21.69 Formula No. 39–A.
21.70 Formula No. 39–B.
21.71 Formula No. 39–C.
21.72 Formula No. 39–D.
21.73 Formula No. 40.
21.74 Formula No. 40–A.
21.75 Formula No. 40–B.
21.76 Formula No. 40–C.
21.77 Formula No. 42.
21.78 Formula No. 44.
21.79 Formula No. 45.
21.80 Formula No. 46.

Subpart E—Specifications for Denaturants

21.91 General.
21.92 Denaturants listed as U.S.P. or N.F.
21.93 Acetaldehyde.
21.94 Acetaldol.
21.95 Ammonia, aqueous.
21.96 Benzene.
21.97 Bone oil (Dipple's oil).
21.98 Brucine alkaloid.
21.99 *n*-Butyl alcohol.
21.100 *tert*-Butyl alcohol.
21.101 Caustic sode, liquid.
21.102 Chloroform.
21.103 Cinchonidine.
21.104 Citronella oil, natural.
21.105 Diethyl phthalate.
21.106 Ethyl acetate.
21.107 Ethyl ether.
21.108 Gasoline.
21.109 Gasoline, unleaded.
21.110 Gentian violet (methyl violet).
21.111 Heptane.
21.112 Kerosene.
21.113 Kerosene (deodorized).
21.114 Methyl alcohol.
21.115 Methyl isobutyl ketone.
21.116 Methyl *n*-butyl ketone.
21.117 Nicotine solution.
21.118 Nitropropane, mixed isomers of.
21.119 Phenyl mercuric benzoate.
21.120 Pyridine bases.
21.121 Pyronate.
21.122 Quassin.
21.123 Rubber hydrocarbon solvent.
21.124 Safrole.
21.125 Shellac (refined).
21.126 Sodium (metallic).
21.127 Spearmint oil, terpeneless.
21.128 Spike lavender oil, natural.
21.129 Sucrose octaacetate.
21.130 Toluene.
21.131 Vinegar.

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

Subpart G—Denaturants Authorized for Denatured Spirits

21.151 List of denaturants authorized for denatured spirits.

Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

21.161 Weights and specific gravities of specially denatured alcohol.

Authority: Title II, sec. 201, Pub. L. 85–859, 72 Stat. 1369; sec. 7805, 68A Stat. 917 (26 U.S.C. 5242, 7805) unless otherwise noted.

Subpart A—General Provisions

§ 21.1 Scope of regulations.

The regulations in this part relate to the formulation of completely denatured alcohol, specially denatured alcohol, and specially denatured rum; to the specifications for denaturants; and to the uses of denatured spirits.

§ 21.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished in accordance with the instructions printed on the forms or issued in respect to them.

§ 21.3 Stocks of discontinued formulas.

Denaturers, or specially denatured spirits dealers or users, having on hand stocks of denaturants or formulas of specially denatured spirits no longer authorized by this part may—

(a) Continue to supply or use those stocks in accordance with existing permits until the stocks are exhausted;

(b) Use up those stocks in any manufacturing process approved by the Chief, Chemical Branch, pursuant to an application filed with him on ATF Form 5150.19, Formula for Articles made with Specially Denatured Alcohol and Rum;

(c) On approval of an application, filed in duplicate with the regional regulatory administrator and approved by him, destroy those stocks under whatever supervision the regional regulatory administrator requires; or

(d) Otherwise dispose of those stocks in a manner satisfactory to the Director, pursuant to approval of an application (to be filed, in triplicate, with the regional regulatory administrator for transmittal to the Director).

§ 21.4 Related regulations.

The procedural and substantive requirements relative to the production of denatured alcohol and specially denatured rum are prescribed in Part 19 of this chapter, and those relative to the distribution and use of denatured alcohol and specially denatured rum are prescribed in Part 211 of this chapter.

§ 21.5 Denatured spirits for export.

Spirits may be denatured in accordance with formulas prescribed by the government of a foreign country to which the denatured spirits will be exported. However, the denaturer must first apply for and obtain written permission from the Director. The application shall be submitted to the Director in triplicate, and shall contain the following information:

(a) A complete list of ingredients for the spirits to be denatured.

(b) The exact amount of each ingredient to be used in denaturing the spirits.

(c) A copy (accompanied by an English translation as necessary) of the law or regulations of the foreign country to which the denatured spirits will be exported, specifying the denatured spirits formulation prescribed by that country.

Subpart B—Definitions

§ 21.11 Meaning of terms

When used in this part and in forms prescribed under this part, unless the context otherwise requires, terms have the meanings given in this section. Words in the plural form include the singular, and vice versa, and words indicating the masculine gender include the feminine. The terms "includes" and "including" do not exclude things not mentioned which are in the same general class.

Alcohol. The spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced. The term does not include such spirits as whisky, brandy, rum, gin, or vodka.

Chief, Chemical Branch. The Chief, Chemical Branch, Scientific Services Division, Bureau of Alcohol, Tobacco and Firearms, 1401 Research Boulevard, Rockville, MD 20850.

CFR. The Code of Federal Regulations.

C.D.A. Completely denatured alcohol.

Completely denatured alcohol. The spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of this part.

Denaturant. A material authorized by this part to be added to spirits in order to make those spirits unfit for beverage or internal human medicinal use.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in this part.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Essential oil. Any of the volatile odoriferous natural oils found in plants, which impart to such plants odor, and often other characteristic properties; also, imitations of such natural oils, as well as aromatic substances, and synthetic oils, which possess the denaturing characteristics of such natural oils.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum, or to recover completely or specially denatured alcohol, specially denatured rum, or articles manufactured with denatured spirits, or a distilled spirits plant proprietor qualified as a processor.

N.F. The National Formulary. The latest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Rum. Any spirits produced from sugar cane products and distilled at less than 190 proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

S.D.A. Specially denatured alcohol.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of this part.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of this part.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

U.S.C. The United States Code.

U.S.P. The United States Pharmacopoeia. The latest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other.

Subpart C—Completely Denatured Alcohol Formulas

§ 21.21 General.

(a) Alcohol shall be completely denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) Denaturers may be authorized to add a small quantity of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such addition shall be made only on approval by the Chief, Chemical Branch. Request for such approval shall be submitted to the Chief, Chemical Branch, in triplicate.

(c) Odorants or perfume materials may be added to denaturants authorized for completely denatured alcohol in amounts not greater than 1 part to 250, by weight. However, such addition shall not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the specifications for these denaturants as prescribed in Subpart E, except as to odor. Proprietors of distilled spirits plants using denaturants to which such odorants or perfume materials have been added shall inform the Chief, Chemical Branch, in writing, of the names and properties of the odorants or perfume materials so used.

§ 21.22 Formula No. 18.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

2.50 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone;

0.125 gallon of pyronate or a similar compound;

0.50 gallon acetaldol (beta-hydroxybutyraldehyde); and

1.00 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

§ 21.23 Formula No. 19.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

4.0 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone; and

1.0 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

§ 21.24 Formula No. 20.

(a) *Formula.* To every 100 gallons of ethyl alcohol of not less than 195 proof add:

A total of 2.0 gallons of either unleaded gasoline, rubber hydrocarbon

solvent, kerosene, or deodorized kerosene; or any combination of these.

(b) *Authorized use.* Restricted to fuel use, comparable to specially denatured alcohol "Use Code No." 611, 612, 613, 620, and 630.

Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

§ 21.31 General.

(a) *Formulas for specially denatured spirits.* Alcohol and rum shall be specially denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) *Proof of spirits for denaturation.* Alcohol of not less than 185 proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise specifically stated or unless otherwise authorized by the Director. Rum for denaturation shall be of not less than 150 proof and may be denatured only in accordance with Formula No. 4.

(c) *Use of Denatured Spirits.* Users and manufacturers holding approved Forms 5150.19 (formerly 1479–A) covering use in processes or manufacture of products no longer authorized for a particular formula may continue that use. Pursuant to written application and subject to the provisions of 26 U.S.C. Chapter 51, Part 211 of this chapter, and this part, the Chief, Chemical Branch, may authorize the use of any formula of specially denatured alcohol or specially denatured rum for uses not specifically authorized in this part. The code number before each item under "authorized uses" shall be used in reporting the use of specially denatured alcohol or specially denatured rum.

§ 21.32 Formula No. 1.

(a) *Formula.* To every 100 gallons of alcohol add:

Four gallons of methyl alcohol and either ⅛ avoirdupois ounce of denatonium benzoate, N.F., (BITREX); 1 gallon of methyl isobutyl ketone; 1 gallon of mixed isomers of nitropropane; or 1 gallon of methyl *n*-butyl ketone.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
041. Proprietary solvents (standard formulations).
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks.
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oil.
740. Refrigerating uses.
750. Other fluid uses.
760. Proprietary anti-freeze.

(5) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).
900. Specialized uses (unclassified).

§ 21.33 Formula No. 2–B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of benzene, ½ gallon of rubber hydrocarbon solvent, or ½ gallon of toluene.

(b) *Authorized uses*—(1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
524. Sodium ethylate, anhydrous.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

§ 21.34 Formula No. 2–C.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-three pounds or more metallic sodium and either ½ gallon of benzene,

½ gallon of toluene, or ½ gallon of rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

§ 21.35 Formula No. 3-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks.
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.

(5) Miscellaneous uses:

810. General laboratory and experimental use (own use only).
811. Laboratory reagents for sale.
812. Product development and pilot plant uses (own use only).
900. Specialized uses (unclassified).

§ 21.36 Formula No. 3-B.

(a) *Formula.* To every 100 gallons of alcohol add: One gallon of pine tar, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
141. Shampoos.
142. Soap and bath preparations.
410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.37 Formula No. 4.

(a) *Formula.* To every 100 gallons of alcohol, or to every 100 gallons of rum of not less than 150 proof, add:

One gallon of the following solution: Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, U.S.P.; and water sufficient to make 100 gallons.

(b) *Authorized uses.* (1) As a solvent:

460. Tobacco sprays and flavors.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.38 Formula No. 6-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of pyridine bases.

(b) *Authorized uses.* (1) As a raw material:

523. Miscellaneous ethyl esters.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemnicals.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.39 Formula No. 12-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of benzene, or 5 gallons of toluene.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
036. Adhesives and binders.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
354. Processing rosin.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.

(2) As a raw material:

523. Miscellaneous ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.40 Formula No. 13-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
052. Inks.
241. Collodion, U.S.P.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).

345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

523. Miscellaneous ethyl esters.
561. Ethyl ether.
562. Other ethers.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.41 Formula No. 17.

(a) *Formula.* To every 100 gallons of alcohol add:

Five-hundredths (0.05) gallon (6.4 fluid ounces) of bone oil (Dipple's oil).

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.42 Formula No. 18.

(a) *Formula.* To every 100 gallons of alcohol of not less than 160 proof add:

One hundred gallons of vinegar of not less than 90-grain strength or 150 gallons of vinegar of not less than 60-grain strength.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.43 Formula No. 19.

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
241. Collodion, U.S.P.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.44 Formula No. 20.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of chloroform.

(b) *Authorized uses.* (1) As a raw material:

579. Miscellaneous chemicals (chloroform).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.45 Formula No. 22.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.46 Formula No. 23-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P.

(b) *Authorized uses.* (1) As as solvent:

011. Cellulose coatings.
012. Synethtic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
015. Candy glazes.
016. Other coatings.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Body deodorants and deodorant creams.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antiseptic solution, U.S.P. or N.F.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

(2) As a fluid:

740. Refrigerating uses.
750. Miscellaneous fluids uses.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.47 Formula No. 23-F.

(a) *Formula.* To every 100 gallons of alcohol add:

Three pounds of salicylic acid, U.S.P., 1 pound of resorcinol (resorcin), U.S.P., and 1 gallon of bergamot oil, N.F. XI, or bay oil (myrcia oil), N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals, not U.S.P. or N.F.

812. Product development and pilot plant uses (own use only).

§ 21.48 Formula No. 23-H.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P., and 1.5 gallons of methyl isobutyl ketone.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face, and body).
210. External pharmaceuticals, not U.S.P. or N.F.
220. Rubbing alcohols.
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.49 Formula No. 25.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty pounds of iodine, U.S.P., and 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.50 Formula No. 25-A

(a) *Formula.* To every 100 gallons of alcohol add:

A solution composed of 20 pounds of iodine, U.S.P.; 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.; and 15 pounds of water.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.51 Formula No. 27.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of rosemary oil, N.F. XII, and 30 pounds of camphor, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

243. Liniments, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.52 Formula No. 27-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five pounds of camphor, U.S.P., and 1 gallon of clove oil, N.F.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.53 Formula No. 27-B

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of lavender oil, N.F., and 100 pounds of green soap, N.F. (medicinal soft soap, U.S.P. XVI).

Note.—The requirements of this formula may be met by adding 1 gallon of lavender oil, N.F., and 66.5 pounds of U.S.P. quality soap concentrate containing 25 percent water to 100 gallons of alcohol and, after mixing, by adding thereto 33.5 pounds of water and again mixing.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
210. External pharmaceuticals, not U.S.P. or N.F.
243. Liniments, U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.54 Formula No. 28-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon or any combination totaling 1 gallon of either gasoline, unleaded gasoline, heptane, or rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).8

§ 21.55 Formula No. 29.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent acetaldehyde, or 1 gallon of ethyl acetate having an ester content of 100 percent, or, where approved by the Chief, Chemical Branch, as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. When material other than acetaldehyde or ethyl acetate is proposed to be used, the denaturer shall submit an application for such use, in original plus five copies, to the Chief, Chemical Branch. The applicant shall furnish the Chief, Chemical Branch, with specifications, assay methods, an 8-ounce sample of such other material, and the name, address and S.D.A. permit number of the user.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.
512. Acetic acid.
521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines.
540. Dyes and intermediates.
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.
590. Synthetic resins.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula is restricted to processes in which the alcohol loses its identity by being converted into other chemicals.

§ 21.56 Formula No. 30.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
021. Cellulose plastics.
022. Non-cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
051. Polishes.
052. Inks.
053. Stains.
142. Soap and bath preparations.
331. Processing pectin
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure solutions and dyes.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

575. Drugs and medicinal chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.

(3) As a fluid in:

740. Refrigerating uses.
750. Other fluid uses.

(4) Miscellaneous uses:

810. General laboratory and experimental use (own use only).
811. Laboratory reagents for sale.
812. Product development and pilot plant uses (own use only).

§ 21.57 Formula No. 31-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred pounds of glycerin (glycerol), U.S.P., and 20 pounds of hard soap, N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

113. Lotions and creams (hands, face, and body).
131. Tooth paste and tooth powder.
141. Shampoos.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.58 Formula No. 32.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
052. Inks (including meat branding inks).
241. Collodion, U.S.P.
311. Ethyl cellulose compounds (dehydration).
332. Processing miscellaneous food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material.

522. Ethyl chloride.
423. Other ethyl esters.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.59 Formula No. 33.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty pounds of gentian violet (methyl violet) or gentian violet (methyl violet), U.S.P.

(b) *Authorized uses.* (1) As a solvent:

052. Inks.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* Meat branding inks made with Formula No. 33 do not meet U.S. Department of Agriculture meat inspection specifications for use in Federally inspected establishments. Specially denatured alcohol Formulas No. 23–A and 32 are authorized for this purpose.

§ 21.60 Formula No. 35.

(a) *Formula.* To every 100 gallons of alcohol add:

29.75 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 35 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.61 Formula No. 35–A.

(a) *Formula.* To every 100 gallons of alcohol add:

4.25 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 5 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemcials (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing miscellaneous chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

511. Vinegar.
512. Acetic acid.
521. Ethyl acetate.
523. Other ethyl esters.
590. Synthetic resins.
910. Animal feed supplements.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.62 Formula No. 36.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of ammonia, aqueous, 27 to 30 percent by weight; 3 gallons of strong ammonia solution, N.F.; 17.5 pounds of caustic soda, liquid grade, containing 50 percent sodium hydroxide by weight; or 12.0 pounds of caustic soda, liquid grade, containing 73 percent sodium hydroxide by weight.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
450. Cleaning solutions (including household detergents).

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.
579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.63 Formula No. 37.

(a) *Formula.* To every 100 gallons of alcohol add:

Forty-five fluid ounces of eucalyptol, N.F. XII, 30 avoirdupois ounces of thymol, N.F., and 20 avoirdupois ounces of menthol, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
131. Dentifrices.
132. Mouth washes.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.64 Formula No. 38–B.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one, or a total of 10 pounds of two or more, of the oils and substances listed below:

Anethole, N.F.
Anise oil, N.F.
Bay oil (myrcia oil), N.F. XI.
Benzaldehyde, N.F.
Bergamot oil, N.F. XI.
Bitter almond oil, N.F. X.
Camphor, U.S.P.
Cedar leaf oil, U.S.P. XIII.
Chlorothymol, N.F. XII.
Cinnamic aldehyde, N.F. IX.
Cinnamon oil, N.F.
Citronella oil, natural.
Clove oil, N.F.
Coal tar, U.S.P.
Eucalptol, N.F. XII.
Eucalyptus oil, N.F.
Eugenol, U.S.P.
Guaiacol, N.F. X.
Lavender oil, N.F.
Menthol, U.S.P.
Methyl salicylate, N.F.
Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII.
Peppermint oil, N.F.
Phenol, U.S.P.
Phenyl salicylate (salol), N.F. XI.
Pine oil, N.F. XII.
Pine needle oil, dwarf, N.F.
Rosemary oil, N.F. XII.
Safrole.
Sassafras oil, N.F. XI.
Spearmint oil, N.F.
Spearmint oil, terpeneless.
Spike lavender oil, natural.
Storax, U.S.P.
Thyme oil, N.F. XII.
Thymol, N.F.
Tolu balsam, U.S.P.
Turpentine oil, N.F. XI.

If it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, the denaturer may submit an application (in duplicate) to the Chief, Chemical Branch, requesting permission to use another essential oil or substance having denaturing properties satisfactory to the Chief, Chemical Branch. In such a case the denaturer shall furnish the Chief, Chemical Branch, with specifications,

assay methods, an 8-ounce sample of the denaturant for anlaysis, and the name, address and S.D.A. permit number of the user.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay run.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
131. Dentifrices.
132. Mouth washes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
243. Liniments, U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.
249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.
349. Miscellaneous drug processing (including manufacture of pills).
410. Disinfectants, insecticides, fungicides, and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Produce development and pilot plant uses (own use only).

§ 21.65 Formula No. 38-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of menthol, U.S.P., and 1.25 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.66 Formula No. 38-D.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half pounds of menthol, U.S.P., and 2.5 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.67 Formula No. 38-F.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Six pounds of either boric acid, N.F., or Polysorbate 80, N.F., 1⅓ pounds of thymol, N.F.; 1⅓ pounds of chlorothymol, N.F. XII; and 1⅓ pounds of menthol, U.S.P.; or

(2) A total of at least 3 pounds of any two or more denaturing materials listed under Formula No. 38-B, plus sufficient boric acid, N.F., or Polysorbate 80, N.F., to total 10 pounds of denaturant; or

(3) Seven pounds of zinc chloride, U.S.P., 2.6 fluid ounces of hydrochloric acid, U.S.P., and a total of 3 pounds of any two or more of the denaturing materials listed under Formula No. 38-B.

(b) *Authorized uses.* (1) As a solvent:

132. Mouth washes.
210. External pharmaceuticals, not U.S.P. or N.F.
244. Antiseptic solutions, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.68 Formula No. 39.

(a) *Formula.* To every 100 gallons of alcohol add:

Nine pounds of sodium salicylate, N.F. XIV, or salicylic acid, U.S.P.; 1.25 gallons of fluid extract of quassia, N.F. VII; and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
121. Perfume and perfume tinctures.
122. Toilet waters and colognes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.69 Formula No. 39-A.

(a) *Formula.* To every 100 gallons of ethyl alcohol add:

Sixty avoirdupois ounces of any one of the following alkaloids or salts together with ⅛ gallon of *tert*-butyl alcohol:

Quinine, N.F. X.
Quinine bisulfate, N.F. XI.
Quinine dihydrochloride, N.F. XI.
Cinchonidine.
Cinchonidine sulfate, N.F. IX.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
122. Toilet waters and colognes.
141. Shampoos.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.70 Formula No. 39-B.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half gallons of diethyl phthalate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodrants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.71 Formula No. 39-C.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of diethyl phthalate.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
142. Soaps and bath preparations.
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.72 Formula No. 39-D.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of bay oil (myrcia oil), N.F. XI, and either 50 avoirdupois ounces of quinine sulfate, U.S.P., 50 avoirdupois ounces of quinine bisulfate, N.F. XI, or 200 avoidupois ounces of sodium salicylate, N.F. XIV.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.73 Formula No. 40.

(a) *Formula.* To every 100 gallons of alcohol add ⅛ gallon of *tert*-butyl alcohol, and:

One and one-half avoirdupois ounces of either (1) brucine (alkaloid), (2) brucine sulfate, N.F. IX, (3) quassin, or (4) any combination of two or of three of those denaturants.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.

450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.74 Formula No. 40-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One pound of sucrose octaacetate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.75 Formula No. 40-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-sixteenth avoirdupois ounce of denatonium benzoate, N.F. (BITREX), and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.76 Formula No. 40-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals, not U.S.P. or N.F.
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
485. Miscellaneous solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used only in the manufacture of products which will be packaged in pressurized containers in which the liquid contents are in intimate contact with the propellant and from which the contents are not easily removable in liquid form.

§ 21.77 Formula No. 42.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Eighty grams of potassium iodide, U.S.P., and 109 grams of red mercuric iodide, N.F. XI; or

(2) Ninety-five grams of thimerosal, U.S.P.; or

(3) Seventy-six grams of any of the following: phenyl mercuric nitrate, N.F.; phenyl mercuric chloride, N.F. IX; or phenyl mercuric benzoate.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.78 Formula No. 44.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of *n*-butyl alcohol.

(b) *Authorized uses.* (1) as a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.79 Formula No. 45.

(a) *Formula.* To every 100 gallons of alcohol add:

Three hundred pounds of refined white or orange shellac.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.80 Formula No. 46.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty-five fluid ounces of phenol, U.S.P., and 4 fluid ounces of methyl salicylate, N.F.

(b) *Authorized uses.* (1) As a solvent:

220. An antiseptic, sterilizing, and bathing solution having restricted use.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula may be used only by institutions and organizations which are of a semipublic character and engaged in charitable work.

Subpart E—Specifications for Denaturants

§ 21.91 General.

Denaturants prescribed in this part shall comply with the specifications set forth in this subpart. However, in order to meet requirements of national defense or for other valid reasons, the Director may, pursuant to written application filed in duplicate by the denaturer, authorize variations from such specifications or authorize the use of substitute denaturants if such variation or substitution will not jeopardize the revenue.

§ 21.92 Denaturants listed at U.S.P. or N.F.

Denaturing materials and products listed in this part as "U.S.P." or "N.F." shall meet the specifications set forth in the current United States Pharmacopoeia or National Formulary, or the latest volume of these publications in which the denaturants appeared as official preparations.

§ 21.93 Acetaldehyde.

Aldehyde content (as acetaldehyde). Not less than 95.0 percent by weight.
Color. Colorless.
Odor. Characteristic pungent, fruity odor.
Specific gravity at 15.56°/15.56° C. Not less than 0.7800.

§ 21.94 Acetaldol.

Purity. Not less than 90 percent by weight acetaldol as determined by the following method:

Dissolve 15 grams of the acetaldol in distilled water and dilute to 1 liter in a volumetric flask. Transfer 5 ml of this solution to a 250 ml glass-stoppered flask containing 25 ml distilled water. Add 25 ml of a freshly prepared 1 percent sodium bisulfite solution. Prepare a blank omitting the acetaldol solution. Place the flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove flasks and

titrate free bisulfite with 0.1 N iodine solution using starch indicator.

Percent acetaldol by weight = (ml blank − ml test) × 200 × 0.44/weight of sample.

Titrations in excess of 100 percent may be obtained if the sample contains appreciable amounts of acetaldehyde.

Specific gravity at 20° C. 1.098 to 1.105.

§ 21.95 Ammonia, aqueous.

Alkalinity. Strongly alkaline to litmus.

Ammonia content. 27 to 30 percent by weight. Accurately weigh a glass-stoppered flask containing 25 ml of water, add about 2 ml of the sample, stopper, and weigh again. Add methyl red indicator, and titrate with 1 N sulfuric acid. Each ml of 1 N sulfuric acid is equivalent to 17.03 mg of NH_3.

Color. Colorless liquid.

Non-volatile residue. 2 mg maximum. Dilute a portion of the sample with 1½ times its volume of distilled water. Evaporate 10 ml of this product to dryness in a tared platinum or porcelain dish. Dry residue at 105° C. for 1 hour, cool and weigh.

Odor. Characteristic (exceedingly pungent).

Specific gravity at 20°/4° C. 0.8920 to 0.9010.

§ 21.96 Benzene.

Distillation range (applicable A.S.T.M. method). When 100 ml of benzene are distilled by this method, not more than 1 ml should distill below 77° C., and not less than 95 ml below 85° C.

Odor. Characteristic odor.

Specific gravity at 15.6°/15.6° C. 0.875 to 0.886.

Water solubility. When 10 ml of benzene are shaken with an equal volume of water in a glass-stoppered bottle, graduated to 0.1 ml, and allowed to stand 5 minutes to separate, the upper layer of liquid shall measure not less than 9.5 ml.

§ 21.97 Bone oil (Dippie's oil).

Color. The color shall be a deep brown.

Distillation range. When 100 ml are distilled in the manner described for pyridine bases, not more than 5.0 ml should distill below 90° C.

Pyrrol reaction. Prepare a 1.0 percent solution of bone oil in 95 percent alcohol. Prepare a second solution containing 0.025 percent bone oil by diluting 2.50 ml of the first solution to 100 ml with 95 percent alcohol. Dip a splinter of pine, previously moistened with concentrated hydrochloric acid, into 10 ml of the 0.025 percent bone oil solution. After a few minutes the splinter should show a distinct red coloration.

Reaction with mercuric chloride. Add 5 ml of the 1.0 percent bone oil solution above to 5 ml of a 2 percent alcoholic solution of mercuric chloride. A turbidity is formed at once which separates into a flocculent precipitate on standing several minutes. Add 5.0 ml of the 0.025 percent bone oil solution to 5.0 ml of a 2.0 percent alcoholic solution of mercuric chloride. A faint turbidity appears after several minutes.

§ 21.98 Brucine alkaloid.

Identification test. Add a few drops of concentrated nitric acid to about 10 mg of brucine alkaloid. A vivid red color is produced. Dilute the red solution with a few drops of water and add a few drops of freshly made dilute stannous chloride solution. A reddish purple (violet) color is produced.

Melting point. 178° ± 1° C. Dry the alkaloid in an oven for one hour at 100° C., increase the temperature to 110° and dry to a constant weight before taking melting point.

Note.—Brucine alkaloid tetrahydrate melts at 105° C. while the anhydrous form melts at 178° C.

Strychnine test. Brucine alkaloid shall be free of strychnine when tested by the method listed under Brucine Sulfate, N.F. IX.

Note.—If the brucine contains as much as 0.05 percent strychnine, a clear distinctive violet color, characteristic of strychnine, will be obtained.

Sulfate test. No white precipitate is formed that is not dissolved by hydrochloric acid when several drops of a 1 N barium chloride solution are added to 10 ml of a solution of the alkaloid.

§ 21.99 n-Butyl alcohol.

Acidity (as acetic acid). 0.03 percent by weight maximum.

Color. Colorless.

Dryness at 20° C. Miscible without turbidity with 10 volumes of 60° Bé. gasoline.

Odor. Characteristic odor.

Specific gravity at 20°/20° C. 0.810 to 0.815.

§ 21.100 tert-Butyl alcohol.

Acidity (as acetic acid). 0.003 percent by weight maximum.

Color. Colorless.

Distillation range (applicable A.S.T.M. method). When 100 ml of tertiary butyl alcohol are distilled, none should distill below 78° C. and none above 85° C. More than 95 percent should distill between 81°–83° C.

Dryness at 20° C. Miscible without turbidity with 19 volumes of 60° Bé. gasoline.

Freezing point (first needle). Above 20° C.

Identification test. Place five drops of a solution containing approximately 0.1 percent tertiary butyl alcohol in ethyl alcohol in a test tube. Add 2 ml of Denige's reagent (dissolve 5 grams of red mercuric oxide in 20 ml of concentrated sulfuric acid; add this solution to 80 ml of distilled water, and filter when cool). Heat the mixture just to the boiling point and remove from the flame. A yellow precipitate forms within a few seconds.

Nonvolatile matter. Less than 0.005 percent by weight.

Odor. Characteristic odor.

Residual odor after evaporation. None.

Specific gravity at 25°/25° C. 0.780 to 0.786.

§ 21.101 Caustic soda, liquid.

The liquid caustic soda may consist of either 50 percent or 73 percent by weight sodium hydroxide in aqueous solution. The amount of caustic soda used shall be such that each 100 gallons of alcohol will contain not less than 8.76 pounds of sodium hyroxide, anhydrous basis.

Color. A 2 percent solution of the sodium hydroxide in water shall be water-white.

Assay. The sodium hydroxide content of the caustic soda solution shall be determined by the following procedure:

Accurately weigh 2 grams of liquid caustic soda into a 100 ml volumetric flask, dissolve, and dilute to the mark with distilled water at room temperature. Transfer a 25 ml aliquot of the solution to a titration flask, add 10 ml of 1 percent barium chloride solution, 0.2 ml of 1 percent phenolphthalein indicator, and 50 ml of distilled water. Titrate with 0.25 N hydrochloric acid to the disappearance of the pink color. Not less than 25 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 50 percent caustic soda, and not less than 36.5 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 73 percent caustic soda.

One ml of 0.25 N hydrochloric acid equals 0.01 gram of sodium hydroxide (anhydrous).

§ 21.102 Chloroform.

Odor. Characteristic odor.

Specific gravity at 25°/25° C. Not less than 1.400.

§ 21.103 Cinchonidine.

Melting point. 206° to 210° C.

Color. White powder.

Taste. Bitter.

Test. A solution of cinchonidine in dilute sulfuric acid shall not have more than a faint blue fluorescence (to distinguish from quinine and quinoidine).

§ 21.104 Citronella oil, natural.

(a) *Java type:*

Alcohol content (as Geraniol). Not less than 85 percent by weight.

Aldehyde content (as Citronellal). Not less than 30 percent by weight.

Refractive index at 20° C. 1.4660 to 1.4745.

Specific gravity at 25°/25° C. 0.875 to 0.893.

Odor. Characteristic odor.

(b) *Ceylon type:*

Alcohol content (as Geraniol). Not less than 55 percent by weight.

Aldehyde content (as Citronellal). Not less than 7 percent by weight.

Refractive index at 20° C. 1.4790 to 1.4850.

Specific gravity at 25°/25° C. 0.891 to 0.904.

Odor. Characteristic odor.

§ 21.105 Diethyl phthalate.

Refractive index at 25° C. 1.497 to 1.502.

Color. Colorless.

Odor. Practically odorless.

Solubility. Soluble in 20 parts of 60 percent alcohol.

Specific gravity at 25°/25° C. 1.115 to 1.118.

Ester content (as diethyl phthalate). Not less than 99 percent by weight.

Note.—The sample taken for ester determination should be approximately 0.8 gram. The number of ml of 0.5 N potassium hydroxide used in saponification multiplied by 0.05555 indicates the number of grams of ester in the sample taken for assay.

§ 21.106 Ethyl acetate.

(a) *85 percent ester:*

Acidity (as acetic acid). Not more than 0.015 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 85 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.882.

Distillation range (applicable A.S.T.M. method). When 100 ml of ethyl acetate are distilled by this method, none shall distill below 70° C., not more than 10 ml shall distill below 72° C., and none above 80° C.

(b) *100 percent ester:*

Acidity (as acetic acid). Not more than 0.010 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 99 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.899.

Distillation range (applicable A.S.T.M. method). When 100 ml of ethyl acetate are distilled by this method, not more than 2 ml shall distill below 75° C., and none above 80° C. (760 mm).

§ 21.107 Ethyl ether.

Odor. Characteristic odor.

Specific gravity at 15.56°/15.56° C. Not more than 0.728.

§ 21.108 Gasoline.

Distillation range (applicable A.S.T.M. method). When 100 ml of gasoline are distilled, none shall distill below 90° F. Not more than 5 ml shall be collected below 140° F., and not less than 50 ml shall distill below 230° F.

Odor. Characteristic odor.

§ 21.109 Gasoline, unleaded.

Conforms to specifications as established by the American Society for Testing and Materials (A.S.T.M.) in its current revision of A.S.T.M. STP 23 229 (1980), Standard No. D 439-79. Any of the "seasonal and geographical" volatility classes are considered suitable as a denaturant.

§ 21.110 Gentian violet (methyl violet).

Gentian violet (methyl violet, methylrosaniline chloride) occurs as a dark green powder or crystals having metallic luster.

Arsenic content. Not more than 15 ppm. (as As_2O_3) as determined by the applicable U.S.P. method.

Identification test. Sprinkle about 1 mg of sample on 1 ml of sulfuric acid; it dissolves in the acid with an orange or brown-red color. When this solution is diluted cautiously with water, the color changes to brown, then to green, and finally to blue.

Insoluble matter. Not to exceed 0.25 percent when tested by the following method:

Transfer 1.0 gram of sample to a 150 ml beaker containing 50 ml of alcohol. Stir to complete solution and filter through a weighed Whatman No. 4 filter paper. Wash residue with small amounts of alcohol totaling atout 50 ml. Dry paper in oven for 30 minutes at 80° C. and weigh. Calculate insoluble material.

§ 21.111 Heptane.

Distillation range (applicable A.S.T.M. method). No distillate should come over below 200° F. and none above 211° F.

Odor. Characteristic odor.

§ 21.112 Kerosene.

Distillation range (applicable A.S.T.M. method). No distillate should come over below 340° F. and none above 570° F.

Flash point. 115° F. minimum.

Odor. Characteristic odor.

§ 21.113 Kerosene (deodorized).

Distillation range (applicable A.S.T.M. method). No distillate should come over below 340° F. and none above 570° F.

Flash point. 115° F. minimum.

§ 21.114 Methyl alcohol.

Specific gravity at 15.56°/15.56° C. 0.810 maximum.

§ 21.115 Methyl isobutyl ketone.

Acidity (as acetic acid). 0.02 percent by weight, maximum.

Color. Colorless.

Distillation range (applicable A.S.T.M. method). No distillate should come over below 111° C. and none above 117° C.

Odor. Characteristic odor.

Specific gravity at 20°/20° C. 0.799 to 0.804.

§ 21.116 Methyl n-butyl ketone.

Acidity (as acetic acid). 0.02 percent by weight, maximum.

Color. Colorless.

Odor. Characteristic odor.

Refractive index at 20° C. 1.396 to 1.404.

Specific gravity at 20°/20° C. 0.800 to 0.835.

Distillation range (applicable A.S.T.M. method). No distillate should come over below 123° C. and none above 129° C.

§ 21.117 Nicotine solution.

Composition. Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, N.F.X.; water sufficient to make 100 gallons.

Color. One ml of the nicotine solution (previously agitated in the presence of air) is measured into 100 ml of water and thoroughly mixed. Fifty ml of this colored solution is compared, using Nessler tubes, with 50 ml of a standard color solution containing 5 grams of $CuSo_4.5H_2O$, C.P. in 100 ml of water. The color intensity of the solution tested should be equal to or greater than that of the standard solution.

Nicotine content. The above solution must contain not less than 1.88 percent of nicotine determined by the following process: 20 ml of the solution are measured into a 500 ml Kjeldahl flask provided with a suitable bulb tube, 50 ml of 0.1 N NaOH added and the mixture distilled in a current of steam until the distillate is no longer alkaline (about 500 ml). The distillate is then titrated with 0.1 N H_2SO_4 using rosolic acid or methyl red as indicator. Not less than 23.2 ml should be required for neutralization.

§ 21.118 Nitropropane, mixed isomers of.

Nitropropane content. A minimum of 94 percent by weight.

Total nitroparaffin content. A minimum of 99 percent by weight.

Distillation range. 119° to 133° C.

Specific gravity at 20°/20° C. 0.992 to 1.003.

§ 21.119 Phenyl mercuric benzoate.

Assay (as phenyl mercuric benzoate). Not less than 99.0 percent by weight.

Melting point. Not less than 94° C.

§ 21.120 Pyridine bases.

Alkalinity. One ml of pyridine bases dissolved in 10 ml of water is titrated with 1 N H_2SO_4 until a drop of the mixture placed upon Congo paper shows a distinct blue border, which soon disappears. A minimum of 9.5 ml of the acid must be required for the end point. (Congo paper: filter paper treated with 0.1 percent aqueous solution of Congo red and dried.)

Distillation range. One hundred ml of the denaturant are distilled in the following manner: The sample is placed in a short-necked glass flask of about 200 ml capacity which is rested on an asbestos plate having a circular opening of 30 mm in diameter. The neck of this flask is fitted with a fractionating tube 12 mm in diameter and 170 mm long and having a bulb just 1 cm below the side tube which is connected with a liebig condenser having a water jacket not less than 400 mm in length. A standardized thermometer is placed in the fractionating tube so that the mercury bulb is suspended in the center of the fractionating bulb. Heat is applied slowly and in such manner that 5 ml of distillate is collected per minute in a graduated cylinder. At least 50 ml must distill at or below 140° C. and at least 90 ml below 160° C.

Reactions. Dissolve 1 ml of pyridine bases in 100 ml of water.

(a) Ten ml of this solution are treated with 5 ml of 5 percent aqueous solution of anhydrous fused $CaCl_2$ and the mixture vigrorously shaken. An abundant crystalline separation should occur within 10 minutes.

(b) Ten ml of the pyridine solution mixed with 50 ml of Nessler's reagent must give a white precipitate.

Water content. Twenty ml of pyridine bases are shaken with 20 ml of a caustic soda solution having a specific gravity of 1.40 (15.56°/15.56° C.) and the mixture allowed to stand until completely separated into two layers. The amount of pyridine base layer should be 18.5 ml, minimum.

§ 21.121 Pyronate.

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:

Acidity (as acetic acid). Not more than 0.1 percent by weight, determined as follows:

Add 5.0 ml sample to 100 ml distilled water in an Erlenmeyer flask and titrate with 0.1 N NaOH to a bromthymol blue endpoint.

Color. the color shall be no darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparison shall be made in 4-ounce oil sample bottles viewed crosswise.

Distillation range (applicable A.S.T.M. method). When 100 ml are distilled not more than 5 ml shall distill below 70° C., not less than 50 ml below 160° C., and not less than 90 ml below 205° C.

Note.—Any material submitted as pyronate must agree in color, odor, taste and denaturing value with a standard sample furnished by the Bureau of Alcohol, Tobacco and Firearms to chemists authorized to examine samples denaturants.

§ 21.122 Quassin.

Quassin is the bitter principle of quassia wood (occurring as a mixture of two isomeric forms). It shall be a good commercial grade of purified amorphous quassin, standardized as to bitterness.

Bitterness. An aqueous solution of quassin shall be distinctly bitter at a 1 to 250,000 dilution. To test: Dissolve 0.1 gram of quassin in 100 ml of 95 percent alcohol, then dilute 4 ml of the solution to 1,000 ml with distilled water, mix well and taste.

Identification test. Dissolve about 0.5 gram of quassin in 10 ml of 95 percent alcohol and filter. To 5 ml of the filtrate, add 5 ml of concentrated hydrochloric acid and 1 mg of phloroglucinol and mix well. A red color develops.

Optical assay. When 1 gram of quassin (in solution in a small amount of 95 percent alcohol) is dissolved in 10,000 ml of water, the absorbance of the solution in a 1 cm cell at a wavelength of 258 millimicrons shall not be less than 0.400.

Solubility. When 0.5 gram of quassin is added to 25 ml of 190 proof alcohol, it shall dissolve completely.

§ 21.123 Rubber hydorcarbon solvent.

Rubber hydrocarbon solvent is a petroleum derivative.

Distillation range. When 10 percent of the sample has been distilled into a graduated receiver, the thermomether shall not read more than 170° F. nor less than 90° F. When 90 percent has been recovered in the receiver the thermometer shall not read more than 250° F.

§ 21.124 Safrole.

Congealing point. 10.0° to 11.2° C.
Refractive index at 20° C. 1.5363 to 1.5385.
Specific gravity at 15°/15° C. 1.100 to 1.107.
Odor. Characteristic odor.

§ 21.125 Shellac (refined).

Arsenic content. Not more than 1.4 parts per million as determined by the Gutzeit Method.

Color. White or orange.

Rosin content. None when tested by the following method: Add 20 ml of absolute alcohol or glacial acetic acid (m. p. 13° to 15° C). To 2 grams of the shellac and thoroughly dissolve. Add 100 ml of petroleum ether and mix thoroughly. Add approximately 2 liters of water and separate a portion of the ether layer (as least 50 ml) and filter if cloudy. Evaporate the petroleum ether and test as follows: Solution A—5 ml of phenol dissolved in 10 ml of carbon tetrachloride. Solution B—1 ml of bromine dissolved in 4 ml of carbon tetrachloride. To the residue obtained above add 2 ml of Solution A and transfer the mixture to a porcelain spot plate, filling one cavity. Immediately fill an adjacent cavity with Solution B. Cover the plate with a watch glass and observe any color formation in Solution A. A decided purple of deep indigo blue color is an indication of the presence of rosin.

§ 21.126 Sodium (metallic).

Color. Silvery-white (metallic luster) when freshly cut.

Identification test. Clean a platinum wire by dipping it in concentrated hydrochloric acid and holding it over a Bunsen burner until the flame is no longer colored. Moisten the wire loop with hydorchloric acid and dip it into the sample. Hold the wire in the Bunsen flame and note the color. Sodium produces a golden yellow flame; not observed when viewed through a cobalt glass.

Purity. Technical grade or better.

§ 21.127 Spearmint oil, terpeneless.

Carvone content. Not less than 85 percent by weight.
Refractive index at 20° C. 1.4930 to 1.4980.
Specific gravity at 25°/25° C. 0.949 to 0.956.
Odor. Characteristic odor.

§ 21.128 Spike lavender oil, natural.

Alcohol content (as borneol). Not les than 30 percent by weight.
Esters (as bornyl acetate). Not less than 1.5 percent by weight.
Refractive index at 20° C. 1.4630 to 1.4680.
Specific gravity at 25°/25° C. 0.893 to 0.909.
Odor. Characteristic odor.

§ 21.129 Sucrose octaacetate.

Sucrose octaacetate is an organic acetylation product occurring as a white or cream-colored power having an intensely bitter taste.

Free acid (as acetic acid). Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml of neutralized ethyl alcohol (or S.D.A. No. 3–A or No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

Percent acid as acetic acid = ml NaOH used × 0.6/weight of sample.

Insoluble matter. 0.30 percent by weight maximum.

Melting point. Not less than 78.0° C.

Purity. Sucrose actaacetate 98 percent minimum by weight when determined by the following procedure: Transfer a weighed 1.50 gram sample to a 500 ml Erlenmeyer flask containing 100 ml of neutral ethyl alcohol (or S.D.A. No. 3–A or No. 30) and exactly 50.0 ml of 0.5 N sodium hydroxide. Reflux for 1 hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

Percent sucrose octaacetate = (ml NaOH − ml H_2SO_4) × 4.2412/weight of sample.

§ 21.130 Toluene.

Distillation range (applicable A.S.T.M. method). When 100 ml of toluene are distilled by this method, not more than 1 ml should distill below 109° C, and not less than 99 ml below 112° C.

Boiling point. 110.6° ± 1° C.
Odor. Characteristic odor.
Specific gravity at 15.56°/15.56° C. 0.869 to 0.873.

§ 21.131 Vinegar.

(a) *Vinegar, 90-grain:*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

(b) *Vinegar, 60-grain:*

Acidity (as acetic acid). 6.0 percent by weight, minimum.

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

§ 21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

This section lists, alphabetically by product or process, formulas of specially denatured alcohol authorized for use in those products or processes, and lists the code numbers assigned thereto. Specially denatured rum, as well as specially denatured alcohol, may be used in tobacco sprays and flavors, Code No. 460, under Formula No. 4.

Uses of Specially Denatured Alcohol [1]

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	29, 35-A.
Adhesives and binders	036	1, 3-A, 12-A, 23-A, 30.
Aldehydes, miscellaneous.	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Animal feed supplements.	910	35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted).	220	46.
Antiseptic solutions, U.S.P. or N.F.	244	23-A, 37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Bay rum	112	23-A, 37, 38-B, 39, 39-B, 39-D, 40, 40-A, 40-B, 40-C.
Biocides, miscellaneous	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Blood and blood products (processing).	345	1, 3-A, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A.
Candy glazes	015	13-A, 23-A, 35, 35-A, 45.
Cellulose coatings	011	1, 3-A, 23-A, 30.
Cellulose compounds (dehydration).	311	1, 2-B, 3-A, 32.
Cellulose intermediates	034	1, 3-A, 13-A, 19, 23-A, 32.
Chemicals (miscellaneous).	579	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32, 38.
Cleaning solutions	450	1, 3-A, 23-A, 23-H, 30, 36, 39-B, 40, 40-A, 40-B, 40-C.
Coatings, miscellaneous	016	1, 3-A, 23-A.
Collodions, industrial	034	1, 3-A, 13-A, 19, 23-A, 32.
Collodion, U.S.P.	241	13-A, 19, 32.
Colognes	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Crude drugs (processing).	341	1, 2-B, 3-A, 23-A, 30.
Cutting oils	730	1, 3-A.
Dehydration products, miscellaneous.	315	1, 2-B, 3-A.

Uses of Specially Denatured Alcohol [1]— Continued

Product or process	Code No.	Formulas authorized
Dentifrices	131	31-A, 37, 38-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Detergents, household	450	1, 3-A, 23-A, 23-H, 30, 36, 39-B, 40, 40-A, 40-B, 40-C.
Detergents, industrial	440	1, 3-A, 23-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Drugs and medicinal chemicals.	575	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing).	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A, 38-B.
Duplicating fluids	485	1, 3-A, 30.
Dyes and intermediates	549	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Dyes and intermediates (processing).	351	1, 2-B, 3-A, 12-A.
Dye solutions, miscellaneous.	482	1, 3-A, 23-A, 30.
Embalming fluids, etc	420	1, 3-A, 22, 23-A.
Esters, ethyl (miscellaneous).	523	1, 2-B, 2-C, 6-B, 12-A, 13-A, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 39, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	521	1, 2-B, 29, 35-A.
Ethylamines	530	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dihromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A.
External pharmaceuticals, not U.S.P. or N.F.	210	23-A, 23-F, 23-H, 27-A, 27-B, 36, 37, 38-B, 38-F, 39-B, 40, 40-A, 40-B, 40-C.
External pharmaceuticals, miscellaneous, U.S.P. or N.F.	249	23-A, 25, 25-A, 38-B.
Fluid uses, miscellaneous.	750	1, 3-A, 23-A, 30.
Food products, miscellaneous (processing).	332	1, 2-B, 3-A, 13-A, 23-A, 30, 32, 35-A.
Fuel uses, miscellaneous.	630	1, 3-A, 28-A.
Fuels, airplane and supplementary.	612	1, 3-A, 28-A.
Fuels, automobile and supplementary.	611	1, 3-A, 28-A.
Fuels, proprietary heating.	620	1, 3-A, 28-A.
Fuels, rocket and jet	613	1, 3-A, 28-A.
Fungicides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Glandular products (processing).	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations.	111	3-B, 23-A, 23-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A, 40-B, 40-C.
Hormones (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Inks	052	1, 3-A, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Iodine solutions (including U.S.P. and N.F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale).	811	3-A, 30.
Laboratory uses, general (own use only).	810	3-A, 30.
Lacquer thinners	042	1, 23-A.
Liniments, U.S.P. or N.F.	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand).	113	23-A, 23-H, 31-A, 37, 38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Medicinal chemicals (processing).	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Miscellaneous chemicals (processing).	358	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing).	359	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes	132	37, 38-B, 38-C, 38-D, 38-F.
Organo-Silicone products.	576	2-B, 3-A, 30.
Pectin (processing)	331	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Perfume materials (processing).	352	1, 2-B, 3-A, 12-A, 13-A, 30.
Perfumes and perfume tinctures.	121	38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Petroleum products	320	1, 2-B, 3-A.
Photoengraving dyes and solutions.	481	1, 3-A, 13-A, 30, 32.
Photographic chemicals (processing).	353	1, 2-B, 3-A, 13-A, 30.
Photographic film and emulsions.	031	1, 2-B, 3-A, 13-A, 19, 30, 32.
Pill and tablet manufacture.	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A, 38-B.
Plastics, cellulose	021	1, 2-B, 3-A, 12-A, 13-A, 30.
Plastics, non-cellulose (including resins).	022	1, 2-B, 3-A, 12-A, 13-A, 30.
Polishes	051	1, 3-A, 30.
Preserving solutions	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Product development and pilot plant (own use only).	812	All formulas.
Proprietary solvents (standard formulas).	041	1.
Refrigrating uses	740	1, 3-A, 23-A, 30.
Resin coatings, natural	014	1, 23-A.
Resin coatings, synthetic.	012	1, 3-A, 23-A, 30.
Resins, synthetic	590	3-A, 29, 30, 35-A.
Room deodorants	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Rosin (processing)	354	1, 3-A, 12-A.
Rotogravure dyes and solutions.	481	1, 3-A, 13-A, 30, 32.
Rubber (latex) (processing).	355	1, 3-A.
Rubber, synthetic	580	29, 32.
Rubbing alcohol	220	23-H.
Scientific instruments	710	1, 3-A.
Shampoos	141	1, 3-A, 3-B, 23-A, 27-B, 31-A, 36, 38-B, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Shellac coatings	013	1, 23-A.
Soaps, industrial	440	1, 3-A, 23-A, 30.
Soaps, toilet	142	1, 3-A, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Sodium ethylate, anhydrous (restricted).	524	2-B.
Sodium hydrosulfite (dehydration).	312	1, 2-B, 3-A.
Soldering flux	035	1, 3-A, 23-A, 30.
Solutions, miscellaneous	485	1, 3-A, 23-A, 30, 40-C.
Solvents and thinners (other than proprietary solvents or special industrial solvents).	042	1, 23-A, 30.
Solvents, special industrial (restricted sale).	043	1, 3-A.
Stains (wood)	053	1, 3-A, 23-A, 30.
Sterilizing solutions	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Theater sprays	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Tobacco sprays and flavors.	460	4.
Toilet waters	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Transparent sheetings	032	1, 2-B, 3-A, 13-A, 23-A.
Unclassified uses[2]	900	1, 3-A.
Vaccine (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vinegar	511	18, 29, 35-A.
Vitamins (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Xanthates	573	1, 2-B, 29.
Yeast (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.

[1] Other products or processes may be authorized by the Chief, Chemical Branch, under § 21.31(c).

[2] Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on ATF Form 5150.19.

Subpart G—Denaturants Authorized for Denatured Spirits

§ 21.151 List of denaturants authorized for denatured spirits.

Following is an alphabetical listing of denaturants authorized for use in denatured spirits:

Denaturants Authorized for Completely Denatured Alcohol (C.D.A), Specially Denatured Alcohol (S.D.A.), and Specially Denatured Rum (S.D.R.)

Acetaldehyde	S.D.A. 29.
Acetone, U.S.P.	S.D.A. 23-A, 23-H.
Acetaldol	C.D.A. 18.
Almond oil, bitter, N.F.X.	S.D.A. 38-B.
Ammonia, aqueous	S.D.A. 36.
Ammonia solution, strong, N.F.	S.D.A. 36.
Anethole, N.F.	S.D.A. 38-B.
Anise oil, N.F.	S.D.A. 38-B.
Bay oil (myrcia oil), N.F.XI	S.D.A. 23-F, 38-B, 39-D.
Benzaldehyde, N.F.	S.D.A. 38-B.
Benzene	S.D.A. 2-B, 2-C, 12-A.
Bergamot oil, N.F.XI	S.D.A. 23-F, 38-B.
Bone oil (Dippie's oil)	S.D.A. 17.
Boric Acid, N.F.	S.D.A. 38-F.
Brucine alkaloid	S.D.A. 40.
Brucine sulfate, N.F.IX	S.D.A. 40.
n-Butyl alcohol	S.D.A. 44.
tert-Butyl alcohol	S.D.A. 39, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Camphor, U.S.P.	S.D.A. 27, 27-A, 38-B.
Caustic soda, liquid	S.D.A. 36.
Cedar leaf oil, U.S.P.XIII	S.D.A. 38-B.
Chloroform	S.D.A. 20.
Chlorothymol, N.F.XII	S.D.A. 38-B, 38-F.
Cinchonidine	S.D.A. 39-A.
Cinchonidine sulfate, N.F.IX	S.D.A. 39-A.
Cinnamic aldehyde (cinnamaldehyde), N.F.IX.	S.D.A. 38-B.
Cinnamon oil, N.F.	S.D.A. 38-B.
Citronella oil, natural	S.D.A. 38-B.
Clove oil, N.F.	S.D.A. 27-A, 38-B.
Coal tar, U.S.P.	S.D.A. 38-B.
Denatonium benzoate, N.F. (BITREX).	S.D.A. 1, 40-B.
Diethyl phthalate	S.D.A. 39-B, 39-C.
Ethyl acetate	S.D.A. 29, 35, 35-A.
Ethyl ether	S.D.A. 13-A, 19, 32.
Eucalyptol, N.F.XII	S.D.A. 37, 38-B.
Eucalyptus oil, N.F.	S.D.A. 38-B.
Eugenol U.S.P.	S.D.A. 38-B.
Formaldehyde solution, U.S.P.	S.D.A. 22, 38-C, 38-D.
Gasoline	C.D.A. 18, 19; S.D.A. 28-A.
Gasoline, unleaded	C.D.A. 18, 19, 20; S.D.A. 28-A.

Denaturants Authorized for Completely Denatured Alcohol (C.D.A), Specially Denatured Alcohol (S.D.A.), and Specially Denatured Rum (S.D.R.)—Continued

Gentian violet (methyl violet, methylrosaniline chloride).	S.D.A. 33.
Glycerin (Glycerol), U.S.P.	S.D.A. 31–A.
Green soap, N.F. (medicinal soft soap (U.S.P.XVI).	S.D.A. 27–B.
Guaiacol, N.F.X.	S.D.A. 38–B.
Heptane	C.D.A. 18, 19; S.D.A. 26–A.
Hydrochloric acid, U.S.P.	S.D.A. 38–F.
Iodine, U.S.P.	S.D.A. 25, 25–A.
Kerosene	C.D.A. 18, 19, 20.
Kerosene (deodorized)	C.D.A. 18, 19, 20.
Lavender oil, N.F.	S.D.A. 27–B, 38–B.
Menthol, U.S.P.	S.D.A. 37, 38–B, 38–C, 38–D, 38–F.
Mercuric iodide, red, N.F.XI.	S.D.A. 42.
Methyl alcohol	S.D.A. 1, 3–A, 30.
Methylene blue, U.S.P.	S.D.A. 4; S.D.R. 4.
Methyl isobutyl ketone	C.D.A. 18, 19; S.D.A. 1, 23–H.
Methyl *n*-butyl ketone	C.D.A. 18, 19; S.D.A. 1.
Methyl salicylate, N.F.	S.D.A. 38–B, 46.
Mustard oil, volatile (allyl isothiocyanate), U.S.P.XII.	S.D.A. 38–B.
Nicotine solution	S.D.A. 4; S.D.R. 4.
Nitropropane, mixed isomers of.	C.D.A. 18, 19; S.D.A. 1.
Peppermint oil, N.F.	S.D.A. 38–B.
Phenol, U.S.P.	S.D.A. 38–B, 46.
Phenyl mercuric benzoate	S.D.A. 42.
Phenyl mercuric choloride, N.F.IX.	S.D.A. 42.
Phenyl mercuric nitrate, N.F.	S.D.A. 42.
Phenyl salicylate (salol), N.F.XI.	S.D.A. 38–B.
Pine needle oil, dwarf, N.F.	S.D.A. 38–B.
Pine oil, N.F.	S.D.A. 38–B.
Pine tar, U.S.P.	S.D.A. 3–B.
Polysorbate 60, N.F.	S.D.A. 38–F.
Potassium iodide, U.S.P.	S.D.A. 25, 25–A, 42.
Pyridine bases	S.D.A. 6–B.
Pyronate	C.D.A. 18.
Quassia, fluid extract, N.F.VII.	S.D.A. 39.
Quassin	S.D.A. 40.
Quinine, N.F.X.	S.D.A. 39–A.
Quinine bisulfate, N.F.XI.	S.D.A. 39–A, 39–D.
Quinine dihydrochloride, N.F.XI.	S.D.A. 39–A.
Quinine sulfate, U.S.P.	S.D.A. 39–D.
Resorcinol (Resorcin), U.S.P.	S.D.A. 23–F.
Rosemary oil, N.F.XII.	S.D.A. 27, 38–B.
Rubber hydrocarbon solvent	C.D.A. 18, 19, 20; S.D.A. 2–B, 2–C, 28–A.
Safrole	S.D.A. 38–B.
Salicylic acid, U.S.P.	S.D.A. 23–F, 39.
Sassafras oil, N.F.XI.	S.D.A. 38–B.
Shellac (refined)	S.D.A. 45.
Soap, hard, N.F.XI.	S.D.A. 31–A.
Sodium iodide, U.S.P.	S.D.A. 25, 25–A.
Sodium, metallic	S.D.A. 2–C.
Sodium salicylate, N.F.XIV	S.D.A. 39, 39–D.
Spearmint oil, N.F.	S.D.A. 38–B.
Spearmint oil, terpeneless	S.D.A. 38–B.
Spike lavender oil, natural	S.D.A. 38–B.
Storax, U.S.P.	S.D.A. 38–B.
Sucrose octaacetate	S.D.A. 40–A.
Thimerosal, U.S.P.	S.D.A. 42.
Thyme oil, N.F.XII	S.D.A. 38–B.
Thymol, N.F.	S.D.A. 37, 38–B, 38–F.
Tolu balsam, U.S.P.	S.D.A. 38–B.
Toluene	S.D.A. 2–B, 2–C, 12–A.
Turpentine oil, N.F.XI.	S.D.A. 38–B.
Vinegar	S.D.A. 18.
Zinc chloride, U.S.P.	S.D.A. 38–F.

Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

§ 21.161 Weights and specific gravities of specially denatured alcohol.

The weight of one gallon of each formula of specially denatured alcohol at 15.56° C. (60° F.) is as listed in this section. The specific gravity of each formula of specially denatured alcohol at 15.56° C./15.56° C. (60° F./60° F.) in air is as listed in this section. (Weight of 1 gallon of water at 15.56° C. (60° F.) is 8.32823 pounds in air.)

Weights and Specific Gravities of Specially Denatured Alcohol [1]

[Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 190 proof determined experimentally in air. Other values calculated from these gravities.]

S.D.A formula No.	Finished formula (gals.)	190 proof Wt./gal. in air (lb.)	190 proof Sp. gr. in air	192 proof Wt./gal. in air (lb.)	192 proof Sp. gr. in air	200 proof Wt./gal. in air (lb.)	200 proof Sp. gr. in air
1	105.0	6.788	0.8150	6.756	0.8112	6.611	0.7939
2–B	100.5	6.795	.8159	6.762	.8119	6.612	.7939
2–C	99.5					6.959	.8356
3–A	105.0	6.785	.8149	6.753	.8111	6.609	.7938
3–B	101.0	6.810	.8177	6.777	.8137	6.627	.7957
4	100.8	6.823	.8193	6.791	.8154	6.640	.7973
6–B	100.5	6.801	.8166	6.768	.8127	6.618	.7947
12–A	105.0	6.820	.8189	6.789	.8152	6.645	.7979
13–A	109.7	6.740	.8093	6.710	.8057	6.572	.7891
17	100.05	6.795	.8159	6.762	.8119	6.611	.7938
18	195.4	7.802	.9368	7.785	.9348	7.708	.9255
19	197.9	6.468	.7766	6.452	.7747	6.375	.7655
20	104.9	7.062	.8480	7.030	.8441	6.886	.8268
22	109.5	7.037	.8450	7.007	.8414	6.868	.8247
23–A	107.9	6.788	.8151	6.756	.8115	6.619	.7948
23–F	101.5	6.808	.8175	6.776	.8136	6.627	.7957
23–H	109.45	6.785	.8147	6.755	.8111	6.617	.7946
25	100.9	7.080	.8501	7.047	.8462	6.897	.8282
25[2]	100.9	7.063	.8505	7.050	.8465	6.900	.8285
25–A	102.5	7.119	.8548	7.087	.8510	6.939	.8332
25–A[3]	102.5	7.117	.8546	7.085	.8507	6.938	.8331
27	104.7	6.846	.8220	6.814	.8182	6.670	.8009
27–A	105.2	6.867	.8245	6.835	.8207	6.692	.8035
27–B	112.0	7.027	.8438	6.996	.8403	6.862	.8239
28–A	101.0	6.786	.8148	6.753	.8109	6.603	.7929
29	100.76	6.808	.8175	6.775	.8135	6.624	.7954
30	110.0	6.785	.8147	6.755	.8111	6.617	.7945
31–A	111.5	7.167	.8606	7.138	.8571	7.002	.8408
32	104.8	6.769	.8128	6.737	.8089	6.593	.7916
33	102.9	6.893	.8277	6.861	.8238	6.714	.8062
35[2]	135.0	6.956	.8352	6.933	.8235	6.820	.8189
35[4]	129.75	6.963	.8361	6.937	.8330	6.820	.8189
35–A[3]	105.0	6.817	.8185	6.785	.8147	6.641	.7974
35–A[4]	104.25	6.826	.8196	6.794	.8158	6.649	.7984
36	102.7	6.837	.8209	6.804	.8170	6.657	.7993
37	100.9	6.794	.8158	6.762	.8119	6.612	.7939
38–B	101.3	6.804	.8170	6.772	.8131	6.822	.7951
38–C	102.6	6.832	.8203	6.800	.8165	6.652	.7987
38–D	102.7	6.863	.8241	6.830	.8201	6.662	.8023
38–F	100.9	6.828	.8199	6.796	.8160	6.646	.7980
39	102.0	6.867	.8245	6.834	.8206	6.686	.8028
39–A	100.5	6.810	.8177	6.777	.8137	6.627	.7957
39–B	102.7	6.857	.8233	6.825	.8195	6.677	.8017
39–C	101.0	6.819	.8188	6.792	.8155	6.642	.7975
39–D	101.3	6.819	.8188	6.787	.8149	6.637	.7969
40	100.1	6.795	.8159	6.762	.8119	6.611	.7938
40–A	100.2	6.798	.8163	6.765	.8123	6.613	.7941
40–B	100.1	6.794	.8158	6.761	.8118	6.610	.7937
40–C	103.0	6.788	.8151	6.756	.8112	6.609	.7936
42	100.0	6.797	.8161	6.764	.8122	6.613	.7941
44	100.0	6.790	.8153	6.760	.8117	6.622	.7951
45	129.8	7.545	.9060	7.520	.9030	7.403	.8889
46	100.1	6.805	.8171	6.772	.8131	6.621	.7950

[1] Where alternate denaturants are permitted, the above weights are based on the first denaturant or combination listed in the formula.
[2] With sodium iodide.
[3] Calculated on the basis of 85 percent ethyl acetate.
[4] Calculated on the basis of 100 percent ethyl acetate.

Signed: December 10, 1980.

G. R. Dickerson,
Director.

Approved: January 6, 1981.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-3158 Filed 1-28-81; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 81-012]

Anchorage Regulations; New London Harbor, Conn.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of Commander, U.S. Navy Submarine Squadron Two and the Southeastern Connecticut Chamber of Commerce, the Coast Guard is proposing to elimiate the naval anchorage restriction applying to Anchorage A in New London Harbor, Connecticut. This change is desired in order to increase the availability of general anchorage grounds in the harbor thereby reducing crowding in adjacent general anchorage. In addition, editorial changes are being made for clarity.

DATE: Comments must be received on or before March 16, 1981.

ADDRESS: Comments should be submitted to, and are available for examination from 8 A.M. to 4:30 P.M. Monday through Friday at the office of the Commander(mps), Third Coast Guard District, Building 108, Governors Island, New York 10004.

FOR FURTHER INFORMATION CONTACT: Commander Peter T. Muth, Project Manager, Chief, Port Safety Branch, Third Coast Guard District(mps), Building 108, Room 108, Governors Island, New York 10004, (212-668-7179). Normal working hours are indicated above.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include the writer's name and address, identify this notice (CCGD3-80-4A) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons wishing acknowledgement of their comments should include a stamped, self-addressed postcard. All comments received before expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander William St. J. Chubb, Port Safety Officer, Third Coast Guard District Port Safety Branch, and Lieutenant Robert Bruce, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulation

The proposed regulation will allow use of New London Harbor Anchorage A (33 CFR 110.147(a)) by non-naval vessels without a special permit from the Captain of the Port of New London. This is being proposed because the area is no longer needed as a designated naval anchorage, and because it will reduce congestion in the other harbor anchorage areas. The editorial change being made is to appropriately designate descriptive latitudes and longitudes as "north" and "west" respectively.

This regulation has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979) and determined not to be significant. A Draft Evaluation has been prepared and is available for public inspection during working hours at the Project Manager's addressed indicated above.

In consideration of the foregoing, it proposed that § 110.47 of Title 33 Code of Federal Regulations be amended to read as follows:

§ 110.147 New London Harbor, Conn.

(a) *The anchorage grounds—(1) Anchorage A.* In the Thames River east of Shaw Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (latitude 41°21'18" N., longitude 72°04'48" W.): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(2) *Anchorage B.* In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (latitude 41°18'59" N., longitude 72°05'25" W.): 002°, 2,460 yards; 009°, yards; 026°, 1,175 yards; and 008°, 1,075 yards.

(3) *Anchorage C.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards from New London Harbor Light, a point bearing 270°, 575 yards from New London Ledge Light (latitude 41°18'21" N., longitude 72°04'41" W.), and a point bearing 270°, 1,450 yards fron New London Ledge Light.

(4) *Anchorage D.* In Long Island Sound approximately two miles west-southwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London Ledge Light: 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(b) *The regulations*—(1) Anchorage A is for barges and small vessels drawing less than 12 feet.

(2) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g)(1))

Dated: December 16, 1980.

R. I. Price,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 81-3432 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-1740-7]

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Benzene Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 57 days and the end of the public comment period extended 57 days for the proposed national emission standard for benzene emissions from benzene storage vessels in response to a request from the American Petroleum Institute. This request expressed the need to complete their own exposure modeling, technical and economic analyses, and emission testing in order to evaluate EPA's data base and to provide additional information.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than May 8, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than April 1, 1981. The public hearing will be held on April 8, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than May 8, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-14, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

SUPPLEMENTARY INFORMATION: On December 12, 1980, EPA proposed in the **Federal Register** (45 FR 83952) a national emission standard for benzene emissions from benzene storage vessels. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: January 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-3309 Filed 1-28-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 61

[AD-FRL-1740-6]

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Ethylbenzene/Styrene Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 47 days and the end of the public comment period extended 54 days for the proposed national emission standard for benzene emissions from ethylbenzene/styrene plants in response to a request from Chemical Manufacturers Association. This request expressed the need to complete their own exposure modeling and technical and economic analyses in order to evaluate EPA's data base and to provide additional information.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than April 30, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than March 17, 1981. The public hearing will be held on March 24, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than April 30, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-49, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

SUPPLEMENTARY INFORMATION: On December 18, 1980, EPA proposed in the **Federal Register** (45 FR 83448) a national emission standard for benzene emissions from ethylbenzene/styrene plants. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: January 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-3308 Filed 1-28-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 61

[AD-FRL-1740-8]

National Emission Standards for Hazardous Air Pollutants; Benzene Fugitive Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 62 days and the end of the public comment period extended 63 days for the proposed national emission standard for benzene fugitive emissions in response to a request from the American Petroleum Institute. This

request expressed the need to complete their own exposure modeling and technical and economic analyses in order to evaluate EPA's data base and to provide additional information.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than June 8, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than April 28, 1981. The public hearing will be held on May 5, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than June 8, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–79–27, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5271.

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Administrator proposed in the **Federal Register** (46 FR 1165) a national emission standard for benzene fugitive emissions. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice revises the date of the public hearing and extends the end of the public comment period as discussed in the summary section of this preamble.

Dated: January 22, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-3310 Filed 1-28-81: 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-5-FRL 1741-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Utah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes to modify the nonattainment area boundaries for sulfur dioxide in Tooele County and for total suspended particulates in Davis, Salt Lake, Utah, and Weber Counties. These modifications were requested by the State on the basis of the most recent ambient monitoring or diffusion modeling estimates.

DATE: Written comments on the proposed action should be submitted on or before March 2, 1981.

ADDRESSES: Comments on the proposed redesignations should be submitted to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3471.

Copies of the materials submitted by the Governor of Utah and comments received on this proposal are available for public inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air and Hazardous Materials Division, 1860 Lincoln Street, Second Floor, Denver, Colorado 80295.

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

FOR FURTHER INFORMATION CONTACT: Marius J. Gedgaudas, Planning and Operations Section, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–6131.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (40 CFR 81.345), EPA published the nonattainment area designations for Utah. In that publication, along with other designations, Davis County was shown to be in violation of the secondary standard for total suspended particulates (TSP), Salt Lake, Utah, and Weber Counties were in violation of the primary standards for TSP and Tooele County was in violation of the primary standards for sulfur dioxide.

On March 11, 1980, the Governor of Utah submitted a SIP revision for TSP in Davis, Salt Lake and Weber Counties. Included in the revision was a request to change the nonattainment area boundaries in these counties on the basis of ambient monitoring or diffusion modeling conducted by the State. EPA has reviewed the boundaries proposed by Utah and believes that the modifications would result in a more accurate definition of the nonattainment areas in these counties.

On May 27, 1980, the Governor submitted a request to redesignate Tooele County as an attainment area for sulfur dioxide with the exception of a portion of the Oquirrh Mountains above the 5,600 foot contour and north of Middle Canyon. At EPA's request, the Governor submitted a map of the proposed nonattainment area on July 7, 1980. EPA has reviewed the proposed change to the nonattainment boundary and believes that the State's action is consistent with EPA's modeling estimates for the area.

On November 13, 1980, the Governor submitted a request to revise the boundaries of the TSP nonattainment area in Utah County. As with the other proposed redesignations for TSP, the revised boundaries were based on ambient monitoring or diffusion modeling conducted by the State. EPA believes that the requested revision is acceptable.

On the basis of its review, EPA is proposing to amend the TSP nonattainment area boundaries in Davis, Salt Lake, Utah and Weber Counties, and the SO_2 nonattainment area boundary in Tooele County. Maps showing the revised boundaries are available for public inspection at the addresses indicated above.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. § 605(b)) I hereby certify that the attached rule will not (if promulgated) have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This notice of proposed rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended (42 45C 7407).

Dated: January 21, 1981.

Roger L. Williams,

Regional Administrator.

[FR Doc. 81-3307 Filed 1-28-81: 8:45 am]

BILLING CODE 6560-38-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1068

Grantee Fiscal Responsibility and Auditing

AGENCY: Community Services Administration.

ACTION: Proposed amendment to a rule.

SUMMARY: The Community Services Administration (CSA), at the request of the Office of Management and Budget

(OMB) is temporarily implementing OMB Circular A–102, Attachment "P" as basic CSA audit policy for all private, non-profit Community Action Agencies (CAAs), until a similar provision of OMB Circular A–110 is published.

This type of audit is currently required of all state and local government grant recipients and sub-recipients by OMB Circular A–102, Attachment "P". The application of Attachment "P" is being extended by this regulation to private non-profit organizations as well. The audits shall be conducted in accordance with the Comptroller General's Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1972) and the General Accounting Office Guidelines for Financial and Compliance Audits of Federally Assisted Programs dated February 1980, as supplemented by OMB in the **Federal Register** dated August 18, 1980. CSA encourages grantees to apply these requirements to all non-Federal funding sources. Additional information will be forthcoming from the Office of the Inspector General, CSA.

DATE: CSA welcomes comments on this proposed rule. All comments received prior to March 30, 1981, will be considered.

Send all comments to: Mr. Herman Vaughn, Office of Regional Operations, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Vaughn, Office of Regional Operations, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506 Telephone Number: (202) 254–6410, Teletypewriter: (202) 254–6218.

SUPPLEMENTARY INFORMATION: CSA has determined that this is a significant regulation as defined in its regulation implementing Executive Order 12044.

The Office of Management and Budget will designate cognizant agencies for public CAAs at some future date.

Authority: Attached as Appendix A for public information is a reprint of the letter from OMB assigning cognizance to CSA. Sec. 602, 78 Stat 530; 42 U.S.C. 2942.

William W. Allison,

Acting Director.

45 CFR, Chapter X is proposed to be amended as follows:

PART 1068—GRANTEE FINANCIAL MANAGEMENT

Part 1068 is proposed to be amended by adding a new § 1068.42–11 to read as follows:

§ 1068.42–11 Required Organization Audit for Private Non-Profit Community Action Agencies (CAAs).

(a) *Cognizant Agency Designation.* The Office of Management and Budget (OMB) has designated the Community Services Administration (CSA) as the Cognizant Agency with responsibility for organization-wide audit authority (single audit approach) for private non-profit Community Action Agencies (CAAs). The OMB single audit requirements are established to insure that audits are made on an organization wide basis rather than on an individual grant basis.

(1) The audit will determine the following:

(i) That financial operations are conducted properly;

(ii) That the financial statements are presented fairly;

(iii) That the organization has complied with laws and regulations affecting the expenditure of funds;

(iv) That internal procedures have been established to meet the objectives of federally assisted programs;

(v) That financial reports to the Federal document contain accurate and reliable information.

(b) *Selection of Independent Auditors.* Community Action Agencies shall use existing procedures to arrange for independent audits, to prescribe the scope of audits, and to assure that the audits comply with these audit requirements. Where contracts and/or engagement letters are awarded to independent auditors for audit services, the contracts will make reference to OMB Circular A–102, Attachment "P" audit requirements. The CAAs should submit a copy of such contracts or engagement letters to the appropriate CSA Regional Auditor, Office of Inspector General.

(c) *Allowability of Audits by other Federal Agencies.* The provisions of OMB Circular A–102, Attachment "P" do not limit the authority of Federal agencies to make audits of grantee organizations. However, if independent audits are arranged for the CAAs and they meet all audit requirements, Federal agencies shall rely on them and any additional audit work shall build upon the work already done.

(d) *GAO Audit Standards.* In accordance with GAO standards for audits of federally assisted programs, any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants, audits will include, at a minimum, an examination of the systems of internal controls, compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of grantee organizations.

(e) *Audit Determinations.* (1) The independent auditors selected by the CAA will examine these systems to determine whether:

(i) There is effective control over and proper accounting for revenues, expenditures, assets, and liabilities.

(ii) The financial statements are presented fairly in accordance with generally accepted accounting principles.

(iii) The Federal financial reports (including financial status reports, cash reports, and claims for advances and reimbursements) contain accurate and reliable financial data, and are presented in accordance with the terms of applicable agreements, and in accordance with § 1050.70 of this chapter.

(iv) Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law and regulations that could have a material effect on the financial statements or on the awards tested.

(2)(i) In order to accomplish the purposes of these audit examinations as set forth, a representative number of charges to federal grant awards will be tested. The test shall be representative of:

(A) The universe of Federal awards received, and

(B) All cost categories that materially affect the award.

(ii) Determinations from these tests will show whether the charges:

(A) Are necessary and reasonable for the proper administration of the program;

(B) Conform to any limitations or exclusions in the award;

(C) Were given consistent accounting treatment and applied uniformaly to both federally assisted and other activities of the organization;

(D) Were not for application credits;

(E) Did not include costs properly chargeable to other federally assisted programs;

(F) Were properly recorded (i.e., correct amount, date) and supported by source documentation.

(G) Were approved in advance, if subject to prior approval in accordance with Circular A–122;

(H) Were incurred in accordance with competitive purchasing procedures, if covered by Attachment "O" of Part 1050, Subpart P, of this chapter;

(I) Were allocated equitably to benefiting activities, including non-Federal activities.

(3) Audits usually will be made annually.

(f) *Auditor's responsibilities.* (1) If the auditor becomes aware of irregularities (while performing his audit tasks) in the CAA, he shall promptly notify the CSA and the CAA management officials above the level of involvement. Irregularities include such matters as: conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

(2) The audit reports shall include the following:

(i) Financial statements, including footnotes, of the CAA.

(ii) The auditor's comments on the financial statements which should:

(A) Identify the statements examined and the period covered.

(B) Identify the various programs under which the organization received Federal funds, and the amounts of the awards received.

(C) State that the audit was accomplished in accordance with the General Accounting Office Standards for Audits of Governmental Organizations, Programs, Activities and Functions.

(D) Express an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.

(g) *Auditor's Comments.* (1) The auditor's comments on compliance and internal control should:

(i) Include comments on weakness in and non-compliance with the systems of internal control, separately identifying material weaknesses.

(ii) Identify the nature and impact of any noted instances of non-compliance with the terms of agreements and those provisions of Federal law and regulations that could have material effect on the financial statements and reports.

(iii) Contain an expression of positive assurance with respect to compliance with requirements for tested items, and negative assurance for untested items.

(2) Comments should be made by the auditor on the accuracy and completeness of financial reports and claims for advances or reimbursement to Federal Agencies.

(3) Comments should be made or corrective action taken or planned by the grantee.

(h) *Audit Work Papers.* (1) Audit work papers and reports shall be retained for a minimum of three years from the date of the audit report unless the auditor is notified in writing by the Cognizant Agency (CSA) of the need to extend the retention period. The audit work papers shall be made available to the Cognizant Agency or its designees, and the General Accounting Office of its designees.

(i) *CSA (Cognizant Agency) Responsibilities.* CSA will have the following responsibilities:

(1) Obtain or make quality assessment reviews of the work of non-Federal audit organizations, and provide the results to other interested audit agencies. If a non-Federal organization is responsible for audit agencies, a single quality assessment review should be arranged.

(2) Assure that all audit reports of grantees that affect federally assisted programs are received, reviewed and distributed to appropriate Federal audit officials. These federal audit officials are responsible for distributing audit reports to their program officials.

(3) Whenever significant inadequacies in an audit are disclosed the CAA will be advised and the auditor will be called upon to take corrective action. If corrective action is not taken, the CSA shall notify the CAA and Federal awarding agencies of the facts and its recommendation. Major inadequacies or repetitive substandard performance of independent auditors shall be referred to appropriate professional bodies.

(4) Assure that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of OMB Circular A-102, Attachment "P".

(5) Provide technical advice and act as a liaison between Federal agencies, independent auditors, and CAAs.

(6) Maintain a follow-up system on audit findings and investigative matters to assure that audit findings are resolved.

(7) Inform other affected audit agencies who, in turn, shall inform all appropriate officials in their agencies. State and local government, law enforcement and prosecuting authorities shall also be informed of irregularities within their jurisdiction.

(j) *Delegate Agency Requirements.* Grantees shall require their delegate agencies that are State and local governments or Indian Tribal governments to follow the audit requirements as outlined in paragraphs one (1) through eleven (11) of OMB Circular A-102, Attachment "P". Grantees shall ensure that the audit reports of their delegate agencies are received as required, and shall submit the reports to the Cognizant Agency (CSA). CSA will then carry out the responsibilities as outlined in paragraph (i) of this section.

(k) *Audit Performance Cost Allocation Plan.* (1) The purpose of this plan is to assess audit costs on a pro-rata basis to Federal agencies for single organizational audits. All grants-in-aid Federal agencies shall bear their fair share of the audit cost in making their agency contributions to the *Audit Performance Cost Allocation Plan* for private non-profit CAAs. The administration of audits, monitoring and follow-up, and the distribution of audit funds will then be directed by CSA.

(2) Audit cost allocation shall be made as a percentage of the total dollar amount of the CAA's Federal grant awards. Some of the methods used in financing audit costs are (i) budgeted line item expenditure, (ii) direct audit funding, (iii) reimbursable audit costs, and (iv) an audit cost drawing fund.

(3) Example of agency audit contribution to Audit Cost Allocation Plan based on Federal award of $450,000, with an audit cost of $40,000.

	Grant award	Percent of audit	ACA plan
HHS	$250,000	56	$22,400
HUD	150,000	33	13,200
CSA	50,000	11	4,400
Total	450,000		40,000

Appendix A

Executive Office of the President,
Office of Management and Budget,
Washington, D.C., December 8, 1980.

Mr. Richard J. Rios,
Director, Community Services Administration, Washington, D.C.

Dear Mr. Rios: The Community Services Administration is hereby designated the cognizant audit agency for single audits of private nonprofit community action agencies. CSA will implement the audit provisions of OMB Circular A-102 "Uniform requirements for grants to State an local governments," as the basic policy for this type of audit until OMB publishes similar provisions in Circular A-110.

This designation is based on discussions among members of our respective staffs.

Sincerely,

James T. McIntyre, Jr.,
Director.

[FR Doc. 81-3357 Filed 1-28-81; 8:45 am]
BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-632]

Overseas Communications Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; extension of filing periods.

SUMMARY: This document grants requests of international record carriers and the National Telecommunications and Information Administration for extension of comment and reply dates in C.C. Docket No. 80-632 on overseas communiations services. Extensions granted to permit parties to initiate and submit detailed economic studies regarding proposed rulemaking. Intended effect of action is to provide Commission with most complete record possible.

DATES: Comments now due on May 22, 1981. Replies due on June 19, 1981.

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

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202) 632-7265.

In the matter of Overseas Communications Services, CC Docket No. 80-632.

Adopted: January 21, 1981.

Released: January 23, 1981.

1. In this proceeding, the Commission is considering whether or not to change the 1964 policy decision in its *TAT-4* proceeding, 37 F.C.C. 1151 (1964), which created an overseas voice/record dichotomy. As a result of *TAT-4* AT&T has not been able to offer overseas record services (other than Dataphone), and international record carriers (IRCs) have not provided overseas voice services. The instituting order, FCC 80-585 (released October 28, 1980), established December 12, 1980, as the date for filing comments and January 16, 1981, as the date for replies. These dates were subsequently extended to January 16 for comments and February 20 for replies.

2. On January 6, 1981, RCA Global Communications, Inc. (RCAG) filed a motion to extend the time for comments to May 22, 1981. In support of its request, RCAG claims that the Commission proposes a fundamental restructuring of the overseas market and that a full assessment of the implications of the proposal cannot be completed within existing deadlines. RCAG states that the IRCs have retained a consultant to perform a thorough study and to compile economic and financial data, but the study cannot be completed before May 22, 1981. Because the record will not be meaningful without the study, and because a delay will not harm any cognizable public interest, RCAG concludes that a delay is necessary and desirable.

3. The National Telecommunications and Information Administration (NTIA) filed an answer in support of RCAG's motion. NTIA states that it, too, has commissioned a study of the overseas record market which will be completed in April 1981. It believes that the submission of this study would contribute greatly to the record and that it would be in the public interest to delay procedural dates until its study becomes available. No other responses have been filed.

4. We have decided to grant the requested extension and to establish new dates for comments and replies. There is little doubt that a decision by AT&T to enter the overseas record market would have a significant impact on the IRCs. Whether that impact benefits or harms the public interest is the crux of this proceeding. We therefore believe that the submission of two studies (the IRCs' and NTIA's) would assist the Commission in reaching an informed decision. We are particularly interested in NTIA's comments which promise to be impartial and helpful.

5. Accordingly, it is ordered that the date for all interested persons to file comments in C.C. Docket No. 80-632 is extended from January 16 to May 22, 1981, and that the date for filing replies is extended from February 20 to June 19, 1981.

6. This order is issued under § 0.291 of the Commission's rules on Delegations of Authority and is subject to review under § 1.115 of the rules on Practice and Procedure.

Federal Communications Commission.

Thomas J. Casey,

Deputy Chief, Operations, Common Carrier Bureau.

[FR Doc. 81-3387 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[Gen. Docket No. 78-391]

Improvements to UHF Television Reception; Order Consolidating and Extending Deadlines for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; consolidation and extension of comment and reply comment period.

SUMMARY: Action taken herein consolidates and extends deadlines for filing comments and reply comments for listed reports and associated *Further Notice of Inquiry and Notice of Proposed Rulemaking* in Docket 78-391 on improvements to UHF television reception.

DATE: Comments and reply comments must be filed on or before March 6, and April 17, 1981, respectively.

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

FOR FURTHER INFORMATION CONTACT: Philip Gieseler, Office of Plans and Policy, (202) 653-5940.

SUPPLEMENTARY INFORMATION:

Adopted: December 30, 1980.

Released: January 6, 1981.

1. On September 11, 1979, the Commission approved delegated authority to the Office of Plans and Policy to file the staff reports of the UHF Comparability Task Force in Docket 78-391, and to set deadlines for filing comments and reply comments for those reports.

2. With the issue of *Staff Report on Comparability for UHF Television: Final Report*, and the associated *Further Notice of Inquiry and Notice of Proposed Rulemaking*, comment and reply comment dates were set at January 5, 1981, and February 19, 1981, respectively.

3. With the subsequent issue of *Program to Improve UHF Television Reception*, prepared by the Georgia Institute of Technology, comment and reply comment dates were set at December 31, 1980 and January 30, 1981, respectively.

4. Several interested parties have requested extension of these deadlines.

5. We believe the requested extension of time is justified in order to provide sufficient time to respond to these reports.

6. In order to consolidate dates for these reports, and the just issued *Survey of Consumer Attitudes and Experience Regarding UHF Television*, by Louis Harris and Associates, we are setting a single comment and reply comment date for these four items in Docket 78-391.

7. Accordingly, it is ordered that the deadline for comments in the *Further Notice of Inquiry and Notice of Proposed Rulemaking* and the above mentioned reports be set for March 6, 1981, and reply comment date to April 17, 1981.

Section is taken pursuant to Section 4(i) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Douglas W. Webbink,

Deputy Chief, Office of Plans and Policy.

[FR Doc. 81-3372 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 87

[PR Docket No. 80-758; FCC 80-752]

Amendment of Rules To Implement Changes in Frequency Allotments for the Aeronautical Mobile (R) Services on a World-Wide Basis Which Were Adopted at the ITU World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Final Acts of the World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978, came into force on September 1, 1979, with the associated Frequency Allotment Plan coming into force on February 1, 1983. This Notice proposes the necessary change to the rules to implement the Frequency Allotment Plan by February 1, 1983.

DATES: Comments must be received on or before March 6, 1981, and Reply Comments must be received on or before March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 87 of the Rules to Implement Changes in Frequency Allotments for the Aeronautical Mobile (R) Services on a world-wide basis which were adopted at the ITU World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978, PR Docket No. 80-758.

Adopted: December 18, 1980.

Released: January 13, 1981.

By the Commission: Commissioners Quello and Jones absent.

1. The Final Acts of the World Administrative Radio Conference on the Aeronautical Mobile (R) service, Geneva, 1978 (ITU WARC, 1978) came into force September 1, 1979, and the Frequency Allotment Plan adopted in that conference will come into force on February 1, 1983.

2. The objective of the WARC-1978, was to adopt a new Frequency Allotment Plan for the Aeronautical Mobile (R) Service [1] for single sideband operation in the frequency band 2850 kHz to 17970 kHz. Appendix 27 of the Radio Regulations, which was adopted at the 1966 Aeronautical Conference, permitted Administrations to use single sideband by splitting the existing double sideband channel into two single sideband channels. The WARC-78 made the use of single sideband mandatory.

3. The WARC-78 made a number of other significant changes. A comparison of the present plan and the plan adopted at the WARC-78 is a follows:

Item	1966 plan	1978 plan
Number of MWARA's and Sub-Areas.	17	15
Number of RDARA's and Sub-Areas.	61	87
Number of VOLMET areas.	6	9
Number of World-Wide Allotment Areas.	0	5
Number of channels.	166 (DSB)	411 (SSB)
Number of allotments to MWARA's.	132 (16 pct)	177 (11.4 pct)
Number of allotments to RDARA's.	656 (80 pct)	1,230 (78.6 pct)
Number of allotments to VOLMET areas.	33 (4 pct)	49 (3.1 pct)
Number of allotments to World-Wide Areas.	None	108 (6.9 pct)
Total number of allotments.	821 (100 pct)	1,564 (100 pct)

Note.—The increase in the total number of allotments is not proportional to the increase in the number of channels. The increase in the size of many aeronautical areas reduced the sharing possibilities, and the allotment of of 54 channels to World-Wide Allotment Areas for long distance operational requirements contributed to this discrepancy between the number of allotments and the increase in the number of channels.

4. Many countries, including the United States, are converting their operation to single sideband. However, a large number of double sideband transmitters are still in use. The ITU is encouraging Administrations to divide the existing double sideband channels to convert their operations to single sideband at the earliest date but, not later than February 1, 1983. During the interim period, Administrations may permit the use of channels in the new plan provided no interference is caused to users under the existing plan. Accordingly, we proposed to amend our rules to implement the foregoing decisions of WARC-78 in the manner described in the Appendix.

5. WARC-78 also adopted a number of changes in the technical standards applicable to the use of frequencies in the 2850-17970 kHz bands. Therefore, we are proposing to amend our rules to incorporate those changes. A summary of those changes are:

a. The rules now express tolerances of frequency stability in percentages of the carrier frequency. We propose to amend the rules to reflect tolerances in terms of parts per million.

b. The authorized classes of emission for telegraphy in the Aeronautical Mobile (R) Service after February 1, 1983, will be A2H, A7J and A9J. A1 and F1 emissions will be permitted provided they will not cause harmful interference to A2H, A3J, A7J and A9J emissions. A7J and A9J are now permitted by our rules, we are proposing to add A2H as an authorized emission and to indicate the restrictions on A1 and F1.

c. The tolerance levels of emission outside the necessary bandwidth for stations in the Aeronautical Mobile (R) Service are defined in the WARC-78 for transmitters installed before and after February 1, 1983.

d. The modulation requirements would be amended to conform to WARC-78 by adding a separate requirement for aeronautical stations and by specifying the degree of suppression for full carrier to a level of 0 to 6 dB below peak envelope power. These requirements are now specified as 3 to 6 dB below peak envelope power.

6. The aeronautical enroute service in the United States, except in Alaska, is conducted on VHF. On September 7, 1962, the Commission released a Report and Order which prohibited the use of HF frequencies for enroute purposes within the continental U.S. (except Alaska) effective January 1, 1965. The frequencies contained in RDARA 11-B have not been used for enroute communications in the United States since January 1, 1965. In 1968, the Commission authorized some of the RDARA 11-B frequences for flight test stations for emergency and backup use when beyond the range of VHF communications and also authorized one frequency for emergency and backup communications for aircraft in support of offshore oil drilling operations. There is a continuing requirement for a complement of HF frequencies for flight test operations. Flight tests are conducted by

[1] Frequencies in any band allocated to the Aeronautical Mobile (R) Service are reserved for communications between aircraft and those aeronautical stations primarily concerned with safety and regularity of flight along national or international civil air routes.

manufactures over significant distances and variety of altitudes and environmental conditions which can only be achieved at remote distances from the ground test center. HF flight test frequencies are also requirement in developing on-board HF communications systems, including antennas, antenna couples and transceivers. The aircraft must be capable of operating in all intended functions without interference to the other on-board systems in order to pass the Federal Aviation Administration's air worthiness standards. These tests must be conducted under conditions identical to those encountered in scheduled operation of the aircraft. A complete complement of HF frequences are necessary for flight test purposes. The number of platforms and vessels engaged in offshore oil exploration has increased greatly and these operations are now being conducted at distances up to 150 nautical miles from the shore. Since these vessels and platforms are well beyond the range of VHF, it is necessary to provide them with adequate enroute frequencies in the HF band. We are proposing to assign frequencies from the new RDARA 11–B complement for these requirements.

7. There is a growing requirement for long distance (world-wide) communications between airline companies and their aircraft for operational control of their aircraft over extended areas which may include several RDARA's and/or MWARA's. WARC–78 recognized this problem and allotted frequencies for 5 new World-Wide Allotment Areas for this purpose. We are proposing a family of frequencies from those allotted to World-Wide Area II, which includes the North American continent and Hawaii, for assignment for long distance operational control. Additional frequencies may be required from other World-Wide Allotment Areas. This will be determined in light of the response to this Notice.

8. Regarding questions on matters covered in this document, contact Nicholas G. Bagnato, (202) 632–7175.

9. The proposed amendments to the rules, as set forth in the Appendix below, are issued pursuant to the authority contained in Section 4(i) and Sections 303(e), (f), (h) and (r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 6, 1981 and reply comments on or before March 23, 1981. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. Section 87.65(a) is revised to express the tolerance in parts per million in lieu of percentages.

§ 87.65 Frequency stability.

(a) Except as provided in paragraphs (c), (d), and (f) of this section, and § 87.81, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following tolerance of the assigned frequency in parts per million:

Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances in parts 10^6
(1) Band—10 to 535 kHz:	
Land stations	100
Mobile stations	200
Radionavigation stations	100
(2) Band—1605 to 4000 kHz:	
Fixed stations:	
Power 200 w or less	100
Power above 200 w	50
Land stations:	
Power 200 w or less	100
Power above 200 w	50
Mobile stations	100
(3) Band—4 to 29.7 MHz:	
Fixed stations:	
Power 500 w or less	50
Power above 500 w	15
Land stations:	
Power 500 w or less	100
Power above 500 w	50
Mobile stations	100
(4) Band—29.7 to 100 MHz:	
Fixed stations except operational fixed:	
Power 200 w or less	50
Power above 200 w	30
Operational fixed stations:	
73–74.6 MHz	50
72.0–73.0 Mhz and 75.4–7.0 MHz	5
Land stations:	
Power 15 w or less	50
Power above 15 w	20
Mobile stations:	
Power 5 w or less	100
Power above 5 w	50
Radionavigation stations	100
(5) Band—100 to 136 MHz:	
Land stations	[1] 20
Emergency locator transmitter test station	50
Mobile stations:	
Survival craft stations	50
Emergency locator stations	50
Aircraft and all other mobile stations	[2] 30
Radionavigation stations	50
(6) Band—136 to 470 MHz:	
Fixed stations:	
Power 50 w or less	50
Power above 50 w	20
Land stations	50
Mobile stations:	
Survival craft stations	50
Land mobile stations with power above 5 w	20
Aircraft and all other mobile stations	50
Radionavigation stations	50
(7) Band—470 to 960 MHz: All stations	100
(8) Band—960 to 1215 MHz:	
Land stations	20
Aircraft stations	100
(9) All stations on frequencies above 1215 MHz	100

[1] The tolerance shown is applicable to all types of transmitters first type accepted after January 1, 1974. Those types of transmitters meeting a tolerance of 50 parts in 10^6 which were type accepted before January 1, 1966, and those types of transmitters meeting a tolerance of 30 parts in 10^6 first type accepted during the period January 1, 1966, to January 1, 1974, may continue to operate, provided however, that stations using offset carrier techniques must comply with 20 parts in 10^6 tolerance.

[2] The tolerance shown in the Table is applicable to all types of transmitters first type accepted after January 1, 1974. Transmitters with 50 parts in 10^6 tolerance type accepted before January 1, 1974, may continue to be used until further notice.

* * * * *

2. The table and footnotes in § 87.67(b) are revised as follows:

§ 87.67 Types of emission.

* * * * *

(b) The emission normally available for assignment in the Aviation Services and the corresponding emission designators and authorized bandwidth are as follows:

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz kilohertz	Authorized bandwidth: Above 50 MHz kilohertz	Authorized bandwidth: Frequency deviation kilohertz
A1 [10]	0.1A1	0.25		
A2	2.1A2	2.74	50	
A2H [11]	([9])	([9])		
A3	6A3		[8] 50	
A3A [8]	2.8A3A [8]	3.0		
A3H [8]	.8A3H [8]	3.0		
A3J [8 11]	2.8A3J [8 11]	3.0		
A7J [11]	2.8A7J [11]	3.0		
A9	13A9 [8]		[8] 25	
A9	3.2A9 [7]		[7] 25	
A9J [11]	2.8A9J [11]	3.0		
F1 [10]	1.7F1	1.7		
F1 [10]	2.4F1	2.5		
F3 [8]	36F3		40	15
F3 [8]	16F3		20	5
F9 [8]	([1])		([1])	
P	([1])	([1])		

[1] To be specified on authorization.

[9] Each aeronautical enroute station authorized to use A3A and/or A3J emission shall render service to those aircraft stations which are equipped for double sideband (DSB) operation as well as those equipped for single sideband (SSB). Aircraft equipped for SSB operation shall use full carrier except when it is known that the receiving station is capable of receiving reduced or suppressed carrier emission and shall use full carrier upon receipt of request of any station using the same frequency. A3A, A3H, and A3J emissions will be authorized only below 25000 kHz. After February 1, 1983, only the classes of emission A2H, A3J, A7J and A9J will be authorized.

[10] The emission designator and authorized bandwidth will be designated when the specifications for selective calling (SELCAL) are developed.

[11] A1 and F1 emissions are permitted provided they do not cause harmful interference to classes of emission A2H, A3J, A7J and A9J. These emissions shall be close to or at the center of the channel.

(11) For single sideband emissions, except the class of emission A2H, the assigned frequency shall be at a value of 1400 Hz above the carrier frequency.

* * * * *

3. Section 87.71 is revised as follows:

§ 87.71 Emission limitations.

(a) When using transmissions other than single sideband (A3A, A3H, A3J), or frequency modulation (F9) in the frequency band 1435–1535 MHz, the mean power of the emission shall be attenuated below the mean output power of the transmitter as follows:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 dB.

(b) For aircraft transmitters types and for aeronautical station transmitters first installed before February 1, 1983, and using single sideband classes of emission A2H, A3H, A3J or A9J, the mean power of any emission shall be less than the mean power (Pm) of the transmitter as follows:

(1) On any frequency removed the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: at least 25 dB.

(2) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: at least 35 dB.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth:

(i) Aircraft station transmitters: 40 dB;

(ii) Aeronautical station transmitters: $43 + 10 \log_{10} Pm$ (watts) dB.

(c) For aircraft station transmitters first installed after February 1, 1983, and for aeronautical station transmitters in use as of February 1, 1983, and using single sideband classes of emission A2H, A3H, A7J or A9J, the peak envelope power (Pp) of any emission shall be less than the peak envelope power (Pp) of the transmitter as follows:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth: at least 30 dB.

(2) On any frequency removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth: at least 38 dB.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth:

(i) Aircraft transmitters: 43 dB:

(ii) Aeronautical station transmitters:

(A) For transmitter power up to and including 50 watts: $43 + 10 \log_{10} P_p$ (watts) dB; and

(B) For transmitter power more than 50 watts: at least 60 dB.

(d) For aircraft stations above 30 MHz and all ground stations the mean power of the emission on any frequency removed by more than 250 percent of the authorized bandwidth, except for telemetry in the band 1435–1535 MHz, shall be attenuated: $43 + 10 \log_{10} P_m$ (watts) dB.

(e) [1] When using frequency modulated transmissions (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth equal to or less than 1 MHz:

(1) On any frequency removed from the assigned frequency by more than 100 percent of the authorized bandwidth up to and including 100 percent of the authorized bandwidth plus 0.5 MHz: at least 60 dB or 25 dB below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(2) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth plus 0.5 MHz: at least $55 + 10 \log_{10} P_m$ (mean power in watts) dB when measured in a 3 kHz bandwidth.

(f) [1] When using frequency modulated transmission (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with a bandwidth greater than 1 MHz:

(1) On any frequencies removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 0.5 MHz up to and including 50 percent of the authorized bandwidth plus 1.0 MHz: 60 dB or 25 dB below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(2) On any frequencies removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 1.0 MHz: at least $55 + 10 \log_{10} P_m$ (mean power in watts) dB measured in a 3 kHz bandwidth.

(g) When an emission outside of the authorized bandwidth results in harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

4. In § 87.73, paragraphs (d) and (e) are revised as follows:

§ 87.73 Modulation requirements.

* * * * *

(d) In order to meet the requirements for type acceptance in the Aviation Services, a transmitter shall be capable of operation in both the following modes.

Carrier mode	Level N(dB) of the carrier with respect to peak envelope power
Full carrier (for example 0 > N >-6 A2H).	
Suppressed carrier (for example A3J).	Aircraft stations N<-26, Aeronautical stations N<-40.

(e) For single sideband emissions except for class A2H emission, the assigned frequency should be a value 1.4 KHz above the carrier (reference) frequency.

* * * * *

5. In § 87.195 new paragraphs (h) and (i) are added as follows:

§ 87.195 Frequencies available.

* * * * *

(h) The carrier frequencies 2878 kHz, 3019 kHz, 3434 kHz, 4672 kHz, 5463 kHz and 5508 kHz are available for aircraft operating in support of offshore drilling operations in open water areas beyond the range of VHF.

(i) The frequencies available to aeronautical stations listed in §§ 87.297, 87.301, 87.303, and 87.307.

Subpart E—Aeronautical Enroute Stations

* * * * *

6. In § 87.295 paragraphs (a) and (c) are revised as follows:

§ 87.295 Continental U.S. (excluding Alaska).

(a) The following frequencies are available for assignment to serve aircraft operating in support of offshore drilling operations in open water areas beyond the range of VHF propagation:

Carrier Frequency	
2878 kHz	4672 kHz
3019 kHz	5463 kHz
3434 kHz	5508 kHz

* * * * *

[1] The requirements of paragraphs (e) and (f) of this section shall apply to transmitters type accepted after January 1, 1977, and to all transmitters first installed after January 1, 1983.

(c) A telecommunications system of interconnected aeronautical enroute stations which provide communications over an area of air route(s) may employ offset carrier techniques limited to the discrete frequencies listed in paragraph (b) of this section. The carrier frequencies of the individual transmitters of such systems shall not be offset with respect to the authorized frequency by more than ± 8 kHz. Prior to the use of offset techniques, the Commission must be notified by letter as to the precise offset from the authorized frequency.

7. In § 87.297 paragraphs (a), (b) and (c) are revised as follows:

§ 87.297 Alaska.

(a) The following frequencies are available for assignment to aeronautical enroute stations in Alaska. The provisions of § 87.291(b) do not apply to stations operating on frequencies in accordance with this paragraph. Communication between two or more of these stations shall be limited to matters directly affecting the aircraft with which they are engaged. If these stations are located at an uncontroled landing area where there is an aeronautical advisory station, the enroute station shall not transmit information pertaining to the conditions of runway, wind conditions or weather information during the hours of operation of the aeronautical advisory station.

Frequencies Available

kHz	MHz
3449	131.5
4383.8 [1]	131.6
5472	131.8
5490	131.9

[1] The frequency 4383.8 kHz, maximum power 150 watts PEP, may be used by any station authorized under this part to communicate with any other station authorized in the State of Alaska for emergency communications. No airborne operations will be permitted on this frequency.

(b) The following frequencies are available for assignment to aeronautical enroute stations in Alaska, only when serving scheduled air carriers. In filing an application for use of these frequencies, the applicant must show that in addition to complying with the provisions of § 87.291 the station will provide communications only along the routes served by the scheduled operation of such carriers.

(1) Alaska Aleutian chain and feeders.

Frequencies Available

kHz

2911	8855
2956	10.066
5496	11.363
6580	

(2) Central and Southeast Alaska and feeders.

Frequencies Available

kHz

2875	6580
2911	6604
3470	8876
5484	11.357

(c) The following frequencies are shared with the Federal Aviation Administration and are available for licensing subject to the provisions of paragraph (b) of this section at locations where an applicant justifies the need for service not provided by the Government.

Frequencies Available

kHz

2866	5631

* * * * *

8. In § 87.301 paragraph (b) is revised as follows:

§ 87.301 West Indies.

* * * * *

(b) High frequencies available for assignment to serve domestic routes in U.S. possessions in the West Indies are:

kHz

3407	8876
5562	10,015
6673	

9. Section 87.303 is revised as follows:

§ 87.303 International high frequency service.

Frequencies available for assignment by the authority having jurisdiction over the respective international aeronautical stations on the Major World Air Route Areas (MWARA) as defined in the applicable international radio regulations and the International Civil Aviation Organization (ICAO) Assignment Plan are as follows:

(a) *Central East Pacific (CEP)*

Frequencies Available

kHz

2869 (3)	8843 (2)
3413 (3)	10,057 (2)
4657 (4)	11,282 (2)
5547 (3)	13,300 (2)
5574 (3)	17,904 (2)
6673 (4)	

(b) *Central West Pacific (CWP)*

Frequencies Available

kHz

2998 (3)	6562 (3)
3455 (4)	8903 (3)
4666 (3)	10,081 (4)
5652 (3)	11,384 (3)
5661 (4)	13,300 (2)
6532 (4)	17,904 (2)

(c) *North Pacific (NP)*

Frequencies Available

kHz

2932 (3)	10,048 (3)
5628 (3)	11,330 (4)
6655 (5)	13,300 (2)
6661 (4)	17,904 (2)

(d) *South Pacific (SP)*

Frequencies Available

kHz

3467 (3)	10,084 (4)
5559 (5)	11,327(5)
5643 (2)	13,300 (2)
8867 (3)	17,904 (2)

(e) *North Atlantic (NAT)*

Frequencies Available

kHz

2872 (4)	8825 (3)
2899 (3)	8831 (4)
2962 (2)	8864 (3)
2971 (3)	8879 (2)
3016 (3)	8891 (2)
3476 (4)	8906 (4)
4675 (3)	11,279 (3)
5598 (3)	11,309 (4)
5616 (3)	11,336 (4)
5649 (3)	13,291 (2)
6622 (4)	13,306 (2)
6628 (4)	17,946 (2)

(f) *Europe (EUR)*

Frequencies Available

kHz

3479 (2)	10,084 (2)
5661 (3)	13,288 (4)
6598 (3)	17,961 (3)

(g) *South America (SAM)*

Frequencies Available

kHz

2944 (3)	10,024 (3)
3479 (3)	10,096 (2)
4669 (3)	11,360 (2)
5526 (3)	13,297 (2)
6649 (3)	17,907 (2)
8855 (3)	

(h) *South Atlantic (SAT)*

Frequencies Available

kHz

2854 (3)	8861 (3)
2935 (4)	11,291 (3)
3452 (3)	13,315 (3)
5565 (2)	13,357 (2)
6535 (3)	17,955 (2)

(i) *Southeast Asia (SEA)*

Frequencies Available

kHz

3470 (3)	10,066 (3)
3485 (3)	11,396 (2)
5649 (3)	13,309 (2)
5655 (3)	13,318 (3)
6556 (3)	17,907 (2)
8942 (3)	

(j) *East Asia (EA)*

Frequencies Available	
kHz	
3016 (3)	10,042 (4)
3485 (4)	11,396 (5)
3491 (4)	13,297 (2)
5655 (4)	13,303 (5)
5670 (5)	13,309 (5)
6571 (3)	17,907 (2)
8897 (3)	

(k) *Middle East (MID)*

Frequencies Available	
kHz	
2944 (4)	6631 (4)
2992 (3)	8918 (3)
3467 (3)	8951 (4)
3473 (4)	10,018 (3)
4689 (4)	11,375 (4)
5658 (3)	13,288 (3)
5667 (3)	13,312 (3)
6625 (4)	17,961 (5)

(l) *Africa (AFI)*

Frequencies Available	
kHz	
2851 (3)	6574 (3)
2878 (3)	6673 (3)
3419 (3)	8894 (3)
3425 (3)	8903 (2)
3467 (3)	11,300 (2)
4657 (3)	11,330 (4)
5493 (3)	13,273 (3)
5652 (3)	13,288 (3)
5658 (3)	13,294 (3)
6559 (3)	17,961 (2)

(m) *Indian Ocean (INO)*

Frequencies Available	
kHz	
3476 (3)	13,306 (2)
5634 (2)	17,961 (2)
8879 (3)	

(n) *North Central Asia (NCA)*

Frequencies Available	
kHz	
3004 (3)	6592 (4)
3019 (3)	10,096 (2)
4678 (4)	13,303 (5)
5646 (3)	13,315 (4)
5664 (3)	17,958 (4)

(o) *Caribbean (CAR)*

Frequencies Available	
kHz	
2887 (3)	8846 (3)
3455 (3)	8916 (3)
5520 (3)	11,387 (2)
5550 (2)	11,396 (2)
6577 (3)	13,297 (2)
6586 (3)	17,907 (2)

Implementation schedule to discontinuing the existing frequency and implementing the new frequency:

(2) Indicates 0001 GMT February 18, 1982

(3) Indicates 0001 GMT February 1, 1983

(4) Indicates available for implementation on and after February 1, 1983

(5) Indicates available for implementation on and after February 18, 1982, but there is no defined requirement for implementation during the transition period.

§ 87.305 [Reserved]

10. Section 87.305 is removed and reserved.

11. Section 87.307 and its heading is revised to read as follows:

§ 87.307 Long distance operational control.

Long distance operational control communications is the communications required for the exercise of authority over the initiation, continuation, diversion or termination of a flight affecting the safety of the aircraft and the regularity and efficiency of a flight. Such assignments are to provide communications between an appropriate aeronautical station and an aircraft station anywhere in the world for exercising control over regularity of flight and station of aircraft. World-wide frequencies are not to be assigned by administrations for MWARA, RDARA and VOLMET purposes.

Frequencies Available	
kHz	
3013 (3)	10,075 (3)
3494 (4)	11,342 (3)
5529 (3)	11,348 (4)
5538 (4)	13,330 (4)
6637 (3)	13,348 (2)
6640 (3)	17,925 (2)
8933 (4)	21,964 (2)
10,033 (4)	

Subpart G—Flight Test Stations

12. In § 87.331 paragraph (c) is revised as follows:

§ 87.331 Frequencies available.

* * * * *

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft beyond the range of VHF propogation. Type A3H or A3J emission shall be employed. The carrier frequency in parentheses is 1.4 kHz below the assigned frequency.

kHz	
2852.4 (2851)	8823.4 (8822)
3005.4 (3004)	10,046.4 (10,045)
3444.4 (3443)	11,289.4 (11,388)
5452.4 (5451)	11,307.4 (11,306)
5470.4 (5469)	13,313.4 (13,312)
5572.4 (5571)	17,965.4 (17,964)
6551.4 (6550)	

* * * * *

[FR Doc. 81-3391 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 33

Disputes and Appeals; Availability and Request for Comment on Draft Federal Acquisition Regulation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract disputes and appeals.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before March 31, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Federal agency request must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 45 No. 125 June 26, 1980, p. 43236 for list.)

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

Part 33—Disputes and Appeals

This part prescribes policy and procedures for processing contract disputes and appeals. It is based on the requirements of the Contract Disputes

[1] Filed as part of original document with the office of the Federal Register.

Act of 1978, and is analogous to Defense Acquisition Regulation 1–314 and Federal Procurement Regulation Temporary Regulation 55.

Part 33 does not include any policy changes. It does, however, add significant policy and procedures from Section 6(c)(4) and (5) of the Act concerning the results of failure of the contracting officer to issue a decision within specified time periods.

The Disputes clause to be included in all contracts subject to the Act is based on the DAR and FPR Disputes clauses, but is not identical to either.

Dated: January 26, 1981.

William Maraist,

Assistant Administrator for Regulatory Policies and Practices.

[FR Doc. 81-3381 Filed 1-28-81; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice discusses the denial of a petition for rulemaking submitted by the Insurance Institute for Highway Safety last year. The petitioner requested that rulemaking be initiated to limit the speed setting capability of "cruise control" devices to 55 mph, the national speed limit. This notice is published in accordance with section 124 of the National Traffic and Motor Vehicle Safety Act which provides that the reasons for petition denials shall be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2715).

SUPPLEMENTARY INFORMATION: In a petition dated August 10, 1979, the Insurance Institute for Highway Safety (IIHS) requested that the agency initiate rulemaking to require that speed control systems (known also as "cruise control" devices) be limited to operating speeds of 55 mph. The petition stated that such a rule would "reduce the ease and convenience of sustained operation of vehicles at illegal speeds." The petition asked that the rule be applicable to both original equipment and aftermarket "cruise control" devices.

"Cruise controls" are typically offered as optional equipment on many cars as convenience items. These devices control the throttle fuel setting to maintain a constant speed without use of the vehicle's accelerator pedal and are intended to make driving less tiresome. The IIHS petition described the typical operating function of "cruise control" devices as follows:

1. The driver accelerates the vehicle to the desired cruising speed by means of the accelerator pedal (usually, this speed must be above some threshold speed in order to assure engagement of the speed control device).

2. At the desired speed, the driver engages the speed control device, which in turn causes a control unit to "record" the vehicle speed at that instant.

3. Whenever the vehicle speed drops below the recorded value, an actuator automatically advances the throttle through a tension member. Whenever the vehicle speed increases above the recorded value, the actuator automatically relaxes the tension on the throttle and allows the return spring to close the engine throttle and reduce power.

4. Whenever the vehicle operator uses the accelerator or brakes, it immediately disengages the speed control device and control of the vehicle is returned to the operator (some devices only release if the brakes are touched, and the system can be overriden by the accelerator).

IIHS argued that limiting the operating speeds of "cruise control" devices would reduce speeds and thereby save lives and prevent injuries, as well as reduce fuel consumption. The petition stated that savings would also result in the areas of tire life, engine wear, drive line wear, and oil consumption. IIHS believes that such a rule would encourage public compliance with the national speed limit of 55 mph.

The agency agrees that reduced highway speeds result in fewer fatalities and injuries and increased fuel conservation. However, the agency has no information or data available, nor did the IIHS provide any, which indicate that a limitation on the operating speeds of "cruise control" devices would actually result in a reduction of speed. These devices are optional equipment and do not have to be used even if they are installed in a vehicle. Thus, even if "cruise control" devices were limited to 55 mph, the vehicle operator could override the control to travel at higher speeds by use of the vehicle accelerator. Persons wishing to travel faster than 55 mph are not likely to be deterred by the fact that their automatic speed control system will not operate above that speed. Unfortunately, many persons whose vehicles do not have "cruise control" obviously travel faster than 55 mph.

Following an initial analysis of the petition, the agency requested that IIHS supply additional information regarding the probable effectiveness or measurable benefits of such a limitation on speed control systems. However, the IIHS response provided no additional material to convince the agency that action should be taken in this area. It is, at best, a matter of conjecture that a limitation on the operating speeds of "cruise control" devices would reduce speed. Further information and evidence is necessary before the agency could undertake rulemaking.

If data received by the agency in the future substantiates the IIHS position, rulemaking action in this area could be initiated at a later date. The NHTSA solicits any information interested persons may have on this subject. A 30-month study was recently initiated by the agency concerning the use of road-speed governors on heavy trucks and buses. These devices would limit the top speed capability of the vehicles. During the course of this research program, the agency will also look for information concerning the use of "cruise control" devices and for data indicating that these devices encourage higher speeds.

In consideration of the foregoing, the petition for rulemaking submitted by the Insurance Institute for Highway Safety is hereby denied.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec.106, Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Dated: January 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-3319 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1129

[Ex Parte No. 402]

Reasonably Expected Costs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulations that will define the term "reasonably expected costs" for use in the determination of surcharges on certain joint-line traffic. Section 217 of

the Staggers Rail Act of 1980 (Rail Act), 49 U.S.C. 10705a, mandated that the Commission complete a rulemaking to define "reasonably expected costs". The rules proposed in this notice have been developed in accordance with the intent of Congress and will enable the protestants to calculate the costs that are related to the line segment for which the surcharges will be filed.

DATES: Comments on the proposed rules are due on or before March 2, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Section of Rates, Room 5334, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: James Wells, (202) 275–0838 or Richard B. Felder, (202) 275–7693.

SUPPLEMENTAL INFORMATION: One of the major purposes of the Rail Act is to allow the railroad industry to increase its revenues on unprofitable or minimally profitable traffic. Increases resulting in rates below specified revenue/cost relationships are exempted from regulation altogether, and other increases can now be accomplished more easily and quickly. When dealing with single-line rates, the publishing carrier has total control of the rate and any changes in that rate. However, this is not true in the case of joint-line rates. In the past, before a rate of this type could be changed the concurrence of all participating railroads had to be obtained. In response to the problems created by this requirement, and in order to assure that railroads can more easily raise their share of revenue on certain joint rates, Section 217 of the Rail Act, 49 U.S.C. 10705a, allows a railroad to place surcharges on certin joint-line traffic. The surcharge would be added to that carrier's interline division of the joint rate. The Rail Act places certain limitations on the application of the surcharge and in addition places the burden of proof on the shipper to demonstrate that the surcharge does not meet the provisions of the Act, 49 U.S.C. 10705a (b)(3)(A) and (B).

One type of surcharge permitted by the Act is available for use only for rates that apply to light density lines. A surcharge may be filed by any railroad on line segments that do not originate or terminate more than one million gross ton miles of traffic per mile. A surcharge may also be applied to traffic originating or terminating on a line that does not generate more than three million gross ton miles of traffic per mile if it is operated by a railroad that is not earning adequate revenues as determined under 49 U.S.C. 10704(a)(2). These surcharges may be applied without Commission interference unless a shipper located on the line demonstrates that the surcharge would increase the carrier's share of the joint-line revenues above 110 percent of its variable cost of moving the traffic to or from the line segment, plus 100 percent of the carrier's reasonably expected costs of continuing to operate the segment itself.

The critical substantive requirement of the Rail Act in this area is that different cost standards be applied to moving traffic to or from the surcharged line, as opposed to the costs of the movement on the surcharged line itself. In imposing this requirement, the Rail Act follows the broad outline of previously established Rail Services Planning Office subsidy standards. Indeed, the Rail Act requires that the RSPO subsidy standards be used as interim rules. In this proceeding, we propose final standards similar in some ways to the RSPO subsidy standards, but with significant modifications to reflect the requirements of the Rail Act. These modifications, and the RSPO regulations currently in effect, are explained below.

The RSPO standards currently apply when subsidies are offered to keep in operation certain lines that would otherwise be abandoned. They distinguish between costs attributable to the segment (on-branch costs) and those associated with connecting lines of the railroad (off-branch cost). The RSPO regulations require that the subsidy cover only the variable off-line costs. In contrast, the subsidy must cover the full on-branch costs, on the theory that those costs could be avoided if the line were abandoned. Since RSPO standards are to be used until conclusion of this rulemaking, "reasonably expected costs"—which are those applying only to the line segment itself—will, until promulgation of final rules in this proceeding, be calculated at a full cost level. The RSPO standards are published at 49 C.F.R. 1121.

The Conference Report on the Rail Act provides the Commission with guidance as to specific items to be included in the definition of reasonably expected cost, to wit: (1) cost of capital, (2) normalized maintenance, and (3) the replacement cost of equipment. The Conference Report also states that shippers are not to be required to pay, over a short period of time, for extraordinary occurrences, such as bridge washouts, or landslides.

The repair costs for occurrences such as these are to be capitalized and depreciated over their normal useful life.[1]

The purpose of the surcharge provisions is to provide the railroad a quick and at least partial solution to the problem of obtaining minimally compensatory revenues on certain joint-line traffic that originates or terminates on lightly used branch lines. The Conference Report stated that the key to the success of the surcharge provisions is the ease with which they are implemented. At least in part for this reason, the burden of proof under this provision is on the shipper to prove that a surcharge does not conform to the statutory standards. In light of this, we propose that the railroads be permitted, in filing surcharges, simply to assert that revenues on the surcharged traffic do not now cover 110 percent of the variable cost and 100 percent of the reasonably expected costs and will not, after the surcharge, exceed those limits. No information or data need be submitted in support of these assertions unless the railroad wishes to do so. This is essentially the same practice now followed by the Commission with respect to other surcharges.

The Commission recognizes, however, that for a shipper to be able to prepare an effective protest, it must have access to the underlying data used by the railroad in deciding to file the surcharge and in determining its level. We believe that the present rules governing the right of discovery under 49 CFR 1100.55 are adequate to meet the shippers' needs in this regard. Only one clarification of the discovery procedures is necessary. The procedures require persons wishing to use discovery to seek Commission permission first. We proposed that the final decision in this case contain a blanket authorization to use discovery for the purposes discussed here. In addition, we advise the railroads that if they do not respond in a timely fashion to reasonable discovery requests the Commission will suspend the surcharge until the discovery proceedings are concluded and the shipper has an opportunity to make his case. Our discovery procedures provide for protective orders where unreasonable requests are made. We seek comment on these proposals.

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[1] While this treatment might appear detrimental to the railroad, we note that imposition of a surcharge does not preclude the railroad from filing an abandonment application or from continuing to operate the line segment under a subsidy agreement. Therefore, there are other courses of action available to the railroad if major repair expenses exist on a line and the railroad has good reason to believe those expenses cannot be recovered through higher rates over a period of time.

The proposed regulations require surcharging carriers to develop costs, where requested to do so by a protesting shipper, for maintenance of equipment, transportation, and general administration. There are certain prescribed procedures for the allocation of specific accounts. These allocation factors are the same as those currently contained in the RSPO subsidy regulations.

The investment base from which costs are developed for purposes of depreciation and return on value of locomotives and freight cars is the current replacement cost of the equipment. The Conference Report specifically notes that the current cost of equipment is to be used for calculating reasonably expected cost. The use of depreciated book value would not fully compensate a carrier for the equipment providing service on the line segment, as recognized by the Conferees, since book value and replacement costs would increasingly diverge as inflation continues. Therefore, we propose to adjust the book value for inflation and then depreciate it for purposes of calculating rate of return.

The rate of return that we propose to apply to the depreciated replacement cost of equipment is based on a current before tax basis. This approach recognizes the current cost of debt and equity capital, the effects of statutory income taxes, and the impact of inflation on debt instruments, equity investments, and the purchase cost of equipment. The rate of return for equipment is calculated using the current cost of equipment trust certificates or other instruments used to purchase equipment, the current rate for equity capital which an investor could be expected to require before investing money, the present capital structure of the railroad, and an estimated rate of inflation. (The debt cost for the return on investment in *road* property is based on all debt instruments issued by the railroad in the last 12 month period as is discussed further below.) The current cost of equity is adjusted, using the statutory tax rate, to obtain a before tax cost of equity capital. We propose no adjustment to the debt rate, since it is already on a before tax basis. The current cost of debt and equity capital are multiplied by the capital structure ratios of the surcharging carrier in order to calculate a weighted cost of capital. This amount is reduced by subtracting the annual rate of inflation estimated for the next year by the Council of Economic Advisors to develop the net cost of capital.[2] The depreciated replacement cost of the equipment is then multiplied by the net cost of capital rate to calculate the return on investment for equipment.

The replacement cost and rate of return concepts outlined here are at issue in Ex Parte No. 393, *Determination of Adequate Railroad Revenues*. Our rules in this proceeding will ultimately be made to conform in these regards to the decision in that proceeding. The Commission is also contemplating determining a real cost of capital appropriate for application to investments costed on a replacement basis in Ex Parte No. 393. If such determination is made in that case, it will be applied to surcharges under these rules, as well.

Our proposed method for valuation of properties considers not only their liquidation value, but also the market value for those materials with remaining railroad value. The liquidation value is net of all costs associated with dismantling and disposition of properties that have an alternate use. Market value is assessed in those instances when the assets of the line could be used on other portions of the serving carrier's system or be sold to another railroad. In situations such as these, the asset's resale value could exceed its scrap value. This could occur with rail or ties that can be relayed, with track materials that could be reused, and with crossing protection gates or mechanical devices that could be used elsewhere on the railroad.

The rate of return we propose to apply to railroad properties is based on the current, before tax cost of capital for the individual railroad filing the surcharge. As noted above, the cost of debt would be the rate of interest on debt instruments issued by the railroad in the most recent 12 month period. If no such instruments have been issued, the average rate for all railroads would be used. This approach is appropriate, we believe, since the surcharging railroad, by continuing operation of the affected line segment, foregoes the use of the funds it could realize from selling the physical assets in question, which could replace borrowing at current rates. The equity cost we propose is based on market data from organizations, including railroads, with similar risk characteristics, and would reflect the return that investors would expect to earn if they were to invest their money. This amount is increased by a provision for Federal income taxes at the statutory level. These elements are weighted by the debt and equity ratios of the surcharging railroad's capital structure to develop the weighted cost of capital on a before tax basis. However, valuing assets at their current market value, by definition, includes inflationary appreciations in their value. So, too, does the estimated cost of capital. Thus, as with the capital cost for equipment, an estimate of inflation should be deducted from the before tax cost of capital. This should be done as previously described. Again, the real cost of capital, if and when available pursuant to Ex Parte No. 393, will be used for surcharges proposed under these rules.

The Conference Report also required the use of a normalized maintenance figure. It is the Commission's view that the intent of this requirement is for the railroad to assess, as accurately as possible, the level of maintenance that would be applied to the line under a normalized cycle, assuming the railroad had adequate funds to perform maintenance work on the line. In fact, what this approach does is to generate the funds to accomplish this objective.

If track on the surcharged segment itself is below the minimum FRA track safety level, the regulations permit (but do not require) the railroad to rehabilitate the line to Class I (minimum) standards. The cost of such rehabilitation would be deemed "reasonably expected costs" of the line and could be allocated among shippers in the same way as are other costs. We do not believe that such costs constitute "extraordinary occurrences" which Congress prohibits the railroads from recouping from shippers over a short period of time. We seek comment on this issue. After rehabilitation is performed, then a normalized maintenance figure is still appropriate, and would be the amount necessary to maintain the track and roadbed at the rehabilitated level. In any event, normalized maintenance for structures would apply only to those structures necessary to the provision of service for traffic originating or terminating on the line segment.

The Conference Report also makes clear that our regulations are to assure that no shipper bears an unreasonable proportion of the reasonably expected costs of operating the line segment. To comply with this requirement, we propose that the reasonably expected cost of operating the line will be assigned to a given shipment based on the shipment's revenue gross ton miles on the line. This factor recognizes both the weight of the shipment and the

[2] The reduction for the estimated rate of inflation is necessary because both the cost of capital elements and the replacement cost of the equipment separately reflect the impact of inflation and would if unadjusted, overstate its effect.

distance that the shipment travels on the line. The proposed regulations would require the surcharging carrier to calculate a cost per revenue gross ton mile based on all shipments that originate or terminate on the line. This amount will be used to caluclate the reasonably expected costs for each shipment on the basis described above. The Commission believes that this is a fair and equitable basis for assigning the cost of operating the segment, but, of course, invites comment on this issue.

It does not appear that this decision will significantly affect the quality of human environment, or the conservation of energy resources. Comments on this subject are, however, invited.

This proposed rulemaking does not appear to have a negative impact on small businesses. Comments on this subject are, however, invited.

(49 U.S.C. 10705a)

Dated: January 21, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

Chapter X, Subchapter B of Title 49 of the Code of Federal Regulations would be amended by adding the following part:

PART 1129—REASONABLY EXPECTED COSTS

Sec.

1129.1 Purpose and scope.
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Authority: 49 U.S.C. 10705a.

§ 1129.1 Purpose and scope.

(a) 49 U.S.C. 10705a permits a railroad to publish a surcharge on its division of revenue for certain traffic moving under joint rates. A railroad may apply a surcharge to the traffic of (1) any line that originates or terminates less than 3 million gross ton miles of traffic per mile in the most recent calendar year if the railroad does not earn adequate revenues or (2) a line segment that carried less than 1 million gross ton miles of traffic per mile in the most recent calendar year even if the railroad is earning adequate revenues. Surcharges on these segments of traffic may be applied when the railroad's division of interline revenues is not adequate to cover 110 percent of the carrier's variable cost of moving the traffic to or from the line segment plus 100 percent of the carrier's reasonably expected costs of continuing to operate the line segment, which shall include all costs necessary to sustain service on the line.

(b) 49 U.S.C. 10705a directs the Commission to complete a proceeding that defines the term "reasonably expected costs" as used in this section.

§ 1129.2 Reasonably expected costs.

(a) *Definition:* The reasonably expected costs that are necessary to sustain service on a line segment shall be the total of the costs assigned to the segment in accordance with this section.

(b) *Cost Elements:* The costs assigned to the line segment shall be derived from the accounts included in this subsection prepared in accordance with the ICC's Uniform System of Accounts (49 CFR Part 1201). The amounts included under these accounts shall be the railroad's best estimate of its anticipated costs in these areas. For those accounts noted, the basis included in the note will be used to calculate the costs for these activities.

(1) *Maintenance of Equipment:* These costs are derived from the following accounts.

Operating expense group	Account No.
Locomotives	
Administration:	
Salaries and wages	11-21-01
Materials	21-21-01
Purchased services	41-21-01
Other Expenses	61-21-01
Repairs and maintenance (note 1):	
Salaries and wages	11-21-41
Materials	21-21-41
Repairs by others—DR	39-21-41
Repairs for others—CR	40-21-41
Purchased services	41-21-41
Other expenses	61-21-41
Machinery repair:	
Salaries and wages	11-21-40
Materials	21-21-40
Repairs by others—DR	39-21-40
Repairs for others—CR	40-21-40
Purchased services	41-21-40
Other expenses	61-21-40
Equipment damaged:	
Salaries and wages	11-21-48
Materials	21-21-48
Repairs by others—DR	39-21-48
Repairs for others—CR	40-21-48
Purchased services	41-21-48
Other expenses	61-21-48
Equipment damaged:	
Fringe benefits (note 2)	12-21-00
Other casualties and insurance:	
Other casualties	52-21-00
Insurance	53-21-00
Lease rentals—debit	31-21-00
Lease rentals—credit	32-21-00
Joint facility rent—debit	33-21-00
Joint facility rent—credit	34-21-00
Other rents—debit	35-21-00
Other rents—credit	36-21-00
Joint facility—debit	37-21-00
Joint facility—credit	38-21-00
Depreciation (note 3)	
Dismantling retired property:	
Salaries and wages	11-21-39
Materials	21-21-39
Purchased services	41-21-39
Other expenses	61-21-39
Other:	
Salaries and wages	11-21-99
Materials	21-21-99
Purchased services	41-21-99
Other expenses	61-21-99
Freight Cars	
Administration:	
Salaries and wages	11-21-01
Materials	21-22-01
Purchased services	41-22-01
Other expenses	61-22-01
Machinery repair:	
Salaries	11-22-40
Materials	21-22-40
Repairs by others—DR	39-22-40
Repairs for others—CR	40-22-40
Purchased services	41-22-40
Other expenses	61-22-40
Fringe benefits (note 2)	12-22-00
Equipment damage:	
Salaries and wages	11-22-48
Materials	21-22-48
Repairs by others—DR	39-22-48
Repairs for others—CR	40-22-48
Purchased services	41-22-48
Other expenses	61-22-48
Fringe benefits (note 2)	12-22-00
Other casualties and insurance:	
Other casualties	52-22-00
Insurance	53-22-00
Joint facility rent—DR	33-22-00
Joint facility rent—CR	34-22-00
Joint facility—DR	37-22-00
Joint facility—CR	38-22-00
Dismantling retired property:	
Salaries and wages	11-22-39
Materials	21-22-39
Purchased services	41-22-39
Other expenses	61-22-39
Other:	
Salaries and wages	11-22-99
Materials	21-22-99
Purchased services	41-22-99
Other expenses	61-22-99
Other Equipment	
Administration:	
Salaries and wages	11-23-01
Materials	21-23-01
Purchased services	41-23-01
Other expenses	61-23-01
Repair and Maintenance	
Trucks, trailers and containers—revenue service:	
Salaries and wages	11-23-43
Materials	21-23-43
Repairs by others—DR	39-23-43
Repairs for others—CR	40-23-43
Purchased services	41-23-43
Other expenses	61-23-43
Floating equipment—revenue service:	
Salaries and wages	11-23-44
Materials	21-23-44
Repairs by others—DR	39-23-44
Repairs for others—CR	40-23-44
Purchased services	41-23-44
Other expenses	61-23-44
Computer and data processing:	
Salaries and wages	11-23-46
Materials	21-23-46
Repairs by others—DR	39-23-46
Repairs for others—CR	40-23-46
Purchased services	41-23-46
Other expenses	61-23-46
Machinery:	
Salaries and wages	11-23-40
Materials	21-23-40
Repairs by others—DR	39-23-40
Repairs for others—CR	40-23-40
Purchased services	41-23-40
Other expenses	61-23-40
Work and other non-revenue equipment:	
Salaries and wages	11-23-47
Materials	21-23-47
Repairs by others—DR	39-23-47
Repairs for others—CR	40-23-47
Purchased services	41-23-47
Other expenses	61-23-47
Equipment damaged:	
Salaries and wages	11-23-19
Materials	21-23-19
Repairs by others—DR	39-23-19
Repairs for others—CR	40-23-19
Purchased services	41-23-43

Operating expense group	Account No.
Other expenses	61-23-19
Fringe benefits (note 2)	12-23-00
Other casualties and insurance:	
Other casualties	52-23-00
Insurance	53-23-00
Lease rentals—DR	31-23-00
Lease rentals—CR	32-23-00
Joint facility rent—DR	33-23-00
Joint facility rent—CR	34-23-00
Other rents—DR	35-23-00
Other rents—CR	36-23-00
Depreciation	62-23-00
Joint facility—DR	37-23-00
Joint facility—CR	38-23-00
Dismantling retired property:	
Salaries and wages	11-23-39
Materials	21-23-39
Purchased services	41-23-39
Other expenses	61-23-39
Other:	
Salaries and wages	11-23-99
Materials	21-23-99
Purchased services	41-23-99
Other expenses	61-23-99

(2) *Transportation:* These costs are derived from the following accounts.

Operating expense group	Account No.
Train Operations	
Adminstration:	
Salaries and wages	11-31-01
Materials	21-31-01
Purchased services	41-31-01
Other expenses	61-31-01
Engine crews:	
Salaries and wages (note 4)	11-31-56
Materials (note 5)	21-31-56
Purchased services	41-31-56
Other expenses	61-31-56
Train crews:	
Salaries and wages (note 4)	11-31-57
Materials (note 5)	21-31-57
Purchased services	41-31-57
Other expenses	61-31-57
Dispatching trains:	
Salaries and wages	11-31-58
Materials	21-31-58
Purchased services	41-31-58
Other expenses	61-31-58
Operating signals and interlockers:	
Salaries and wages	11-31-59
Materials	21-31-59
Purchased services	41-31-59
Other expenses	61-31-59
Operating drawbridges:	
Salaries and wages	11-31-60
Materials	21-31-60
Purchased services	41-31-60
Other expenses	61-31-60
Highway crossing protection:	
Salaries and wages	11-31-61
Materials	21-31-61
Purchased services	41-31-61
Other expenses	61-31-61
Train inspection and lubrication:	
Salaries and wages (note 4)	11-31-62
Materials (note 5)	21-31-62
Purchased services	41-31-62
Other expenses	61-31-62
Locomotive fuel:	
Salaries and wages	11-31-67
Materials	21-31-67
Purchased services	41-31-67
Other expenses	61-31-67
Electric power purchased or produced for motive power (note 7):	
Salaries and wages	11-31-68
Materials	21-31-68
Purchased services	41-31-68
Other expenses	61-31-68
Servicing locomotives:	
Salaries and wages (note 8)	11-31-69
Materials (note 8)	21-31-69
Purchased services (note 8)	41-31-69
Other expenses (note 8)	61-31-69
Freight lost or damaged—solely related	51-31-00
Clearing wrecks:	
Salaries and wages	11-31-63
Materials	21-31-63
Purchased services	41-31-63
Other expenses	61-31-63
Fringe benefits (note 9)	12-31-00
Other casualties and insurance:	
Other casualties	52-31-00
Insurance	53-31-00
Joint facility—DR	37-31-00
Joint facility—CR	38-31-00
Other:	
Salaries and wages	11-31-99
Materials	21-31-99
Purchased services	41-31-99
Other expenses	61-31-99
Yard Operations	
Administration:	
Salaries and wages	11-32-01
Materials	21-32-01
Purchased services	41-32-01
Other expenses	61-32-01
Switch crews:	
Salaries and wages (note 4)	11-32-64
Materials (note 10)	21-32-64
Purchased services	41-32-64
Other expenses	61-32-64
Controlling operations:	
Salaries and wages	11-32-65
Materials	21-32-65
Purchased services	41-32-65
Other expenses	61-32-65
Yard and terminal clerical:	
Salaries and wages	11-32-66
Materials	21-32-66
Purchased services	41-32-66
Other expenses	61-32-66
Operating switches, signals, retarders and humps	
Salaries and wages	11-32-59
Materials	21-32-59
Purchased services	41-32-59
Other expenses	61-32-59
Locomotive fuel (note 11):	
Salaries and wages	11-32-67
Materials	21-32-67
Purchased services	41-32-67
Other expenses	61-32-67
Electric power purchased or produced for motive power (note 12):	
Salaries and wages	11-32-68
Materials	21-32-68
Purchased services	41-32-68
Other expenses	61-32-68
Servicing locomotives:	
Salaries and wages (note 10)	11-32-69
Materials (note 10)	21-32-69
Purchases services (note 11:	41-32-69
Other expenses (note 10)	61-32-69
Freight loss or dmaged—solely related	51-32-00
Clearing wrecks:	
Salaries and wages	11-32-63
Materials	21-32-63
Purchased services	41-32-63
Other expenses	61-32-63
Fringe benefits (note 9)	12-32-00
Other casualties and insurance:	
Other casualties	52-32-00
Insurance	53-32-00
Joint facility—DR	37-32-00
Joint facility—CR	38-32-00
Other:	
Salaries and Wages	11-32-99
Materials	21-32-99
Purchased services	41-32-99
Other expenses	61-32-99
Train and Yard Operations Common	
Cleaning car interiors:	
Salaries and wages	11-33-70
Materials	21-33-70
Purchased services	41-33-70
Adjusting and transferring loads:	
Salaries and wages	11-33-71
Materials	21-33-71
Purchased services	41-33-71
Carloading devices and grain doors:	
Salaries and wages	11-33-72
Materials	21-33-72
Purchased services	41-33-72
Freight lost or damaged—all other	51-33-00
Fringe benefits (note 9)	12-33-00
Specialized Service Operations	
Administration:	
Salaries and wages	11-34-01
Materials	21-34-01
Purchased services	41-34-01
Other expenses	61-34-01
Pick-up and delivery, marine line haul, and rail substitute service:	
Salaries and wages	11-34-73
Materials	21-34-73
Purchased services	41-34-73
Other expenses	61-34-73
Loading and unloading and local marine:	
Salaries and wages	11-34-74
Materials	21-34-74
Purchased services	41-34-74
Other expenses	61-34-74
Protective services:	
Salaries and wages	11-34-75
Materials	21-34-75
Purchased services	41-34-75
Other expenses	61-34-75
Freight lost or damaged—solely related	51-34-00
Fringe benefits (note 9)	12-34-00
Casualties and insurance:	
Other casualties	52-34-00
Insurance	53-34-00
Joint facility—DR	37-34-00
Joint facility—CR	38-34-00
Other:	
Salaries and wages	11-34-99
Materials	21-34-99
Purchased services	41-34-99
Other expenses	61-34-99
Administrative Support Operations	
Administration:	
Salaries and wages	11-35-01
Materials	21-35-01
Purchased services	41-35-01
Other expenses	61-35-01
Employees performing clerical and accounting functions:	
Salaries and wages	11-35-76
Materials	21-35-76
Purchased services	41-35-76
Other expenses	61-35-76
Communication systems operation:	
Salaries and wages	11-35-77
Materials	21-35-77
Purchased services	41-35-77
Other expenses	61-35-77
Loss and damage claims processing:	
Salaries and wages (note 13)	11-35-78
Materials (note 13)	21-35-78
Purchased services (note 13)	41-35-78
Other expenses (note 13)	61-35-78
Fringe benefits (note 13)	12-35-00
Joint facility—DR	37-35-00
Joint facility—CR	38-35-00
Casualties and insurance:	
Other casualties	52-35-00
Insurance	53-35-00
Other:	
Salaries and wages	11-35-99
Materials	21-35-99
Purchased services	41-35-99
Other expenses	61-35-99

(3) *General Administration:* These costs are derived from the following accounts.

Operating Expense Group	Account No.
Officers—general administration:	
Salaries and wages	11-61-01
Materials	21-61-01
Purchased services	41-61-01
Other expenses	61-61-01
Accounting, auditing and finance:	
Salaries and wages	11-61-86
Materials	21-61-86
Purchased services	41-61-86
Other expenses	61-61-86
Management services and data processing:	
Salaries and wages	11-61-87
Materials	21-61-87
Purchased services	41-61-87
Other expenses	61-61-87
Marketing:	
Salaries and wages	11-61-88
Materials	21-61-88
Purchased services	41-61-88
Other expenses	61-61-88
Sales:	
Salaries and wages	11-61-89
Materials	21-61-89
Purchased services	41-61-89
Other expenses	61-61-89
Industrial development:	
Salaries and wages	11-61-90

Operating Expense Group	Account No.
Materials	21-61-90
Purchased services	41-61-90
Other expenses	61-61-90
Personnel and labor relations:	
Salaries and wages	11-61-91
Materials	21-61-91
Purchased services	41-61-91
Other expenses	61-61-91
Legal and secretarial:	
Salaries and wages	11-61-92
Materials	21-61-92
Purchased services	41-61-92
Other expenses	61-61-92
Public relations and advertising:	
Salaries and wages	11-61-93
Materials	21-61-93
Purchased services	41-61-93
Other expenses	61-61-93
Research and development:	
Salaries and wages	11-61-94
Materials	21-61-94
Purchased services	41-61-94
Other expenses	61-61-94
Fringe benefits (note 14)	12-61-00
Casualties and insurance:	
Other casualties	52-61-00
Insurance	53-61-00
Writedown of uncollectible accounts	63-61-00
Other taxes except on corporate income or payroll	65-61-00
Joint facility—DR	37-61-00
Joint facility—CR	38-61-00
Other:	
Salaries and wages	11-61-99
Materials	21-61-99
Purchased services	41-61-99
Other expenses	61-61-99

(4) *Deadheading, Taxi and Hotel Costs:* The costs assigned to the line segment under this subsection shall be the estimated costs incurred for deadheading, taxi, and hotel costs as a result of providing service to the line segment.

(5) *Freight Car Costs:* (i) For Class I railroads, the on-segment costs for time-mileage freight cars shall be calculated on the basis of applicant-carrier's average costs per day and per mile. The costs per day and per mile shall be calculated separately for each type of car specified in Ex Parte No. 334, *Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance with the [4R] Act.* These costs are derived from the following accounts:

Freight Car Costs per Day and per Mile

Operating expense group	Account No.
Repair and maintenance (note 15):	
Salaries and wages	11-22-42
Materials	21-22-42
Repairs by others-DR	39-22-42
Repairs for others-CR	40-22-42
Purchased services	41-22-42
Other expenses	61-22-42
Lease rentals-DR	31-22-00
Lease rentals-CR	32-22-00
Depreciation	
Other rents-DR	35-22-00
Other rents-CR	36-22-00

(ii) For Class II and III railroads, the on-segment costs for time-mileage and straight mileage freight cars shall be calculated in the same manner prescribed for Class I railroads, using the latest data available.

(6) *Locomotive Depreciation:* The depreciation cost for locomotives shall be calculated using the following procedure:

(i) The current replacement cost for each type of locomotive used to serve the line segment will be based on the most recent purchase of that particular type and size locomotive by the carrier or an amount quoted by the manufacturer.

(ii) The depreciation rate that will be applied to the replacement cost shall be the carrier's composite rate for locomotives as reported in the latest Annual Report Form R–1 submitted to the Commission or from company records.

(iii) The annual depreciation cost for each type of locomotive shall be calculated by multiplying the replacement cost(s) developed in paragraph (i) by the rate from paragraph (ii).

(iv) The depreciation expense for each type of locomotive shall be assigned to the line segment on the ratio of the hours incurred serving the segment to the average system locomotive unit hours in service by each of the following categories of locomotives: yard-diesel; yard-other; road-diesel; and road-other. The ratio for each type of locomotive used to serve the line segment shall be the same as that developed in § 1129.2(b)(7) of these regulations.

(v) The depreciation shall be calculated by multiplying the annual depreciation expense for each type of locomotive developed in paragraph (iii) by the ratio(s) developed in paragraph (iv).

(7) *Return on Investment—Locomotives:* The return on investment shall be calculated for each type or classification of locomotive that is used to provide service to the line segment. The return for the locomotive(s) used shall be calculated in accordance with the following procedure:

(i) The current replacement cost for each type of locomotive used to serve the line segment shall be based on the most recent purchase of that particular type and size locomotive by the carrier indexed to the midpoint of the year or an amount quoted by the manufacturer. This unit cost shall be multiplied by 1 minus the ratio of total accumulated depreciation to original total cost of that type of equipment owned by the railroad, as shown by company records.

(ii) The current cost of capital used in the calculation of return on investment for locomotives shall be the current before-tax cost of capital, weighted to the actual capital structure, and adjusted for the effects of the combined statutory Federal and State income tax rates. The current cost of capital, expressed as a percent, shall be calculated as follows:

(A) The railroad shall determine its permanent capital structure ratio of debt and equity capital such that the two numbers total 100 percent. This capital structure will be the actual capital structure of the railroad.

(B) The current cost of debt shall be the current rate quoted to the railroad for debt instruments normally used by the railroad in the financing of new equipment purchases such as bonds, equipment purchases trust certificates, etc. Because this is a before-tax rate there is no adjustment for income taxes.

(C) The current cost of equity shall be determined from market data or comparable earnings of railroads or other organizations with similar operating risk characteristics, to find the return that shareholders expect to earn on their investment. This current cost of equity capital is divided by one minus the combined statutory Federal and State income tax rate. This will result in the before-tax current cost equity capital.

(D) The current before-tax cost of debt is multiplied by the capital structure ratio number for debt to obtain a weighted before-tax cost of current debt.

(E) The current before-tax cost of equity is multiplied by the capital structure ratio number for equity to obtain a weighted before-tax cost of current equity.

(F) The carrier shall determine the annual rate of inflation for the succeeding calendar year as estimated by the Council of Economic Advisors.

(G) The results of paragraphs (D) and (E) of this section are added together and the estimated rate of inflation determined in paragraph (F), of this section, is subtracted from that sum to calculate net the current cost of capital used in the calculation of return-on-investment for equipment.

(iii) The annual return on investment for each category or type of locomotive shall be calculated by multiplying the replacement cost developed in paragraph (i) of this section by the current cost of capital determined in paragraph (ii) of this section.

(iv) The return on investment for each type of locomotive shall be assigned to the line segment on a ration of the locomotive unit hours on the segment to average locomotive unit hours per unit for each type of locomotive in the system. This ratio will be developed as follows:

(A) The carrier shall estimate the number of hours that each type of

locomotive will incur in serving the segment during the period.

(B) The railroad shall develop the system average locomotive unit hours per unit for each of the following types of locomotives: yard-diesel; yard-other; road-diesel; and road-other.

(C) The ratio applied to the return on investment is calculated by dividing the hours that each type or class of locomotive is used to serve the segment, as developed in paragraph (A) above, by the system average locomotive unit hours per unit for the applicable type developed in paragraph (B) of this section.

(v) The cost assigned to the segment for each type of locomotive shall be calculated by multiplying the annual return on investment developed in paragraph (iii) by the ratio(s) developed in paragraph (iv).

(8) *Normalized Maintenance:* The maintenance of way and structures that is assignable to the line segment shall be the normalized maintenance that is necessary to permit the continuation of the right-of-way and structures in their present condition. In addition to the track and right-of-way this amount shall also include, but not be limited to, the maintenance of highway grade crossings, signal systems, communication systems, tunnels, bridges, culverts, electric power systems, station structures and other facilities that are located on the line segment.

(9) *Revenue Taxes:* The amount of revenue taxes shall be computed based on the estimated amounts that would be paid in those States that subject the railroad to a revenue tax.

(10) *Property Taxes:* (i) The amount of property taxes shall be the estimated amount levied against the property on the line segment, in those States where a true ad valorem tax is levied, based on the value of certain kinds of railroad property, such as track, land, buildings, and other facilities.

(ii) In States where property taxes are assessed on the basis of a formula of a State-wide valuation of property and the branch or branches are included in the valuation of the railroad operating the service, the tax on each branch shall be based on the distribution of the assessment by the State to that line segment and the application of the appropriate tax rate or rates.

(iii) In States where the real property taxes are assessed and levied against the owner of the property but the rolling stock is assessed to the railroad operating the service on the basis of a formula of a State-wide valuation of property, the tax on rolling stock attributable to each branch shall be determined as follows:

(A) Find the percent which the cost of equipment as used in the formula is to the total of all property cost as used in the formula;

(B) Apply that percentage to the total State assessment to determine the portion of the assessment attributable to rolling stock;

(C) Allocate the rolling stock assesment thus determined to each branch on the basis of car and locomotive unit miles on the branch to total car and locomotive unit miles in the state;

(D) Apply appropriate tax rate or rates to the allocated assessment thus determined.

(11) *Rehabilitation:* Rehabilitation costs shall be included at the option of the railroad for any track that does not meet minimum Federal Railroad Administration Class I Safety Standards (49 CFR Part 213).

(12) *Return on Value of Rail Properties:* The return on the value of the rail properties that are necessary to sustain service on the line segment shall be estimated using the following procedure:

(i) Valuation of rail properties: The investment base to which the return element is applied shall be (A) the net liquidation value of the rail properties that have no further value for railroad purposes or (B) the market value for those materials that have remaining value for railroad purposes. The net liquidation value shall be deemed as their highest and best use for nonrail purposes. This amount shall be determined by computing the estimated appraised value of such properties, less all costs (dismantling and disposition of improvements) necessary to make the remaining properties available for their highest and best use and complying with applicable zoning, land use, and evironmental regulations. The market value shall be the estimated sales value of the assets based on their remaining useful life less all costs dismantling.

(ii) Rate of return: The railroad's cost of capital shall be the current before-tax cost of capital, weighted to the actual capital structure adjusted for the effects of the combined effective Federal and State income tax rate. This rate of return, expressed as a percent, shall be calculated as follows:

(A) The railroad shall determine its permanent capital structure ratio debt and equity captial such that the two numbers total 100 percent. This capital structure will be the actual capital structure of the railroad.

(B) The current costs of debt shall be determined by taking the average of all debt instruments (including bonds, equipment trust certificates, financial lease arrangements, etc.) issued by the carrier in the most recent 12 month period. If no debt instruments have been issued the average rate for all railroads shall be used. The debt cost calculated by this procedure is a before-tax rate and is not adjusted for income taxes.

(C) The current cost of equity shall be determined from market data or comparable earnings of railroads or other organizations with similar risk characteristics, to find the return that shareholders expect to earn on their investment. This current cost of equity capital is divided by one minus the combined effective Federal and State income tax rate. This will develop the cost of equity captial on a before-tax basis.

(D) The current before-tax cost of debt is multiplied by the capital structure ratio number for debt to obtain a weighted before-tax cost of current debt.

(E) The current before-tax cost of equity is multiplied by the capital structure ratio number for equity to obtain a weighted before-tax cost of current equity.

(F) The carrier shall determine the annual rate of inflation for the succeeding calendar year as estimated by the Council of Ecomomic Advisors.

(G) The results of subparagraphs (F) and (E) are added together and the estimated rate of inflation determined in subparagraph (vi), of this section, is subtracted from the sum to determine the current cost of capital.

(iii) Return on value: The return on value that shall be included in the cost of sustaining service is calculated by multiplying the value of the properties determined in subparagraph (i) by the rate of return calculated in subparagraph (ii)(G) of this section.

§ 1129.3 Assignment of reasonable expected cost.

The assignment of reasonably expected costs as calculated under § 1129.2 of these regulations shall be assigned to each joint line shipment on the basis of revenue gross ton miles on the segment using the following procedure.

(a) The total revenue gross ton-miles on the line segment shall be determined for all shipments that originate and/or terminate on the line segment. This amount shall include all single line as well as joint line shipments.

(b) The reasonably expected costs per revenue gross ton mile, on the segment, is calculated by dividing the total reasonably expected costs developed in § 1129.2 of these regulations by the total

revenue gross ton miles on the segment from subsection (a) of this section.

(c) The reasonably expected costs shall be assigned to each joint line shipment by multiplying the on segment revenue gross ton miles of each joint line shipment by the reasonably expected cost per revenue gross ton mile developed in subsection (b) of this section.

§ 1129.4 Right of discovery.

In applying the Commission's discovery process (49 CFR 1100.55) to discovery under these rules, the Commission is waiving the requirement that a party first seek the Commission's permission to request discovery. The railroad's failure to respond in a timely fashion to a reasonable discovery request shall result in the suspension of the surcharge until the discovery proceedings are concluded.

Footnotes

Note 1. Maintenance of equipment—Locomotive repairs and maintenance: All accounts designated XX–21–41 shall be separated between yard and road with a further separation between diesel and other (electric). The costs for these accounts for yard locomotives shall be assigned to the segment separately for diesel and electric locomotives on the basis of the ratio of segment diesel and electric yard locomotive unit-hours to the total system diesel and electric yard locomotive unit hours. The costs for these accounts for road locomotives shall be assigned to the segment separately for diesel and electric locomotives on the basis of the ratio of segment diesel and electric locomotive gross ton-miles in road service to the total system diesel and electric locomotive gross ton-miles in road service. The costs assigned under these accounts for specialized equipment devoted exclusively to segment line service shall be the estimated costs for the specific equipment used.

Note 2. Fringe Benefits: Fringe benefits for locomotives and other equipment shall be assigned to the segment of the ratio that the total segment salary and wages bear to the system total salaries and wages for each type of equipment as follows:

(A) Locomotives—Account 12–21–00: total of all 11–21–XX accounts segment to system.

(B) Other Equipment—Account 12–23–00: total of all 11–23–XX accounts segment to system.

(C) Fringe benefits for freight cars shall be calculated by first estimating the total in Account 11–22–42 (Freight car repairs-salaries and wages) that is included in the total on segment costs for freight cars as determined from the car-day and car-mile cost calculations, in § 1129.2(b)(5) of these regulations.

To this account is added the segment cost in the balance of all 11–22–XX accounts. The ratio of this total segment amount to the system total for all 11–22–XX accounts is applied to Account 11–22–00 (Fringe Benefits-Freight Cars).

Note 3. Locomotive Depreciation: Locomotive costs shall not include depreciation as determined in Account No. 62–21–00. Locomotive depreciation shall be calculated in the manner set forth in § 1129.2(b)(6) of these regulations.

Note 4. Labor costs: (1) The salaries, wages and fringe benefits of train and engine crews exclusively assigned to the line segment shall be deemed attributable costs of the segment. Train and engine crews not exclusively assigned to the line segment shall have their salaries, wages and fringe benefits deemed attributable costs of the segment to the extent their salaries, wages and fringe benefits are shown to be apportionable to the segment.

Note 5. Transportation—(1) Train Operations—(A) Engine Crews-Materials, Account 21–31–56; Train Crews-Materials Account 21–31–57; Train Inspection and Lubrication-Salaries and Wages, Account 11–31–62; and Materials, Account 21–31–62: If the line segment is served by a local/way or through train crew, the costs in these accounts shall be assigned to the segment on the ratio of train hours on the segment to the total system train hours.

Note 6. Transportation-Locomotive Fuel: All accounts designated XX–31–67 shall be assigned to the segment on the ratio of road diesel locomotive unit hours.

Note 7. Transportation-Electric Power Purchased or Produced for Motive Power: All accounts designated XX–31–68 shall be assigned to the segment on the ratio of road electric locomotive unit hours on the segment to the total system road electric locomotive unit hours.

Note 8. Transportation-Servicing Locomotives: All accounts designated XX–31–69 shall be assigned to the segment on the ratio of road locomotive unit miles on the segment to the total system road locomotive unit miles.

Note 9. Transportation Fringe Benefits: Fringe benefits shall be assigned to the segment separated between train operations, yard operations, train and yard operations common, specialized service operations, and administrative support operations. The costs for each activity shall be assigned to the segment on the ratio that the total segment salary and wages bear to the total system salary and wages for each activity shown below:

(A) Train Operations, Account 12–31–00: total of all 11–31–XX accounts segment to system.

(B) Yard Operations, Account 12–32–00: total of all 11–32–XX accounts segment to system.

(C) Train and Yard Operations Common, Account 12–33–00: total of all 11–33–XX accounts segment to system.

(D) Specialized Service Operations, Account 12–34–00: total of all 11–34–XX accounts segment to system.

(E) Administrative Support, Account 12–35–00: total of all 11–35–XX accounts segment to system.

Note 10. Yard Operations—(A) Switch Crews-Materials, Account 21–32–64, and Servicing Locomotives, all accounts designated XX–32–69: The costs for these accounts shall be assigned to the segment on the ratio of yard locomotive unit hours on the segment to the system total yard locomotive unit hours.

Note 11. Yard Operations-Locomotive Fuel: All accounts designated XX–32–67 shall be assigned to the segment on the ratio of yard diesel locomotive unit hours on the segment to the total system yard diesel locomotive until hours.

Note 12. Yard Operations-Electric Power Purchased or Produced for Motive Power: All accounts designated XX–32–68 shall be assigned to the segment on the ratio of yard electric locomotive unit hours on the segment to the total system yard electric locomotive unit hours.

Note 13. Administrative support operations—Loss and Damage Claims Processing: All accounts designated XX–35–78 shall be assigned to the segment on the ratio of the number of claims processed for loss or damage occurring on the segment to the total number of claims processed by the railroad.

Note 14. General administrative—Fringe Benefits, Account 12–61–00: This account shall be assigned to the segment on the ratio that the total segment salary and wages in all 11–61–XX accounts bear to the system total salary and wages in all 11–61–XX accounts.

Note 15. (1) The system total of the repair and maintenance accounts, all accounts designated XX–XX–42, and depreciation shall be divided into time-related costs and mileage-related costs on the basis of the present "Rail Form A" apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs; and 60 percent time and 40 percent mileage for depreciation). Freight cars costs shall not include depreciation as determined in Account No. 62–22–00. Freight car depreciation shall be calculated in the manner set forth in subparagraph (C)(i) of this note.

(2) The system total receipts and payments for the hire of time-mileage cars, and the basic data used in the development of the car-day and car-mile factors, shall be taken from the applicant-carrier's latest Form R–1 and company records. The specific steps to complete the calculations are as follows:

(A) The total system car-days by car type shall be calculated by: (i) averaging the applicant-carrier's freight car ownership at the beginning and end of the year (Form R–1, schedule 710, columns (b) and (k)); (ii) multiplying the average by the standard active number of car-days (346) as developed in ICC Docket No. 31358; (iii) subtracting car-days on foreign lines (source: company records); and (iv) adding the foreign car-days on home line (source: company records). This procedure shall be followed for each car-type specified in Ex Parte No. 334, supra.

(B) The total railroad car-miles shall be calculated by adding the loaded car-miles for applicant-carrier's owned and leased cars (Form OSA, column (d), items 5–010 through 5–027) to the empty car-miles for applicant-carrier's owned or leased cars (Form OSA, column (d), items 5–110 through 5–127). The total car-miles, loaded and empty, shall be calculated for each car-type specified in Ex Parte No. 334, supra.

(C) The cost per car-day shall be calculated for each type of time-mileage car by adding 50 percent of the total freight car repair costs for each type (Form R–1, schedule 415, column (b)), and 60 percent of the

depreciation that shall be developed as follows:

(i) The current value for each type of car shall be calculated by first arriving at the current cost per car using the most recent purchase of this type by the railroad indexed to the midpoint of the year or a price quote from the manufacturer. This unit price shall be applied to the average number of this type of car owned by the carrier during the year. The current value developed for each car type is then multiplied by the composite depreciation rate for that type of car as shown in the latest annual report filed with the Commission or company records.

(ii) Add 100 percent of the return on investment which shall be determined by first multiplying the current value of each type of car, developed in subparagraph (i) above, by one minus the ratio of accumulated depreciation to the total original cost investment of that type of car owned by the railroad. The return on investment is determined by multiplying the net current value by the rate of return calculated for locomotives in § 1129.2(b)(7) of these regulations.

(iii) To the amounts for repairs, depreciation, and return on investment add the time portion of the railroad's payment for hire of time-mileage freight cars (Form R–1, schedule 414, columns (h) and (i)), and subtract the time portion of the railroad's receipts for hire of time mileage freight cars (Form R–1, schedule 414, columns (d) and (e)). The total of these costs is divided by the total car-days for each type developed in subparagraph A of this note.

(D) The cost per mile shall be calculated for each type of time-mileage car as follows. First, add: (i) 50 percent of the total freight train car repair cost for each car-type (Form R–1, schedule 415, column (b)); (ii) 40 percent of the total depreciation costs for each car-type developed in subparagraph (c)(i); and (iii) the mileage portion of applicant-carrier's payment for the hire of time-mileage freight cars (Form R–1, schedule 414, column (g)). Then, subtract the mileage portion of applicant-carrier's receipt for hire of time-mileage freight cars (Form R–1, schedule 414, column (c)). Finally, divided the result by the total car-miles for each car-type developed in subsection (B), above.

(E) The costs per car-day and per car-mile developed in subsections (C) and (D), above, shall be applied to the total car-days and total car-miles for each car-type accumulated on the line segment for all traffic originated and/or terminated on the segment which are attributed to time-mileage freight train cars. The on-segment costs for freight cars rented on a straight mileage basis shall be the applicant's total payments for mileage cars (Form R–1, schedule 414, column (f)), for each car-type; divided by the total miles on which the charges were based.

[FR Doc. 81–3444 Filed 1–28–81; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 46, No. 19
Thursday, January 29, 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.

ACTION

Mini-Grants; Final Notice of Guidelines

AGENCY: ACTION.

ACTION: Final Notice of Guidelines for Mini-Grants.

SUMMARY: The following notice sets forth the final guidelines under which applications for Mini-Grants will be accepted. The notice describes the program purpose, applicant eligibility, grant scope, application procedures and criteria for Mini-Grants.

In accordance with ACTION's response to Executive Order 12044, Improving Government Regulations, a working group met on March 20, 1980, and determined that a regulation was not necessary to accomplish the purposes of this notice, but that guidelines were sufficient to award funds for Mini-Grants.

In addition, because the group determined that the guidelines affected an important agency program (Mini-Grants) and imposed substantial compliance and reporting requirements, it was decided that the notice was significant and, therefore, would be published in proposed form for a 60-day period during which written comments would be accepted and regional meetings held for public discussion, if they were requested.

Written comments were received from four (4) individuals and groups. These comments were reviewed by the ACTION OVCP office as well as by the working group at a January 14, 1981, meeting. No substantive comments that would affect any changes were received. No regional meetings were requested.

The final guidelines are described below.

These guidelines shall be effective on or before March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Wendy Wheat, OVCP, ACTION, Room M-907, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, or telephone toll-free 800-424-8867. The addresses and phone numbers of State ACTION Offices may also be obtained by calling this number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority contained in section 123 of the Domestic Volunteer Service Act of 1973, as amended (42 USC section 4993), applications will be accepted for Mini-Grants.

1. Program Purpose

(a) The ACTION Mini-Grant Program is intended to utilize and promote volunteering and voluntary action; and to assist emerging or established organizations, particularly low-income and community based groups.

(b) The purpose of this program is to initiate, strengthen and/or supplement volunteer efforts and to encourage broad-based volunteer citizen participation which will develop and enhance community self-reliance. Mini-Grants are intented to be directed to meet a broad range of basic human needs, especially in the poverty sector—health and nutrition; food and water; knowledge and skills; economic development and income; housing; community services; energy conservation; and legal rights.

2. Eligibility

Public or private non-profit organizations, including hospitals or institutions of higher learning, and local units of government which utilize, or will utilize, volunteers as an integral part of their provision of services may apply for grants.

3. Scope of Grant

The Mini-Grant Program provides funds on a one-time, non-renewable basis for a project period not to exceed one year under the following conditions:

(a) The federal share of the grant award shall not exceed $5,000 to organizations for a local project or $10,000 to organizations for a project that relates to an entire state or ACTION region.

(b) All grants of $3,500 or more in federal funds require a minimum matching share of 10% of the total grant cost. The matching share can be cash or an in-kind contribution, e.g., project director's salary and fringe benefits, space or equipment used by the project, or meals provided to project volunteers.

(c) The use of federal funds must be related directly to supporting the project volunteers, e.g., meals, transportation, child care, training, printing, supervision, etc. Grantees are encouraged not to spend Mini-Grant monies on expensive office equipment. If the purchase of office equipment will contribute directly to the generation of volunteer hours, a justification must be presented in the grant application. Equipment for program (tools, seeds, sports, etc.) purchased with grant monies also must directly generate volunteer hours.

(d) Mini-Grants will be awarded for projects which have measurable goals achievable in a specified time frame not to exceed one year.

(e) Mini-Grants should be considered and used as a means to establish or strengthen activities, mechanisms, and programs which may be one-time or on-going in nature, but which must demonstrate a solid potential for long-term effect upon improving poverty-related conditions and/or enhancing community self-reliance. The funding of conferences, workshops, seminars, fairs, etc., is at the discretion of the Regions, but these kinds of projects must also contain a strong volunteer component.

(f) Mini-Grants are basically for the mobilization of volunteers to impact on a community problem. It is expected that for each federal dollar awarded, at least one (1) hour of volunteer service will be generated. If the project is of a nature that numbers of volunteers and volunteer hours cannot be documented, then the grantee is asked to describe the impact of the project on the larger issue of volunteer activity in the organization/community.

(g) ACTION reserves the right to establish funding priorities each year in order to meet national needs and agency goals. These priorities will affect the obligation of 50% of Mini-Grant funds or $500,000 annually, whichever is less.

4. Procedures

(a) Mini-Grant applications will be submitted to ACTION State Program Offices on OMB Standard Form 424, Application for Federal Assistance (Short Form).

(1) Part I Face Sheet—Complete all items in Sections I and II. Do not make any entries in Section III.

(2) Part II Budget Data—Submit budget information as requested. Include a narrative justification for each line item in the budget.

(3) Part III Program Narrative Statement—The Program Narrative Statement should be brief, showing the need, objectives, approach, anticipated number of volunteers and volunteer hours, geographical location of the project, and the benefits expected.

(4) Part IV Assurances—Applicants must sign and date "Assurances" page.

5. Deadlines

Deadlines for submission of applications are established by the individual Regions.

6. Reports and Records

(a) Reports Requirements.

Grantee should maintain sufficient records in order to validate required financial and program reporting. Grantee will make financial reports on ACTION Form A–451, Financial Status Report, within ninety (90) days after the end of the project period. Grantee will submit a program report at the conclusion of the project in a format to be prescribed by the ACTION Regional Office. The final program report should reflect degree of achievement toward goals as outlined in the program narrative, including the actual number of volunteers and volunteer hours generated. ACTION Regional Offices will provide a narrative Close-Out Report which describes project benefits, success and limitations to the national Program Manager, upon completion of each project.

(b) Records Retention.

Grantee must retain all financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of three (3) years after submission of the final Financial Status Report. If any litigation, claim or audit is begun before the expiration of the three-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

Dated in Washington, D.C., on January 17, 1981.

Sam Brown,

Director.

[FR Doc. 81–3058 Filed 1–28–81; 8:45 am]

BILLING CODE 6050–01–M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Confidential Business Information; Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting.

AGENDA FOR MEETING: The Committee will consider a draft report of its consultant, Professor Russell B. Stevenson, Jr., entitled: *Protecting Business Secrets Under the Freedom of Information Act: Managing Exemption 4.* Tentative recommendations on agency treatment of confidential business information may be formulated by the Committee.

DATE; TIME; PLACE: Februry 17, 1981; 1:30 p.m.; Library, Suite 500, 2120 L Street N.W., Washington, D.C.

PUBLIC PARTICIPATION: Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or afte the meeting. Minutes of the meeting will be available on request to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. Telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation of Business (formerly called the Committee on Ratemaking and Economic Regulation) is working toward developing recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption 4 of the Act, the "business records exemption" (5 U.S.C. 552(b)(4)). This information would ordinarily be in the form of documents in an agency's possession that had been submitted to the agency by a private person or business firm and that deal with the business of the individual or firm, and would include documents containing "confidential" information or trade secrets.

The Committee recently received a draft report on this subject from consultant Russell B. Stevenson, Jr. of the National Law Center, George Washington University. Also, several submissions were received in response to a notice of inquiry published in the **Federal Register** (45 FR 70033, Oct. 22, 1980). The meeting on February 17 will be the Committee's first opportunity to discuss the report and public submissions.

If the Committee proposes any tentative recommendations at this meeting, these recommendations will be published for public comments, as well as distributed to affected agencies for government comments.

Richard K. Berg,

Executive Secretary.

January 26, 1981.

[FR Doc. 81–3349 Filed 1–28–81; 8:45 am]

BILLING CODE 6110–01–M

ARMS CONTROL AND DISARMAMENT AGENCY

Privacy Act of 1974; New System of Records

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notice of new system of records.

SUMMARY: The U.S. Arms Control and Disarmament Agency (the Agency) is adopting a new system of records identified as ACDA–17, ACDA Integrated Retrieval System.

EFFECTIVE DATE: January 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond O. Waters, (202) 632–0760.

SUPPLEMENTARY INFORMATION: On December 16, 1980 the Agency published in the **Federal Register** (45 FR 82684) a proposed new system of records. No comments were received, so the Agency is adopting the new system of records as published in 45 FR 82684 as ACDA–17, ACDA Integrated Retrieval System.

Dated: January 22, 1981.

John H. Murphy,

Deputy Administrative Director.

[FR Doc. 3373 Filed 1–28–81; 8:45 am]

BILLING CODE 6820–32–M

CIVIL AERONAUTICS BOARD

[Docket Nos. 20051, 20700]

The Airline Scheduling Committees and Various Air Taxi Operators; Hearing

We wish to inform all interested persons that we will hold an informal panel discussion on February 23, 1981 at 10:00 a.m. to discuss the issues raised in our *Scheduling Committee Investigation* in the above dockets. We will prepare a

list of persons interested in participating and a schedule of appearances. Therefore, we request that all persons who intend to participate notify us by February 3, 1981, at the following address: Lawrence R. Krevor, B-72, Legal Processing Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, Phone: (202) 673-5333.

We will issue a second notice to describe the participants and our ground rules and a list of questions which the participants will be asked to address.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-3291 Filed 1-28-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.)

Week Ended January 16, 1981.

The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
1-14-81	39155	Laker Airways Limited, c/o Robert M. Beckman, 1001 Connecticut Avenue, N.W., Suite 235, Washington, D.C. 20036. Application of Laker Airways Limited pursuant to Section 402 of the Act, and Subpart Q of the Board's Procedural Regulations, requests the amendment of its foreign air carrier permit to authorize the transportation of persons, property and mail in scheduled service between (a) Manchester, England, and New York, New York, and (b) between London, England, and Tampa, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by February 10, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-3297 Filed 1-28-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39166; Order 81-1-114]

Braniff Airways, Inc.; Order for Granting Exemption

In the matter of the application of Braniff Airways, Inc.; for an exemption from Section 416(b) of the Federal Aviation Act of 1958; order granting exemption; Docket No. 39166; Order 81-1-114.

Issued under delegated authority, January 22, 1981.

By application filed January 19, 1981, Braniff Airways requests that the exemption granted by the Board in Order 81-1-94, January 19, 1981, be amended to the extent necessary to permit it to provide free transportation to the "former hostage" and his or her family from the port of entry to any other point in the United States at which they may wish to hold their reunion, and to provide free unlimited transportation over its domestic routes to the "former hostage" for a period up to 30 days after such individual(s) arrival at the port of entry.

We find that this request is consistent with the public interest, and therefore we will approve the exemption.[1] We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would provent them from providing the free transportation as described herein.

2. We will serve a copy of this order on Braniff Airways and on all other U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

This order will be published in the Federal Register.

Julien R. Schrenk,

Chief, Domestic Fares & Rates Division, Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-3295 Filed 1-28-81; 8:45 am]

BILLING CODE 6320-01-M

[1] Braniff was orally notified of our approval on January 21, 1981.

[Docket No. 39030]

Eastern Air Lines, Inc.; Service Suspensions Enforcement Proceeding; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled proceeding is assigned to be held on February 5, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 22, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81-3296 Filed 1-28-81; 8:45 am]

BILLING CODE 6320-01-M

Applications and/or Amendments Thereto Filed With the Civil Aeronautics Board During the Week Ending January 23, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed, docket no. and description

January 22, 1981—39183, Air New England, Inc., Logan International Airport, Boston, Massachusetts 02128. Application of Air New England, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity for Route 172 so as to add the following points: Toronto, Ontario, Canada, Montreal, Quebec, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by February 19, 1981.

January 22, 1981—39140, New York Air, LaGuardia Airport, Hanger 5, Flushing, New York 11371. Corrected Application of New York Air pursuant to Order 81-1-113, Served January 22, 1981. Conforming Applications motions to modify scope, and Answers may be filed by February 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-3401 Filed 1-28-81; 8:45 am]

BILLING CODE 6320-01-M

[81-1-116]

Texas International Airlines, Inc., Additional Points Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81–1–116).

SUMMARY: The Board is proposing to award air route authority at the points listed in Appendix A to Texas International Airlines under expedited show-cause procedures. It has deferred action on the carrier's request to serve Orange County pending completion of the environmental proceeding currently under way at that point.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by February 27, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38943, which we have entitled the *Texas International Airlines, Inc. Additional Points Proceeding.* They should be addressed to the Docket Section Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Texas International Airlines; the mayor and airport manager of each city to which the pleading refers; and the state aeronautical commission of the state in which such city is situated.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–1–116 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–1–116 to that address.

By the Bureau of Domestic Aviation:
January 23, 1981.

Phyllis T. Kaylor,
Secretary.

List of Cities

Akron-Canton, Ohio
Albany, Ga.
Albany, N.Y.
Allentown-Bethlehem-Easton, Pa.
Asheville, N.C.
Ashland, Ky.-Huntington, W. Va.
Aspen, Colo.
Augusta, Ga.
Bakersfield, Calif.
Bangor, Me.
Billings, Mont.
Binghamton-Endicott-Johnson City, N.Y.
Bismarck-Mandan, N.D.
Bozeman, Mont.
Bristol-Kingsport-Johnson City, Tenn.
Buffalo-Niagara Falls, N.Y.
Burlington, Vt.
Casper, Wyo.
Cedar Rapids-Iowa City, Iowa
Champaign-Urbana, Ill.
Charleston, S.C.
Charleston-Dunbar, W. Va.
Charlotte, N.C.
Charlottesville, Va.
Chattanooga, Tenn.
Columbia, S.C.
Columbus, Ga.
Columbus, Ohio
Davenport-Moline, Iowa
Dayton, Ohio
Dothan, Ala.
Duluth, Minn.-Superior, Wis.
Eglin Air Force Base, Fla.
Elmira-Corning, N.Y.
Erie, Pa.
Eugene, Ore.
Eureka-Arcata, Calif.
Evansville, Ind.
Fairbanks, Alaska
Fargo, N.D.-Moorhead, Minn.
Fayetteville, Ark.
Fayetteville, N.C.
Flint, Mich.
Fort Wayne, Ind.
Fresno, Calif.
Grand Forks, N.D.
Grand Junction, Colo.
Grand Rapids, Mich.
Great Falls, Mont.
Green Bay-Clintonville, Wis.
Greensboro-High Point, N.C.
Greenville-Spartanburg, S.C.
Gulfport-Biloxi, Miss.
Harrisburg-York, Pa.
Hilo, Hawaii, Hawaii
Honolulu, Oahu, Hawaii
Huntsville-Decatur, Ala.
Idaho Falls, Idaho
Ithaca-Cortland, N.Y.
Jacksonville-Camp Lejeune, N.C.
Juneau, Alaska
Kahului, Maui, Hawaii
Kalamazoo, Mich.
Key West, Fla.
Knoxville, Tenn.
Kona, Hawaii, Hawaii
LaCrosse, Wis.
Lansing, Mich.
Lexington, Ky.
Lihue, Kauai, Hawaii
Lincoln, Neb.
Long Island MacArthur, N.Y.
Madison, Wis.
Manchester, N.H.
Missoula, Mont.
Montgomery, Ala.
Myrtle Beach, S.C.
Naples, Fla.
Nashville, Tenn.
Newport News-Hampton-Williamsburg-Yorktown, Va.
Norfolk-Virginia Beach-Portsmouth-Chesapeake, Va.
Peoria, Ill.
Pocatello, Idaho
Portland, Me.
Providence, R.I.
Prudhoe Bay, Alaska
Raleigh-Durham, N.C.
Rapid City, S.D.
Reddig, Calif.
Richmond, Va.
Roanoke, Va.
Rochester, Minn.
Rochester, N.Y.
Saginaw-Bay City-Midland, Mich.
St. Croix, V.I.
St. Thomas, V.I.
Salinas-Monterey, Calif.
San Juan, P.R.
Santa Barbara, Calif.
Savannah, Ga.
Scranton-Wilkes-Barre, Pa.
Sioux City, Iowa
Sioux Falls, S.D.
South Bend, Ind.
Spokane, Wash.
Springfield, Ill.
Springfield, Mo.
Syracuse, N.Y.

[FR Doc. 81-3400 Filed 1-28-81; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 11:00a.m. and will end at 3:00p.m., on February 21, 1981, at the Idaho State Employment Service, Third Floor Conference Room, 317 Main Street, Boise, Idaho 83735. The purpose of this meeting is program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Bernadine E. Ricker, P.O. Box 327, Fort Hall, Idaho 83203, or the Northwestern Regional Office, 915 Second Avenue, room 2852, Seattle, Washington 98174, (206) 399–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 26, 1981.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 81-3345 Filed 1-28-81; 8:45 am]
BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will

convene at 7:00 p.m. and will end at 8:30 p.m. on February 23, 1981; will convene at 9:00 a.m. and end at 2:30 p.m. on February 24, 1981, at the Villager Motel, 2200 "O" Street, Lincoln, Nebraska 68510. The purpose of this meeting is orientation of the newly rechartered Committee and program planning for FY 81.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Shirley M. Marsh, 2701 South 34th Street, Lincoln, Nebraska 68509, (402) 471-2734; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. January 26, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-3344 Filed 1-28-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance; Potter's Fashions, Inc., et al.

Petitions have been accepted for filing from the following firms: (1) Potter's Fashions, Inc., 1740 Scenic Highway, Baton Rouge, Louisiana 70802, a producer of children's pajamas, women's blouses and men's and boys' caps (accepted January 6, 1981); (2) Assembly-Line Product, Inc., 7630 South Quincy Street, Willowbrook, Illinois 60521, a producer or metal fasteners (accepted January 6, 1981); (3) Beta Handbag and Luggage Corporation, 750 West 18th Street, Hialeah, Florida 33010, a producer of handbags and luggage (accepted January 6, 1981); (4) Marshall Boat Company, Inc., 1402 Morgan Circle, Tustin, California 92680, a producer of power yachts (accepted January 7, 1981); (5) Marble Hill Manufacturing Company, Inc., P.O. Box 78, Marble Hill, Georgia 30148, a producer of men's, women's and children's pants (accepted January 7, 1981); (6) Stand-Outs, Inc., Box 389, Haverhill, Massachusetts 01830, a producer of women's footwear (accepted January 7, 1981); (7) Anthony Dally & Sons, Inc., Box 27, Pen Argyl, Pennsylvania 18072, a producer of slate products (accepted January 7, 1981); (8) Eli Bridge Company, 800-820 Case Avenue, Jacksonville, Illinois 62650, a producer of amusement rides (accepted January 7, 1981); (9) Dunleigh Tuxton Corporation, 1 East 33rd Street, New York, New York 10016, a producer of men's neckwear (accepted January 8, 1981); (10) Sanitary Creamery Company, Inc., 712 Wisconsin Avenue, Boscobel, Wisconsin 53805, a producer of milk, cheese, and butter (accepted January 7, 1981); (11) Ashland Sportswear Company, Inc., 1116 Centre Street, Ashland, Pennsylvania 17921, a producer of women's & children's blouses, blazers, skirts, slacks, and shorts (accepted January 12, 1981); (12) Atwater, Inc., 627 West Main Street, Plymouth, Pennsylvania 18651, a producer of synthetic yarns (accepted January 12, 1981); (13) Berkley Shirt Company, Inc., One West 34th Street, New York, New York 10001, a producer of men's, women's & children's shirts and blouses (accepted January 12, 1981); (14) Bridgeport Silverware Company, P.O. Box K, Bridgeport, Connecticut 06605, a producer of fishing tackle (accepted January 12, 1981); (15) Dale Garment Company, Inc., 14th & Kemper Streets, Lynchburg, Virginia 24501, a producer of women's blouses, shirts, tops, jackets and slacks (accepted January 12, 1981); (16) Patton Manufacturing Company, Inc., 103 N. Market Street, Shenandoah, Pennsylvania 17976, a producer of women's dresses (accepted January 12, 1981); (17) Pawtucket Dyeing and Bleaching Company, 1454 Main Street, West Warwick, Rhode Island 02893, a producer of dyed yarns (accepted January 13, 1981); (18) Curt Mayberry Farm, Inc., 729 Loomis Trail, Lynden, Washington 98264, a producer of strawberries and raspberries (accepted January 12, 1981); (19) Carnival Toys, Inc., 450 Hancock Avenue, Bridgeport, Connecticut 06605, a producer of musical toys (accepted January 19, 1981); (20) Athalon Products, Ltd., 3333 E. 52nd Avenue, Denver, Colorado 80216, a producer of sports bags & luggage; sewn recreation & ski accessories; down jackets & sleeping bags; tents & tarpaulins (accepted January 19, 1981); (21) American Field Corporation, P.O. Box 265, Stearns, Kentucky 42647, a producer of jackets, coats, vests, coveralls, pants & shirts for men & women (accepted January 19, 1981); and (22) Chilton Berry Farm, Inc., 1242 E. Pole Road, Everson, Washington, 98247, a producer of raspberries and strawberries (accepted January 15, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business February 9, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of the Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-3360 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Leather Wearing Apparel From Uruguay; Preliminary Affirmative Countervailing Duty Determination; Correction

January 23, 1981.

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Correction.

In the Federal Register of December 17, 1980, entitled "Leather Wearing Apparel from Uruguay; Preliminary Affirmative Countervailing Duty Determination" (45 FR 82979) we noted that a final determination would be

issued no later than February 25, 1981. to comply with statutory regulations, we now give notice that the date of issuance is moved forward to March 2, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-3363 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No: 80-00336. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Klystron VRT-2123A & Water Cooled Heat Sink, VAT-2002B9. Manufacturer: Varian Canada, Inc., Canada. Intended Use of Article: See Notice on page 47895 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article operates at a frequency of 109.5-117.5 gigahertz at 75 milliwatts power. The National Bureau of Standards advises in its memorandum dated November 14, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Direcor, Statutory Import Programs Staff.

[FR Doc. 81-2237 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 18, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington D.C. 20230.

Docket number: 80-00262. Applicant: State University of New York, Upstate Medical Center, 750 East Adams Street, Syracuse, New York 13210. Article: Radiation Therapy Simulator, Therasim 750. Manufacturer: AECL, Canada. Intended use of article: The article is intended to be used primarily for patient care in Radiation Oncology. In addition, the article will be used to train postgraduate physicians as well as radiation technology undergraduates in the use and role of such a device in the delivery of modern radiation therapy. Application received by Commissioner of Customs: November 3, 1980.

Docket number: 80-00475. Applicant: Southern California Regional NMR Facility, California Institute of Technology, Division of Chemistry & Chemical Engineering, Mail Code 164-30, Pasadena, CA 91125. Article: NMR Spectrometer, Model WM 500 and Accessories. Manufacturer: Bruker Physik A.G., West Germany. Intended use of article: The article is to be used to investigate a wide range of materials including but not limited to newly synthesized chemical materials, natural products, biological macromolecules, biological organelles and substructures, surfaces and chemical species adsorbed on surfaces, and natural and synthetic polymers. The article will be used to determine high resolution nuclear magnetic resonance spectra of materials of the various types indicated above at a magnetic filed strength of 11.75 Tesla at sample temperatures ranging from -150° C to $+180^{\circ}$ C for the following nuclei: ^{1}H, ^{19}F, ^{15}N and nuclei with resonant frequencies between that of ^{2}H and that of ^{31}P inclusive. In addition the appartus will be used to determine nuclear spin-spin and spin-lattice relaxation rates, to monitor the progress of chemical reactions by acquiring NMR spectra of reaction mixtures, and to determine the nature of spin-spin couplings by ^{1}H broadband or single frequency homo- and heteronuclear decoupling. As a resource instrument for educational institutions the article will be used routinely by graduate student researchers whose degree requirements include original research. Application received by Commissioner of Customs: October 10, 1980.

Docket number: 81-00001. Applicant: President and Trustees of Colby College, Colby College, Waterville, Maine 04901. Article: Electron Microscope, EM 109 w/ Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the possible ultrastructural changes in mouse embryonic cells which have been frozen for long term storage and thawed. Other investigations will include studies of the ultrastructure of osmoregulatory organs of the earthworm, *Nereis* and *Dugesia* which are believed to function rhythmically, ultrastructural studies of the glands of Hedeoma, and studies of structural crystallography. The article will also be an integral part of the teaching programs in the Departments of Biology and Geology. Application received by Commissioner of Customs: October 1, 1980.

Docket number: 81-00002. Applicant: Emergency Medical Services, Region 2A, Inc., 1601 Second avenue North #416, Great Falls, MT 59401. Article: Hypothermia Thermometers. Manufacturer: G. H. Zeal Limited, England. Intended use of article: The article is intended to be used to train the Emergency Medical Technicians to treat persons with hypothermia. Application received by Commissioner of Customs: October 2, 1980.

Docket number: 81-00003. Applicant: National Institutes of Health, NINCDS, Building #36 Room 3B-26, Bethesda, MD

20014. Article: Electron Microscope, JEM-200 CX. Manufacturer: JEOL Japan. Intended use of article: The article is intended to be used to study thick plastic sections or metal replicas in order to determine the structural organization of intramembrane and cytoplasmic proteins. Application received by Commissioner of Customs: October 2, 1980.

Docket number: 81-00004. Applicant: Southern Illinois University at Carbondale, Carbondale, Illinois 62901. Article: Vibrating Densimeter, Model 03-D. Manufacturer: Techneurop, Inc., Canada. Intended use of article: The article is intended to be used for studies of the heat capacity change for denaturation of an enzyme or its chemically modified derivatives. The enzyme to be used is α-chymotrypsin and a variety of covalent enzyme-substrate complexes. Heat capacity changes (ΔCp) are sought to obtain ΔCp differences between native chymotrypsin and certain stable acyl-chymotrypsin intermediates. The primary objective is to obtain values of heat capacity change for denaturation of α-chymotrypsin and its derivatives with the purpose of dissecting out the heat capacity contribution for covalent bond breaking and making as it occurs within the enzyme active site. Consequently, the heat capacity data obtained in these experiments must be combined with thermodynamic quantities obtained for formation of the covalent enzyme-substrate complex obtained from heat of mixing calorimetry. Application received by Commissioner of Customs: October 3, 1980.

Docket number: 81-00005. Applicant: Memorial Hospital for Cancer and Allied Diseases, 1275 New York Avenue, New York, N.Y. 10021. Article: Electron Microscope, EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the diagnosis of human tumors. The histogenesis (cell of origin) or poorly understood human tumors, e.g., alveolar soft part sarcoma, granular cell tumor, epithelioid sarcoma, and human lymphoma will be studied. The article will also be used in teaching electron microscopy techniques to fellows (residents) in pathology and teaching staff members and occasional graduate (Ph. D. candidates) and medical students who are interested in the ultrastructure of human tumors. Application received by Commissioner of Customs: October 3, 1980.

Docket number: 81-00006. Applicant: University of Utah, Department of Biology, Room 136 South Biology, Salt Lake City, Utah 84112. Article: CO_2 Infrared Gas Analyzer, Model 225, Mark II with 110 V AC 60 Hertz Power. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of desert plants. These studies are to be conducted in the field under natural environmental conditions. Planned experiments include measurements of net photosynthesis as a function of irradiance and water stress as well as diurnal measurements of net photosynthesis. Photosynthesis is measured as net CO_2 uptake by the plant—thus the necessity for a CO_2 infrared gas analyzer. It is also planned that the article be used in the course, Plant Adaptation Biology #586 which includes a laboratory where field measurements of plant physiological processes are taught. Application received by Commissioner of Customs: October 6, 1980.

Docket number: 81-00007. Applicant: Veterans Administration, Building 222, Fort Snelling, St. Paul, MN 55111. Article: LKB 2127-001 Tachophor. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of rat, rabbit and other species' liver metabolites including ATP, ADP, AMP, UDPG, Glucose 6-PO_4, etc. These metabolites will be extracted from liver, deproteinized and put into appropriate buffer before use. The main interest in these agents stems from studies of glycogen metabolism. Therefore, the effects of various hormones and other compounds administered to intact animals on the liver concentrations of the above metabolites will be studied. These studies will be for the purpose of determining how liver glycogen synthesis and degradation is regulated and the role which these metabolites play in the process. The article will be used to train clinical fellows in basic research conducted in the laboratory. Application received by Commissioner of Customs: October 8, 1980.

Docket number: 81-00008. Applicant: University of Connecticut, Biological Sciences Group, Biochemistry & Biophysics Section, Life Science Building, Room 461, Storrs, CT 06268. Article: Superconducting Electromagnet. Manufacturer: Thor Cryogenics, United Kingdom. Intended use of article: The article is intended to be used to measure the magnetic susceptibility of biomolecules over a temperature range of −270° to 100°C. The objective of this biophysics research is to use these magnetic measurements to learn about the local environment of paramagnetic ions located in metalloproteins, and to relate this structural information to the biological function of the protein. The article will also be used by graduate students in Biochemistry and Biophysics of the Biological Sciences Group in connection with their graduate studies and research training. Application received by Commissioner of Customs: October 8, 1980.

Docket Number: 81-00009. Applicant: Carnegie Institution of Washington, Department of Embryology, 115 W. University Pkwy., Baltimore, MD 21210. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of specimens in the following research projects:

(1) Genetic Specification of Cell Morphology

(2) Regeneration of Particular Synapses

(3) Nucleic Acid Research Involving Electron Microscopy

(4) Mapping of *X. borealis* oocyte-specific 5S DNA (XbO 5S DNA). The Article will also be used to train graduate students and post-doctoral fellows in the use of a transmission electron microscope. Application received by Commissioner of Customs: October 9, 1980.

Docket Number: 81-00010. Applicant: University of Georgia, Microbiology Department, Athens, GA 30602. Article: Latroscan TH-10 TLC/FID Analyser. Manufacturer: Newman Howells Assoc., Ltd., United Kingdom. Intended use of article: The article is intended to be used in three types of experiments, analyzing the lipids of biological tissue extracts, quantifying lipid enzyme reactions, and measuring solubilities of fat soluble substances in fact. The objectives of these experiments are to understand how fat soluble substances get into animals, how they effect enzyme reaction and how long they persist. Many of these compounds are drugs, or carcinogenic. In addition, the article will be used to train a number of graduate students in the use of the article for their thesis work. Application received by Commissioner of Customs: October 14, 1980.

Docket Number: 81-00011. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, MD 21218. Article: Micromanipulator. Manufacturer: Microinstruments, Ltd., United Kingdom. Intended use of article: The article will be used to identify one class of messenger RNA in a complex mixture of mRNA species. mRNA will be loaded into microinjection needles and injected into hundreds of *Xenopus laevis* oocyte using the micromanipulator. The injected mRNA

will direct the synthesis of proteins in the oocytes. Identification of the proteins will allow identification of the mRNA. Several oocytes must be injected rapidly and incubated overnight to permit protein synthesis. The relevant proteins can be identified by specific assays for their activities. The investigations will elucidate mechanisms which control the synthesis of different mRNA molecules as cells differentiate. The article will also be used for training graduate students for independent research in molecular genetics. Application received by Commissioner of Customs: October 14, 1980.

Docket Number: 81–00012. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. box 990, Los Alamos, New Mexico 87545. Article: TEA 600A Laser Amplifier. Manufacturer: Lumonics Research, Ltd., Canada. Intended use of article: The article is intended to be used in experiments to measure the optical gain of a Free Electron Laser currently being developed at LANSL. A LANSL-design CO_2 laser oscillator will produce a short pulse of energy at 10.6 microns wavelength which will be directed through the amplifier to be increased in energy to the necessary level required for the experiment (1 to 5 Joules energy within a 1 to 2 nanosecond duration). Application received by Commissioner of Customs: October 14, 1980.

Docket Number: 81–00013. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Droplet Countercurrent Chromatograph, Model DCC–A. Manufacturer: Toyko Rikakikai, Japan. Intended use of article: The article is intended to be used for the study of a separation of a complex mixture of pharmacologically active prostaglandin products known as PGC_x. Experiments will consist of separation using two phase liquid systems the composition to be determined by experiment (example, chloroform and methanolwater combinations). The objective of the investigation is to isolate the biologically active components in the mixture. Pharmacological testing of fractions will identify the active ones. The article will be used in a general educational sense in that research students (both graduate and postdoctoral) on the project will be learning the development of separation by the technique. Application received by Commissioner of Customs: October 14, 1980.

Docket Number: 81–00014. Applicant: The Rockfeller University, 1230 York Avenue, New York, New York 10021. Article: Superconducting High Resolution Magnet and Cryostat. Manufacturer: Oxford Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in a Nuclear Magnetic Resonance spectrometer for studies of the structures of chemicals and biochemicals. The properties of the materials to be investigated are the high resolution NMR spectra of proton, or deuterium, or carbon–13, or nitrogen–15, or oxygen–17, or phosphorus nuclei of the materials. The experiments to be conducted cover a wide range of investigations of a biology and chemistry nature. The objectives pursued in the course of the various investigations are (1) determination of molecular structure of new materials (2) understanding of chemical or biochemical transformations, and (3) understanding the detailed motions and conformations of biochemicals. In addition, the article will be used in a course in Nuclear Magnetic Resonance Spectroscopy to familiarize student and postdoctoral research workers with experimental NMR, so that they may effectively use the technique in their own chemical and biochemical research projects. Application received by Commissioner of Customs: October 15, 1980.

Docket number: 81–00015. Application: University of California, Department of Physics, 2405 Bowditch Street, Berkeley, CA 94720. Article: 6 (ea.) Fine Beam Tube and Helmholz Coils with Holder. Manufacturer: Leybold-Heraus GmbH, West Germany. Intended use of article: The article is intended to be used for educational purposes in the course Physics 5E, which is designed for students intending to concentrate in Physics or Engineering. The course content includes introductions to quantum physics ideas, nuclear and atomic physics ideas, some elementary particle physics ideas, and quantum optics ideas. Application received by Commissioner of Customs: October 15, 1980.

Docket number: 81–00016. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street/I6, Philadephia, PA 19104. Article: Electron Microscope, Model EM 400. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article is intended to be used for the following research applications:

1. Correlation of mechanical properties to microstructure of polymers.
2. The relationship between microstructure and non-linear optical properties of polymers.
3. Analysis of corrosion reaction products of nickel based alloys by micro-diffraction techniques.
4. Structure and composition of solid-state electrolyte membranes.
5. Microstructure of SM_2CO_{17} magnetic materials by transmission electron microscopy and micro-diffraction.
6. Studies of high temperature fracture of iron-based alloys by transmission electron microscopy and micro-micro-diffraction.
7. Study the effects of fatigue on the structure of metal alloys by transmission electron microscopy and mirco-micro-diffraction.
8. Investigate the effects of high strain on dislocation structures in metals.
9. Determine the calcium distribution during bone growth by electron microscopy and micro-diffraction.
10. Distribution of toxic metals in neurological structures by electron microscopy and micro-micro-difraction.

The article will also be used in the course Electron Microscopy MSE 735 to train students to perform independent, original Ph.D. level research using an electron microscope. Application received by Commissioner of Customs: October 15, 1980.

Docket number: 81–00017. Applicant: Kansas State University, Department of Chemistry, Kansas State University, Manhattan, Kansas 66506.

Article: Vibrating Densimeter and Display Unit. Manufacturer: Sodev-Inc., Canada. Intended use of article: The article is intended to be used in a research project to determine the number of water adducts and organic solvent molecule adducts on metal chelates. The purpose of this is to gain fundamental information necessary to understand the mechanisms of liquid-liquid extractions. Liquid-liquid extractions are extremely important to many industrial processes, the analytical chemistry of the environment, metals recovery from ores and membrane transport in biological systems. The article will also be used for educational purposes in the courses Ph.D. Research in Chemistry—course 221–999 and Instrumental Analysis Lab.—course 221–667. Applicaton received by Commissioner of Customs: October 15, 1980.

Docket number: 81–00018. Applicant: HEW/PHS/FDA/Bureau of Devices, Research and Testing Staff, 14th & Independence Ave., S.W., Washington, D.C. 20205. Article: Electron Microscope, Model JEM 100CX. Manufacturer: Japan Electron Opitcs Lab., Japan. Intended use of article: The article is intended to be used to investigate surface properties of medical grade polymers and

mechanisms of cellular injury as a result of exposure to biomaterial. Ultrastructural studies are integral to the investigation of phsical and biological effects of biomaterial. The objective of these studies is to evaluate biomaterials safety. Application received by Commissioner of Customs: October 21, 1980.

Docket number: 81–00018. Applicant: HEW/PHS/FDA/Bureau of Devices, Research and Testing Staff, 14th & Independence Ave., SW., Washington, D.C. 20205. Article: Electron Microscope, Model JEM 100CX. Manufacturer: Japan Electron Optics Lab., Japan. Intended use of article: The article is intended to be used to investigate surface properties of medical grade polymers and mechanisms of cellular injury as a result of exposure to biomaterial. Ultrastructural studies are integral to the investigation of physical and biological effects of biomaterial. The objective of these studies is to evaluate biomaterial safety. Application received by Commissioner of Customs: October 21, 1980.

(Catalog of Federal Doemstic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-3434 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Approval of Federal Information Processing Standard; Additional Controls for Use with ASCII

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On July 25, 1980, notice was published in the **Federal Register** (45 FR 49630–49631) advising that a new standard, Additional Controls for Use with American National Standard Code for Information Interchange (ASCII), was being proposed for Federal use. Interested parties were invited to submit written comments by September 8, 1980, concerning this proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department of Commerce relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended that the Secretary approve the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the Additional Controls for Use with ASCII Standard as a FIPS. He has also authorized the publication of this notice announcing approval of this standard which shall be identified as FIPS Publication 86.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice. This standard adopts in whole American National Standard X3.64–1979, Additional Controls for Use with American National Standard Code for Information Interchange.

By arrangement with the American National Standards Institute, interested parties may purchase copies of this standard, including the specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this standard may contact Mr. John L. Little, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3723.

Dated: January 23, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standard Publication 86

(Date)

Announcing the Standard for Additional Controls for Use With American National Standard Code for Information Interchange

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 of the Code of Federal Regulations (CFR).

1. *Name of Standard.* Additional Controls for Use with American National Standard Code for Information Interchange (ASCII) (FIPS PUB 86).

2. *Category of Standard.* Hardware Standard, Interchange Codes and Media.

3. *Explanation.* This standard specifies a set of encoded control functions to facilitate data interchange between data processing equipment, data communication equipment, and two-dimensional character-imaging input-output devices, such as interactive ADP terminals of the display or printer type, line printers, microfilm printers, typesetting composers, word processors, and related devices. These control functions augment the basic set of control functions prescribed by ASCII (FIPS PUB 1 which has been redesignated as FIPS PUB 1–1). They may be used in 7 or 8 bit environments in accordance with the standard for Code Extension Techniques in 7 or 8 Bits (FIPS PUB 35) or American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of ASCII.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross Index.* American National Standard X3.64–1979, Additional Controls for Use with American National Standard Code for Information Interchange.

7. *Related Documents.*

a. American National Standard Code for Information Interchange (ASCII), X3.4–1977 (FIPS PUB 1–1).

b. International Standard ISO 646–1973, 7-Bit Coded Character Set for Information Processing Interchange.

c. American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange (FIPS PUB 35).

d. International Standard ISO 2022–1973, Code Extension Techniques for

Use with the ISO 7-Bit Coded Character Set.

e. Draft International Standard ISO 6429, Additional Controls for Character-Imaging Devices.

8. *Applicablity.* This standard is applicable to the acquisition and use of all ADP equipment and services that involve character imaging and which employ the character set and encoding conventions prescribed by FIPS PUB 1–1 and FIPS PUB 35.

9. *Specifications.* This standard adopts in whole American National Standard X3.64–1979, Additional Controls for Use with American National Standard Code for Information Interchange.

10. *Qualifications.* None.

11. *Implementation Schedule.* This standard becomes effective one year after the publication date of this announcement of its approval by the Secretary of Commerce in the **Federal Register.** All applicable equipment ordered after that date must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure below. Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the effective date of this standard.

b. Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids has been issued) prior to the effective date of this FIPS PUB 86.

10. *Waivers.* Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above justification the for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment unless it has already obtained such approval of its waiver request.

11. *Special Information.* The types of controls specified by this standard include editing functions, formatting, and the specification and control of special regions of data, such as guarded and/or protected areas, as well as certain status setting and interrogation functions, mode selection and typesetting composition functions.

A control sequence structure is defined (similar to that of FIPS PUB 35 escape sequences) which permits numeric and selective parameters to be included as part of many of the controls. This structure, as well as the structure of the standard as a whole is open ended so that more controls can be included in future revisions.

12. *Where to Obtain Copies.* Copies of this publication are available for sale from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to the Federal Information Processing Standards Publication 86 (FIPS-PUB-86), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 81-3325 Filed 1-28-81; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Issuance of General Permits to Incidentally Take Marine Mammals

On January 15, 1981, general permits were issued to:

1. The Japan Deep Sea Trawlers Association, No. 601 Daito Building, 3–6 Kanda Ogawacho, Chiyoda-ku, Tokyo, Japan (Category 1);

2. The National Federation of Medium Trawlers, Toranomon Chuo Building, VI, 1–16, Toranomon, 1–Chome, Minatoku, Tokyo, Japan (Category 1);

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2–7–2, Hirakawa-cho, Chiyodaku, Tokyo, Japan (Category 5);

4. DALMOR, Gdynia, Poland (Category 1); and

5. ODRA, Swinoujscie, Poland (Category 1);

6. GRYF, Swinoujscie, Poland (Category 1);

for the taking of marine mammals incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (42 FR 64551–64560). The general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: January 15, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-3394 Filed 1-28-81; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council and its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee (SSC) to assist the Council in carrying out its responsibilities. The Council and its SSC will hold separate meetings regarding the 1981 salmon fishery management plan amendment and regulations.

DATES: The Council meeting will convene on March 26, 1981, at approximately 8 a.m., and adjourn at approximately 5 p.m. The SSC meeting will also convene on March 26, 1981, at approximately 8 a.m., and adjourn at approximately 1 p.m. These meetings are open to the public.

ADDRESS: The Council meeting will take place at the Capri del Rio, Cosmopolitan Hotel, 1303 NE Union Avenue, Portland, Oregon and the SSC meeting will take place at the Bombay Room, also at the Cosmopolitan Hotel, same address as above.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 SW. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: January 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-3393 Filed 1-28-81; 8:45 am]
BILLING CODE 3510-22-M

Title IV of the Outer Continental Shelf Lands Act Amendments of 1978, the Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notice of waiver of filing deadline.

SUMMARY: Applications for compensation from the Fishermen's

Contingency Fund for damage or loss of fishing gear or vessels occurring after September 17, 1978, and before December 22, 1980, may be filed during the 60-day period from December 22, 1980, to February 19, 1981. This waiver is effected by Section 240(a)(2) and (b)(1)(A) of title II—Promotion of fisheries—Pub. L. 95-561, enacted December 22, 1980.

EFFECTIVE DATE: This notice is effective December 22, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathryn E. Hensley, Program Leader, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Phone number (202) 634-4688.

Accordingly, notwithstanding any other provision under 50 CFR Part 296, any application for compensation from the Fishermen's Contingency Fund of fishing vessel or gear damage or loss occurring from September 18, 1978, to December 22, 1980, may be filed on or after December 22, 1980, but no later than February 19, 1981.

(Pub. L. 95-372; 92 Stat. 629; 43 U.S.C. section 1841 *et seq.*)

Dated: January 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-3395 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-22-M

Office of Secretary

Request From the Nuclear Regulatory Commission for a National Voluntary Laboratory Accreditation Program for Radiation Dosimetry

In accordance with the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP): Federal government (15 CFR Section 7b.4(c)), the Department of Commerce publishes as part of this notice a request from the Nuclear Regulatory Commission (NRC) dated December 23, 1980 to develop a program for accrediting processors of personnel dosimeters that measure ionizing radiations received occupationally by workers. In effect, processors may be considered testing laboratories which measure the amount of ionizing radiation received on personnel dosimeters.

The NRC request in turn references an advance notice of rulemaking (45 Fed. Reg. 20493(1980)). The request and advance notice, taken together, consitutute the statement of need required by 15 CFR Section 7b.4(b)(4) and the procedures followed in making the determination. The Statutory authority of the NRC to make such a determination is specified at the beginning of 10 CFR Part 20. Under this set of regulations, the NRC requires its licensees to have adequate precautionary procedures to protect the health and safety of licensee personnel and the public against radiation hazards arising from licensee activities.

The NRC request refers to personnel dosimetry program quality assurance criteria which are to be recommended by the Personnel Dosimetry Overview Committee. These criteria might simply provide the elements of current NVLAP laboratory accreditation criteria (45 FR 5572-5600) to be used in accrediting processors. In that event, an NRC draft standard would not be necessary in accordance with NVLAP procedures in order to proceed with the program. Whatever NRC decides to recommend, processors and other interested parties will have an opportunity to comment on proposed criteria when DOC publishes them in the **Federal Register**. It is only after comments on the proposed criteria have been analyzed and resolved that the final criteria will be published and processors will be offered the opportunity to apply for accreditation.

Any comments as to the need for this program should be made within 60 days directly to NRC, Ms. Nancy Ann Dennis, Occupational Health Standards Branch, Office of Standards Development, Washington, D.C. 20555 (301/443-5970). A copy of such comments should be sent to Mr. John W. Locke, NVLAP Coordinator, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2054). Additional inquiries related to NVLAP can also be directed to Mr. Locke.

Dated: January 26, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

United States Nuclear Regulatory Commission

December 23, 1980.

Honorable Jordan J. Baruch,
Assistant Secretary for Productivity, Technology and Innovation, United States Department of Commerce, Washington, D.C. 20230.

Dear Mr. Baruch: The Nuclear Regulatory Commission (NRC) requests, in accordance with Section 7b.4 of Title 15 of the Code of Federal Regulations, that the Department of Commerce (DOC) and NRC work together to establish a laboratory accreditation program for processors of personnel dosimeters that measure ionizing radiation received occupationally by radiation workers. This program would be based upon the American National Standards Institute (ANSI) N13.11 Standard, Criteria for Testing Personnel Dosimetry Performance, and a personnel dosimetry quality assurance standard currently being developed, for NRC consideration, by the Personnel Dosimetry Overview Committee which was formed to ensure that any proposed regulatory action will be effective and appropriate to the need.

The NRC has been working to establish a certification program for personnel dosimetry processors in order to improve the accuracy of reported dose measurements made for NRC licensees by personnel dosimetry processors. It is estimated the NRC Licensees currently compose approximately twenty percent of the 1.1 million workers in the United States that require personnel monitoring as a result of their potential exposure to ionizing radiation of all kinds. NRC licensees are required to perform personnel monitoring as prescribed in 10 CFR Part 200, Section 20.202 and to record and maintain radiation exposure records as specified in 10 CFR Part 20, Section 20.401. The personnel dosimeter is carried or worn by each worker to measure the exposure received during work. Dosimeters are collected at various prescribed time intervals by the licensees and then processed by a dosimetry service which may be provided by the licensee in-house or through the use of commercial processors.

There are approximately seventy dosimetry processing services or organizations in the U.S. Because of the critical nature of these measurements and the poor performance of dosimetry processors during recent performance tests performed by the University of Michigan for the NRC which were described in an Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors (45 FR 20493), there is a need to evaluate the performance of each dosimetry processor periodically and to make a specific determination as to competence.

As part of this proposed joint effort, the NRC will submit recommended general and specific criteria to be used in accrediting personnel dosimetry processors (laboratories). This recommendation will include consideration of those quality assurance requirements which NRC believes to be essential as well as the NVLAP general and specific criteria currently in use.

NRC recognizes that additional development work is needed to refine the specific details of the proposed program for accreditation of personnel dosimetry processors before the program could be implemented. NRC is willing to financially support this effort and suggests that the details of such support be included in a Memorandum of Understanding (MOU) to be developed between DOC and NRC. Details of NVLAP and NRC coordination and several other matters such as the source of NVLAP inspectors and appeal procedures can be included in the MOU. NRC is also concerned that all interested agencies be informed of the progress of the program as it develops and proposes that this matter be a regular agenda item at forthcoming meetings of the Interagency Policy Committee for Personnel Dosimetry (IPCPD). The IPCPD is composed of representatives of Bureau of Radiological Health (HEW), the Department of Defense

(DOD), the Department of Energy (DOE), the Environmental Protection Agency (EPA), the National Bureau of Standards (NBS), the NRC, the Occupational Safety and Health Administration (DOL), and the Conference of Radiation Control Program Directors (States). The IPCPD was formed in 1977 to guide and coordinate correction of the dosimetry processors' performance problem so that intra-agency rules similar to NRC regulations may be adopted.

Ms. Nancy Ann Dennis, Occupational Health Standards Branch, 301/443-5970, is the NRC staff contact for this effort.

Sincerely,

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-3329 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-13-M

Procedure for Notifying Interested Parties of Proposed Foreign Government Mandatory Standards-Related Actitivies

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

As detailed in the **Federal Register** notice of Monday, November 10, 1980 (page 74532), the Secretary of Commerce has established a Technical Office to perform certain implementing functions with respect to standards, testing and certification activities for non-agricultural products. The functions of the Technical Office relate to the opportunities and obligations obtained by the United States as one of the many signatory nations to the International Agreement on Technical Barriers to Trade (Standards). This Agreement, recently developed under the auspices of the General Agreement on Tariffs and Trade (GATT), is often referred to as the GATT Standards Code.

One of the implementing functions of the Technical Office is to provide information on proposed foreign regulations, standards, testing and certification requirements that could affect U.S. nonagricultural products that are or could be involved in international trade. The procedures described herein are intended to enable affected U.S. parties to be aware of *mandatory* standards-related activities being proposed by the other signatory nations and to be able to take full advantage of an opportunity to register their comments on these proposals if they so desire. At the present time these other signatory nations are: Argentina*, Austria, Brazil, Belgium*, Canada, Chile*, Denmark, Finland, France, West Germany, Hungary, Ireland, Italy, Japan, South Korea, Luxembourg, Netherlands, New Zealand, Norway, Romania, Singapore, Spain*, Sweden, Switzerland, United Kingdom, Yugoslavia*, and the European Economic Communities. The asterisk * indicates the signatory naitons that have not yet ratified the agreement and have not initiated their proposal notification process.

The Technical Office intends to make use of several existing facilities for the purpose of widely disseminating notices of proposed foreign *mandatory* standards-related activities received from these signatory nations. All such notices received by the Technical Office will be published on the back pages of the Department of Commerce publication *Commerce Business Daily*, together with information on how to obtain copies of the actual proposals and how to submit comments on them. The Technical Office will also forward copies of the notices to the Bureau of Industrial Economics of the U.S. Department of Commerce for appropriate further distribution by that Bureau. The U.S. Commercial Service of the U.S. Department of Commerce will also receive copies of these notices and will in turn advise their District Offices of these foreign mandatory actions for distribution to affected industries, and interested state and local government organizations, as resources permit. Copies will also be furnished to all Federal agency members of the Interagency Committee on Standards Policy. In addition, notices will be forwarded to the American National Standards Institute. Persons interested in the actual texts of these proposals should immediately request a copy thereof from the Standards Information Center, Technology Building, B-166, National Bureau of Standards, Washington, D.C. 20234 (telephone 301-921-2092). The Center will then attempt to obtain copies of the text of the proposals from the U.S. Embassy in the country concerned.

If upon review of the text of the proposed foreign mandatory standard, the exporter believes that such standard may unjustifiably impede his exports, he should communicate his concerns as soon as possible before the end of the comment period (to be stipulated in the notices to be published by *Commerce Business Daily*) to the Director, Trade Negotiations and Agreements Division, Office of Trade Policy, U.S. Department of Commerce, Washington, D.C. 20230, (with a copy to the Deputy Assistant Secretary for Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230). Regarding foreign proposal notices where the final date for submission of comments may have passed or does not allow sufficient time, interested exporters may still wish to register comments for consideration during future revisions to the standard. The Commerce Department will facilitate the transmission of U.S. comments to the government of the foreign country concerned. These procedures will be followed during the initial implementation period. At this time, these procedures pertain only to proposed foreign *mandatory* standards-related actions and only to those received from the signatory nations.

The Department plans to assess the operation required to provide notices of proposed foreign *voluntary* standards activities that may affect U.S. exports. Comments and suggestions relative to the usefulness of extending this notification service to such voluntary standards activities should be sent to the Director, Technical Office—Product Standards, Office of Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

January 26, 1981.

[FR Doc. 81-3330 Filed 1-28-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Army

Chief of Engineers Environmental Advisory Board; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the next meeting of the Chief of Engineers Environmental Advisory Board (EAB) will be held 2-5 March 1981, in the Board of Engineers for Rivers and Harbors Hearing Room, Kingman Building, on Leaf Road, Ft. Belvoir, Virginia. Times and subjects of each session follows:

2 March—Monday A.M. Session

0800—Meeting convened.
0830-1130—Review of previous EAB reports.
1130-1300—Lunch.

P.M. Session

1300-1430—Review of previous EAB reports.
1430-1500—Public comments.
1500-1700—Ocean disposal site designation program.
1700-1715—Public comments.
1715—Meeting recessed.

3 March—Tuesday—A.M. Session

0800—Meeting convened.
0800-1130—The Corps Wetlands/404 Program.
1130-1140—Public comments.

1140–1300—Lunch.

P.M. Session

1300–1700—The Corps Wetlands/404 Program.
1700–1715—Public comments.
1715—Meeting recessed.

4 March—Wednesday—A.M. Session

0800—Meeting convened.
0800.1200—The Corps Wetlands/404 Program.
1200–1300—Lunch.

P.M. Session

1330–1630—The Corps Wetlands/404 Program.
1630–1700—Public comments.
1700—Meeting recessed.

5 March—Thursday—A.M. Session

0800—Meeting convened.
0800–1200—EAB prepares report for COE.
1200–1300—Lunch.

P.M. Session

1300–1400—EAB prepares report for COE.
1400–1500—EAB reports to COE.
1500–1515—Public comments.
1515—Meeting adjourned.

Meeting room has limied seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting. Persons planning to attend or desiring further information should contact LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers. Telephone: 202–272–0103.

Dated: January 22, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-3364 Filed 1-28-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army

Amendment of a System of Records Notice

AGENCY: Department of the Army.

ACTION: Amendment to a System of Records Notice.

SUMMARY: The Department of Army proposes to convert their existing Counterintelligence Operations Files (See Army System Notice AO 503.06 DAMI) from its current paper mode to a hybrid mode using both paper and an in-house stand-alone Automated Data Processing (ADP) capabilities. Also additional safeguards are being employed to protect the automated portion of the system. Records in this system may be exempt from certain portions of the Act. See Army Regulation 340–21 (32 CFR Part 5050).

The specific changes are set forth below followed by the system notice in its entirety as amended.

DATES: The proposed action shall become effective without further notice on March 2, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, including written data, views or arguments concerning this action should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Guy Oldaker, Chief, Records Management Division, HQDA (DAA–AMR–R), Room GA–084, the Forrestal Building, 1000 Independence Avenue, SW, Washington D.C. 20314. Telephone (202) 693–7830.

SUPPLEMENTARY INFORMATION: The most current listing of U.S. Army system notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C. Section 552a (Pub. L. 93–479) was published in FR Doc. 81–897 (46 FR 6427) January 21, 1981.

The Department of the Army has submitted an altered system report on December 18, 1980 for this system change under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circulars No. 1 and No. 3, September 30, 1975 and May 17, 1976, respectively. The OMB guidance was published in the **Federal Register** at 40 FR 45877 on October 3, 1975.

M. S. Healy,

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

January 26, 1981.

AO 503.06 DAMI

System Name:

503.06 Counterintelligence Operations Files.

Changes:

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System.

Storage:

Delete current entry and add:

"Reports generated in the documentation of agency investigations and operations are retained in original report format as paper records in file folders. Other records and reports are maintained as paper records in file folders and in microfiche. Extracted information is converted into appropriate language for storage on a computer diskpack."

Retrievability:

Delete current entry and add:

"Paper records are retrieved by name of file number. Computerized data are retrieved by name, date of birth, place of birth, and aliases; by designation of the operation or investigations, or by identification of foreign intelligence agency."

Safeguards:

Add a new sentence to read:

"Computerized data is controlled by a codeword that is issued only to properly screened, cleared and trained personnel. System employes on-line, dial-up procedures, enhanced by shielding and other appropriate technical safeguards to protect data against potential compromising emanations and/or unauthorized access."

Retention and Disposal:

Delete current entry and add:

Paper records documenting foreign counterintelligence operations and investigations are permanent. At the termination of the operation/investigation, files are retired to the US Army Intelligence and Security Command's Investigative Records Repository. Computerized information is updated periodically and all previous copies destroyed.

Notification Procedures:

Delete current entry and add:

"Information may be obtained from the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310."

Record Access Procedures:

Delete current entry and add:

"Requestor should contact the Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310. For personal visits, the requestor should present such acceptable proof of identity as a drivers license, military identification card, Department of Defense (DOD) building pass, or other type of identification containing photograph and identity data."

Contesting Record Procedures:

Delete current entry and add:

"The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record Source Categories:

Delete current entry and add:

"Information is obtained from individuals."

Systems Exempted From Certain Provisions of the Act:

Delete current entry and add:

"Portions of this system of records may be exempt under Title 5 of the U.S. Code Sections 552a(k)(1), (2) and (5) as applicable. The specific exemptions for this system may be found in Army Regulation 340–21 (32 CFR Part 505)."

A0503.06DAMI

System Name:

503.06 Counterintelligence Operations Files.

System Location:

Primary System: US Army Intelligence and Security Command, Fort Meade, Maryland 20755.

Decentralized Segments:

Locations of the US Army Intelligence and Security Command's decentralized segments may be obtained from the Appendix to the last Federal Register compilation of Army system notices.

Categories of Individuals Covered by the System:

Active and Retired Military Personnel, Department of Defense (DOD) affiliated civilians including contractor personnel employed by civilian firms having defense contracts, and individuals not affiliated with the Department of Defense only if there is a reasonable basis to believe that one or more of the following situations exist: Theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to DOD units or installations. Possible compromise of classified defense information by unauthorized disclosure or by espionage. Subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of laws, disobedience of lawful orders and regulations, or disruption of military activities. Demonstrations on active or reserve Army installations or demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activities. (Armed Forces Induction Centers, US Army Recruiting Stations located off-post and facilities of Federalized National Guard Units are considered to be active DOD installations. For the purpose of the sub-paragraph, Reserve Officer Training Corps (ROTC) installations on campuses are not considered to be active or reserve Army installations and coverage of demonstrations at or adjacent to such installations is not authorized). Direct threats to DOD military or civilian personnel regarding their official duties or to other persons authorized protection by DOD resources. Activities or demonstrations endangering classified defense contract facilities or key defense facilities, including Panama Canal, approved by Headquarters, Department of the Army (HQDA), as key to the defense and operation of the Panama Canal.

Categories of Records in the System:

Files contain those documents used to conduct foreign counterintelligence operations and investigations pertaining to the US Army's responsibilities under the categories of counterinelligence, counterespionage, counter-sabatage, and counter-subversion.

Authority for Maintenance of the System:

Executive Order 10450, Security Requirements for Government Employment, in particular Sections 2 and 9c thereof. Executive Order 12036, United States Intelligence Activities, in particular paragraphs 1–1104, 1–1112, 1–1113, 1–204(b) and 2–208. The National Security Act of 1947 as amended (Title 10 of the U.S. Code Sections 3012(b)(c) and (g).

Routine Uses of Records Maintained in the System, Including Catagories of Users and the Purposes of Such Uses:

Files are mantained: To detail results of investigations and operations, to facilitate guidance, control and effectiveness of the investigations and operations, to document for record purposes the results of investigations and operations, and to allow analysis of information on foreign intelligence agencies and personalities who are known or suspected of posing a threat to the security of the DOD.

To support authorized counterintelligence investigations and operations initiated to detect, identify and neutralize foreign counterintelligence threats to the DOD.

Information is provided to DOD Components, Federal Agencies, and other services and governmental agencies whose missions contain responsibility for foreign counterintelligence activities.

Information may be disclosed to foreign law enforcement, security, investigatory or administrative authorities in order to comply with requirements composed by or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of DOD military and civilian personnel and other countries where there are routine reciprocal exchanges of information.

This distribution of operational and investigative information to Army activities or outside agencies is based on the evaluation by the U.S. Army Intelligence and Security Command of the other activity's needs and the relevance of the information to the use for which it is to be provided. Information collected is not automatically used for all the purposes or by all the other users listed in this description.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Reports generated in the documentation of agency investigations and operations are retained in original report format as paper records in file folders. Other records and reports are maintained as paper records in file folders and in microfiche. Extracted information is converted into appropriate language for storage on a computer diskpack.

Retrievability:

Paper records are retrieved by name or file number. Computerized data are retrieved by name, date of birth, place of birth, and aliases; by designation of the operation or investigations, or by identification of foreign intelligence agency.

Safeguards:

Files are maintained in three-position combination, fire resistant steel security containers housed in security controlled areas accessible only to authorized personnel. Computerized data is controlled by a codeword that is issued only to properly screened, cleared and trained personnel. System employs on-line, dial-up procedures, enhanced by shielding and other appropriate technical safeguards to protect data against potential compromising emanations and/or unauthorized access.

Retention and Disposal:

Paper records documenting foreign counterintelligence operations and investigations are permanent. At the termination of the operation/investigation, files are retired to the US Army Intelligence and Security Command's Investigative Records Repository. Computerized information is updated periodically and all previous copies destroyed.

System Manager(s) and Address:

The Assistant Chief of Staff for Intelligence, Department of the Army, Washington, D.C. 20310.

Notification Procedure:

Information may be obtained from the Assistant Chief of Staff for Intelligence, Department of the Army, Washington D.C. 20310.

Record Access Procedures:

Requestor should contact the Assistant Chief of Staff for Intelligence, Department of the Army, Washington D.C. 20310. For personal visits, the requestor should present such acceptable proof of identity as a drivers license, military identification card, Department of Defense (DOD) building pass, or other type of identification containing photograph and identity data.

Contesting Record Procedures:

The Army's rules for access to records and for contesting contents and appealing intitial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

Record Source Categories:

Information is obtained from individuals.

Systems Exempted From Certain Provisions of the Act:

Portions of this system of records may be exempt under Title 5 of the U.S. Code Sections 552a(k) (1), (2) and (5) as applicable. The specific exemptions for this system may be found in Army Regulation 340–21 (32 CFR Part 505).

[FR Doc. 81–3374 Filed 1–28–81; 8:45 am]
BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Section 10 and Section 404 Permit To Construct a Forced Drainage Project in Terrebonne Parish, La.

AGENCY: U.S. Army Corps of Engineers.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Proposed Action. This statement will analyze work proposed in a series of permit applications submitted by Terrebonne Parish Police Jury. This work consists of the establishment of a parish-wide forced drainage program made up of at least 26 individual units. The proposed work involves the construction of approximately 450,000 linear feet of canals and levees and the rebuilding of approximately 300,000 linear feet of existing canals and levees. Pumps placed in each of the units will drain a total of 40,000 acres of residential land, agricultural land, and both wet and nonwet undeveloped land.

2. Alternatives. Alternatives such as no action and gravity drainage will be discussed in the DEIS. Although the applicant proposes to use levee alinements that follow the wetland/nonwetland interface as recommended by the Corps, alternative levee alinements will be discussed in the DEIS for several of the units within the proposed project.

3. Scoping Process. a. The levee alinements now proposed by the applicant have been discussed and adjusted in a series of meetings attended by representatives of the Department of the Interior—U.S. Fish and Wildlife Service, Department of Commerce—National Marine Fisheries Service, U.S. Environmental Protection Agency—Enforcement Section, Department of Defense—U.S. Army Corps of Engineers, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Natural Resources—Coastal Management Section and the Terrebonne Parish Police Jury.

b. Significant issues for the forced drainage project to be addressed in the DEIS include: flood protection, downstream flooding, promotion of residential and industrial growth, impacts to proposed and existing sewage treatment operations, cost effectiveness of the various units in the project, life expectancy of the project, energy consumption during construction and operation, impacts to fisheries and wildlife during construction, operation, and maintenance.

c. No formal assignments are currently planned for input into the DEIS by other Federal and state agencies. Nonetheless, informal meetings will continue to be held and communications will be maintained throughout the EIS process with those agencies mentioned in 3a. above.

d. Periodic reviews will be held with various Federal, state, and local agencies; they will be kept apprised of the progress.

4. Scoping Meeting. A public scoping meeting will be held at 1900 hours (7:00 p.m.) on Thursday, 26 February 1981, at the H. L. Bourgeois High School Auditorium in Houma, Louisiana, in Terrebonne Parish. The meeting will consist of an introduction and a description of the proposed project, EIS process, and scoping process; after which the attendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. Comments made by individuals in the workshop groups will be recorded, compiled, and analyzed. A summary of the results will be forwarded to each registered participant.

5. Availability. The DEIS is scheduled to be available to the public in November 1981.

ADDRESS: Questions concerning the proposed action and DEIS can be directed to either Dr. Thomas Davidson at (504) 838–2265 or Mr. Glenn Lukos at (504) 838–2277 both at the U.S. Army Corps of Engineers, Regulatory Assessment Section (LMNOD–SA), P.O. Box 60267, New Orleans, Louisiana 70160.

Thomas A. Sands,

Colonel, CE District Engineer.

[FR Doc. 81–3368 Filed 1–28–81; 8:45 am]
BILLING CODE 3710–84–M

Department of Navy

Addition and Deletions of System of Records Notices

AGENCY: Department of the Navy (DON).

ACTION: Notification of addition and deletions to system notices.

SUMMARY: The Department of the Navy proposes to add one new system notice for a system of records subject to the Privacy Act of 1974 (5 USC 552a) and to delete two systems of records which were formerly subject to the Privacy Act. The information contained in the deleted systems will be incorporated into the new system.

DATES: The proposed actions shall be effective without further notice on March 2, 1981 unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, including written data, views or arguments concerning the actions proposed should be addressed to the systems manager identified in the particular system notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350, telephone: (202) 694–2004.

SUPPLEMENTARY INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C., Section 552a (P.L. 93–579) were published in the **Federal Register**

at: FR Doc 81-897 (46 FR 6696) January 21, 1981.

The Department of the Navy has submitted a new system report on December 15, 1980 for the new system of records under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular No. 1 and No. 3, dated September 30, 1975 and May 17, 1976, respectively. The OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

January 23, 1981.

M. S. Healy,

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

Deletions

N63393 F0015BA054

System Name: Aircraft Mishap (44 FR 74640) December 17, 1980.

Reason: This system has been incorporated into new system #N63393, "Aviation Mishap Report."

N63393 F0013BA013

System Name: Aviation Medical Officer's Report (44 FR 74639) December 17, 1980.

Reason: This system has been incorporated into new system #N63393, "Aviation Mishap Report."

N63393 AVNMISRPT

System name: Aviation Mishap Report.

System location: Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

Categories of individuals covered by the system: All aeronautically designated individuals in a crew status who are involved in a naval aviation mishap resulting in a cost of $50,000 or more.

Categories of records in the system: Name, social security number, flight experience of involved individuals, and location, severity, cause factors and description of the accident.

Authority for maintenance of the system: DOD Instruction 1000.19, dated 18 October 1979; subject: "Mishap Investgative Reporting and Recordkeeping."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this file will be provided to all naval aviation activities and to the Department of Labor, Department of Commerce, Department of Transportation, and NASA, or contractors who request and have an official need for such information. Navy and other government activities will utilize these records in connection with safty, staffing, training, budgetary or administrative purposes associated with aviation. Contractors will be furnished information in connection with a federal contract. Unless required the identification of individuals will be deleted from reports provided to non-Navy activities. Although the identification of the individual will not be used to retrieve records in connection with Freedom of Information Act requests, reports may be compiled from this file using other search criteria and provided in response to such requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage: Magnetic tape, disk storage packs, file folders and microfilm.

Retrievability: Name or social security number may be used for retrieval.

Safeguards: Files are maintained within the data processing facility and a limited number of Naval Safety Center personnel have free access to this area. When the computer facility is not occupied, physical security is provided by the Naval Safety Center duty section and by periodic checks made by the base security patrol. A knowledge of the computer operating system is required to process the mechanized files.

Retention and disposal: Original source documents will normally be destroyed within 18 months after being processed. Microfilm copies of the source documents and the data files will be retained indefinitely.

System manager(s) and address: Head, Records and Data Processing Department, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

Notification procedure: Individuals can determine the existence of records pertaining to them by contacting the System Manager. Full name and social security number must be provided.

Record access procedures: The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories: The source of data for the file is the Aviation Mishap Report.

System exempted from certain provisions of the act: None.

[FR Doc. 81-3277 Filed 1-28-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Defense Science Board Task Force on Review of M-X Environmental Impact Statement; Advisory Committee Meeting

The Defense Science Board Task Force on the Review of M-X Environmental Impact Statement will meet in open session on February 12-13, 1981 in the Santa Barbara County Administration Building, Santa Barbara, California. Each session will commence at 8:30 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The objective of this specific Task Force is to make an independent review of the adequacy of the M-X Environmental Impact Statement (EIS) as prepared by the Air Force. Each member of the Task Force has previously reviewed the draft EIS and the planned agenda for this meeting includes discussions of each individual's preliminary analysis as well as presentations by the Air Force and its contractor concerning areas where additional clarification is required.

At a later date, to be announced, the Air Force will conduct open hearings on the draft M-X EIS. The purpose of those hearings, in contrast to this meeting, will be to obtain active public participation.

Because of the desire to accommodate as many people as reasonably possible, it is requested that persons interested in attending the DSB Task Force meeting notify Colonel W. R. McDonald, USAF, (202) 695-9292, in the Pentagon, Washington, D.C. as soon as possible. Seats will be assigned on a reservation basis as calls are received.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 23, 1981.

[FR Doc. 81-3338 Filed 1-28-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also

describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: February 18, 19 and 20, 1981.

ADDRESS: Executive Hotel, 1055 First Avenue, San Diego, California 92101.

FOR FURTHER INFORMATION CONTACT: William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteenth Street, NW, Room 529, Washington, D.C. Telephone: (202) 376–8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and,

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

An orientation for new Council members will be held on Wednesday, February 18, 1981 from 2:00 P.M. until 3:30 P.M. New members will be sworn-in and received by the full Council from 5:00 P.M. until 6:30 P.M.

The meeting of the full Council will begin at 8:30 P.M. on February 18, 1981, and will conclude at 12:00 Noon on February 20, 1981. The proposed agenda includes:

—Chairperson's Report
—Executive Director's Report
—Legislative Update
—Discussion of Council's mandate and critical issues
—Election of Vice-Chairperson
—Administrative matters

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, NW., Room 529, Washington, D.C.

Signed at Washington, D.C., on January 26, 1981.

William G. Shannon,

Executive Director.

[FR Doc. 81-3313 Filed 1-28-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration Caulkins Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Caulkins Oil Company, 2100 Colorado State Bank Building, 1600 Broadway, Denver, Colorado, 80202. This Proposed Remedial Order charges Caulkins Oil Company with pricing violations in the amount of $212,736.45, connected with the production and sale of domestic crude oil during the time period September 1, 1973, through January 31, 1976, in the States of Oklahoma and New Mexico.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226, phone (303) 234–3195. On or before February 13, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Lakewood, Colorado, on the 19th day of January 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District.

Concurrence by:

Vincent M. Prichard,

Acting Regional Counsel.

[FR Doc. 81-3299 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Cromby Generating Station Unit 2: Intent To Prepare an Evironmental Impact Statement (EIS) and Conduct a Public Scoping Meeting

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) and conduct public scoping meeting.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare a EIS evaluating the impact of making effective its Energy Supply and Environmental Coordination Act of 1974 (ESECA) Prohibition Order for the Cromby Generating Station Unit 2. This unit is located in the borough of Phoenixville, and the county of Chester, PA, and is owned and operated by the Philadelphia Electric Company (PECO). The Prohibition order will be effective when a Notice of Effectiveness (NOE) is issued and will prohibit the burning of petroleum or natural gas in this unit. Subsequent operation of this unit would require the burning of an alternate fuel such as coal. Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend the public scoping meeting which will be held on February 25, 1981 in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties desiring to present oral comments at the scoping meeting should provide advance notice to the Economic Regulatory Administration (ERA) as described below.

Upon completion of the Draft EIS its availability will be announced in the **Federal Register**, at which time further comments will be solicited.

The meeting is scheduled to begin at 7:30 p.m. and will continue until all persons in attendance wishing to speak have had an opportunity to do so.

Written comments, notice of intent to present comments at the scoping meeting, and questions concerning the meeting should be addressed to: Mr. Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, Telephone (202)653–3684.

For general information on the EIS process, contact: Robert J. Stern, Director, Division of NEPA Affairs, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environment, Department of Energy, 1000 Indepedence Avenue, S.W., Washington, D.C. 20585, Telephone (202)252–4600.

Date and Location of Scoping Meeting: The meeting will begin at 7:30 p.m. on February 25, 1981 in the YMCA on Pothouse Road, Phoenixville, Pennsylvania.

Written Comments Due: Written comments are to be submitted to Mr. Ferguson by March 30, 1981.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Federal Energy Administration (FEA) published in the **Federal Register** a Notice of Intent to Issue Prohibition Orders for 18 powerplants located at 11 generating stations including Unit 2 of the Cromby Generating Station, located in the borough of Phoenixville, PA. The prohibition order was issued pursuant to the ESECA (15 U.S.C. 791 *et seq.*) (Pub. L. 93–319) as amended by the Energy Policy and Conservation Act of 1975 (Pub. L. 94–163) and as further amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70). On October 1, 1977, DOE took over the functions of FEA, including its authorities and responsibilities under ESECA. If made effective, the order will prohibit this unit from burning natural gas or petroleum as its primary energy source. The prohibition order was based on an FEA finding that this powerplant has, or previously had, the technical capability to use an alternate fuel as a primary energy source. It was determined that this powerplant was designed and constructed to burn coal as a primary energy source and had previously burned coal.

Environmental Impact Statement

The EIS will present a comprehensive analysis of the environmental impact of ERA's proposed action in issuing an effective order prohibiting Unit 2 of the Cromby Generating Station from burning natural gas or petroleum as primary fuels. This analysis will discuss the environmental consequences of the proposal and alternatives, including the environmental impacts of burning coal or other alternate fuels as primary fuels. Among the impacts to be discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. In addition, the EIS will evaluate methods for meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes. The EIS will be prepared in accordance with Section 102 (2)(c) of the National Environmental Policy Act (NEPA).

It is possible that DOE may, in the future, issue prohibition orders to other facilities in the area of the Cromby Generating Station. If it appears that the envrionmental effects of conversions in proximity result in cumulative impacts, DOE may opt to combine these conversions in a single EIS. DOE will assess various strategies for combining or tiering requisite NEPA documentation that may better serve the decision making process. DOE solicits the public's views and suggestions concerning this subject.

Scoping Meeting

DOE desires to know what the public considers to be the major environmental issues associated with prohibiting Cromby Unit 2 from burning natural gas or petroleum as its primary energy source. The meeting on February 25, 1981, at the address and time noted at the beginning of this notice, will be held to receive comments on the structure and scope of the EIS, anticipated energy/environmental problems, actions that might be taken to address them and reasonable alternatives which should be considered.

The scoping meeting will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meeting will be prepared. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct to the meeting. Attendees at the meeting will be asked to register.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate, and copies of any written material. However, public participation is encouraged even without the advance submission of written material.

Speakers will be allocated approximately fifteen minutes for their oral statements. Should any speaker desire to have additional time, or to provide further information for the record, such additional information may be submitted in writing by March 30, 1981.

Written comments will be considered and given equal weight with oral comments. All comments or suggestions received will be carefully considered in the preparation of the EIS.

A transcript of the scoping meeting will be retained by DOE and made available for inspection at the Freedom of Information Library, Room 1E–190, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A transcript of the scoping meeting will also be available at the Phoenixville Public Library, Main Street and 2nd Avenue, Phoenixville, PA during the following hours: Monday–Thursday 10:00 a.m.–9 p.m.; Friday 10:00 a.m.–7 p.m.; Saturday 10 a.m.–3 p.m.; and Sundays 1 p.m.–4 p.m. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcript.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the EIS for review and comment when it is issued should so notify Mr. Ferguson.

Any questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., January 23, 1981.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 81-3290 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

C. C. Dillon Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: January 12, 1981.
Comments by: March 2, 1981.

ADDRESS: Send comments to William D. Miller, Central District manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106, (phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the Office of Enforcement of the ERA executed a Consent Order with C. C. Dillon Company of Arnold, Missouri. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

C. C. Dillon Company (Dillon), with its home office located in Arnold, Mo., is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum

Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Dillon, the Office of Enforcement, ERA, and Dillon entered into a Consent Order.

The Consent Order encompasses Dillon's sales of covered products during the period March 1, 1979, through August 31, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Dillon agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of sixty-five thousand dollars ($65,000.00) by January 12, 1985. Refunds of overcharges of $33,000.47 will be in the form of a price reduction in its sales of motor gasoline to end-users.

Refunds of overcharges to resellers of $31,999.53 will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These refunds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Commments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Coments on Dillon Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 15th day of January 1981.

Dated: January 15, 1981.

William D. Miller,

District Manager of Enforcement.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-3291 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Kiesel Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: January 13, 1981.
Comments by: March 2, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106, (phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the Office of Enforcement of the ERA executed a Consent Order with The Kiesel Company of Murphysboro, Illinois. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

The Kiesel Company (Kiesel), with its home office located in St. Louis, Mo., is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Kiesel, the Office of Enforcement, ERA, and Kiesel entered into a Consent Order.

The Consent Order encompasses Kiesel's sales of covered products during the period March 1, 1979, through July 31, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Kiesel agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of seven thousand five hundred dollars and ($7,500.00).

Refunds of overcharges to resellers and end-users of $7,500.00 will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These refunds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those

"persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibilty to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Kiesel Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 20th day of January 1981.

William D. Miller,

District Manager of Enforcement.

[FR Doc. 81-3292 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Committee on Emergency Preparedness of the National Petroleum Council; Coordinating Subcommittee; Meeting

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of meeting.

SUMMARY: The National Petroleum Cuoncil (NPC), an advisory committee to the Department of Energy (DOE), provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. The NPC Committee on Emergency Preparedness is currently undertaking an analysis of issues bearing on emergency preparedness planning and the ability of the refining industry to respond to energy emergencies. NPC's Coordinating Subcommittee will hold a meeting to review and discuss study modules of this analysis.

DATE AND LOCATION: The Coordinating Subcommittee of the NPC's Committee on Emergency Preparedness will meet: Thursday, February 12, 1981, starting at 8:30 a.m., Exxon Building, Room 2980, 800 Bell Avenue, Houston, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. David A. Eaton, Office of Energy Contingency Planning, 2000 M Street, N.W., Room 7302, Washington, D.C. 20461, Telephone: (202) 653–3202.

Ms. Joan Walsh Cassedy, National Petroleum Council, 1625 K Street, N.W., Washington, D.C. 20006, Telephone: (202) 393–6100.

SUPPLEMENTARY INFORMATION: The agenda for the Subcommittee is as follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review draft report of the Coordinating Subcommittee.
3. Discuss schedule for completion of the study on Emergency Preparedness.
4. Discuss any other matters pertinent to the overall assignment from the Secretary.

All meetings are open to the public. The Chairman of the Subcommittee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements at the meeting should inform Joan Walsh Cassedy, National Petroleum Council, (202) 393–6100, prior to the meeting, and provisions will be made for their appearance on the agenda. A transcript of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Hearing Room, Room 5B–180, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 23, 1981.

Barton R. House,

Deputy Administrator for Operations and Emergency Management, Economic Regulatory Administration.

[FR Doc. 81-3293 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Crude Oil Buy/Sell Program; Fourth Supplemental Notice for Allocation Period of October 1, 1980, Through March 31, 1981; Issuance of Emergency Allocations for January and February 1981

The notice specified in 10 CFR 211.65(g)(1) of the crude oil allocation (buy/sell) program for the allocation period of October 1, 1980 through March 31, 1981, was issued September 17, 1980 (45 FR 63046, September 23, 1980). A first supplemental buy/sell notice for the allocation period of October 1, 1980, through March 31, 1981, was issued November 13, 1980 (45 FR 76510, November 19, 1980). A second supplemental buy/sell notice for the allocation period was issued December 10, 1980 (45 FR 82697, December 16, 1980). A third supplemental buy/sell notice for the allocation period was issued December 24, 1980 (46 FR 1011, January 5, 1981). The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a fourth supplemental buy/sell notice for the allocation period of October 1, 1980, through March 31, 1981. This supplemental notice sets forth additional emergency allocations for the months of January and February 1981, assigned pursuant to 10 CFR 211.65(c)(2).

The supplemental buy/sell list is set forth as an appendix to this notice. The list includes the names of the additional small refiners granted emergency allocations for the months of January and February 1981, and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed

percentage share for each refiner-seller; and the additional sales obligation of each refiner-seller for the allocations listed.

The allocations for the small refiners on the fourth supplemental buy/sell list were determined in accordance with 10 CFR 211.65(c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65(e) and (f).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges with refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such requests must be received by the ERA no later than 20 days after the publication date of this fourth supplemental buy/sell notice. Upon such request, the ERA may direct one or more refiner/sellers that have not completed their required sales to sell crude oil to the refiner/buyer.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions;

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries;

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the supplemental buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller;

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller;

(vi) Such other pertinent information as ERA may request.

Please note change of address. All reports and applications made under this notice should be addressed to: Jay F. Lubin, Program Manager, Crude Oil Buy/Sell Program, 2000 M Street, NW, Room 6318, Washington, D.C. 20461. TWX's may be sent to 710–822–9454 (answerback: EVFTJ WSH). *Also note that the telephone number for the Crude Oil Allocation and Production Branch is 202–653–3420.*

Copies of the decision and orders assigning the emergency allocations listed herein may be obtained from: Economic Regulatory Administration, Public Information Office, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, (202) 653–4055.

10 CFR 211.65(c)(2)(ii) states in part that applications for emergency allocations "must be submitted by the first day of the month prior to the month(s) for which an allocation is sought but not before the 20th day of the second month prior to the month(s) for which an allocation is sought." Thus, any small refiner that wants to apply for an emergency allocation for the month of March 1981 must submit its application to ERA between January 20, 1981, and February 2, 1981, inclusive.

ERA requires all applicants for emergency allocations to serve copies of their applications on the designated refiner-seller representatives listed in the appendix to this notice. Comments regarding an application will be accepted if received within eight days of receipt of the application. Applicants are required to serve copies of their application (and any amendments thereto) on refiner-sellers simultaneously with the filing of the application with ERA.

ERA has previously stated that it does not consider the names of potential suppliers contacted by small refiners in unsuccessful attempts to obtain crude oil, or offers of crude oil that an applicant has rejected, to be proprietary (45 FR 46850, July 11, 1980). Some small refiner applicants have taken exception to ERA's position in this regard, claiming that to reveal offers of crude oil made by potential suppliers, even if the offers were rejected by the applicant, would unfairly affect the future negotiating position of the applicant. Several small refiners further claim that some offers of crude oil made to them are considered by the potential suppliers to be proprietary. In consideration of these comments, and pursuant to 10 CFR 205.9(f), ERA will consider claims of confidentiality regarding the *names* of potential crude oil suppliers contacted by an applicant *only if the applicant provides a detailed statement as to why he considers the name of the potential supplier to be proprietary.* Applications that withhold from public disclosure copies served on refiner-sellers the names of potential suppliers or any other information that ERA has determined not to be confidential or proprietary will be considered incomplete and may be dismissed unless all non-confidential information is disclosed to refiner-sellers. ERA does not consider the quality, quantity, or price of crude oil offered to applicants to be proprietary. Applications which do not contain such information will also be considered incomplete and may be dismissed unless such information is disclosed to refiner-sellers.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before March 2, 1981.

Issued in Washington, D.C. on January 23, 1981.

Paul T. Burke,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The buy/sell list for the period October 1, 1980, through March 31, 1981, is hereby amended to reflect new emergency allocations assigned pursuant to 10 CFR 211.65(c)(2). The amended list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner seller, the additional volumes of crude oil that each refiner-seller is required to offer for sale to small refiners, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery.

All refiner-sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order issued by DOE's Office of Hearings and Appeals on March 20, 1979 (3 DOE Para. 82,551). While the refiner-sellers' percentage shares displayed are rounded to three decimal places, six decimal places have been utilized to establish actual sales obligations.

Included in the appendix is a list of the names and addresses of the persons designated by refiner-sellers to receive service of copies of applications for emergency crude oil allocations. Additionally, a list of other actions taken by ERA on recent applications, including denials and applications that have been withdrawn, is included herein.

Office of Hearings and Appeals Decision

On December 16, 1980, the Office of Hearings and Appeals (OHA) issued a Decision and Order (Case Nos. DEA–0389 and DEA–0386) assigning United Refining Company (United) an emergency supplemental allocation of 151,500 barrels of crude oil. OHA further determined that ERA should direct a single refiner-seller to sell the specified amount of crude oil to United. On January 23, 1981, pursuant to the OHA Order, ERA issued a Directed Sale Order to Shell Oil Company (Shell) requiring Shell to sell 151,500 barrels of crude oil to United at its Warren, Pennsylvania, refinery.

Revised Buy/Sell Allocation

On January 13, 1981, ERA issued an amended Decision and Order to Farmland Industries, Inc./CRA, Inc. (CRA), reducing its December 1980 emergency crude oil allocation by 190,000 barrels to 235,661 barrels.

Refiner-Sellers' Sales Obligations October 1, 1980, through March 31, 1981, Allocation Period

The following list sets forth refiner-sellers' additional sales obligations for the October 1980 through March 1981 period resulting from the allocations listed in the notice. Total sales obligations also include the previous obligation published in the first supplemental list issued on November 13, 1980 (45 FR 76510, November 19, 1980), the second supplemental list issued on December 10, 1980 (45 FR 82697, December 16, 1980, and the third supplemental list issued on December 24, 1980 (46 FR 1011, January 5, 1981).

Refiner-Sellers	Share	Additional obligation (bbls)	Total obligation (bbls)
Amoco Oil Co	.105	146,237	3,490,207
Atlantic Richfield Co	.077	107,389	4,073,917
Chevron U.S.A., Inc	.102	141,803	2,902,861
Cities Service Co	.025	34,343	1,967,535
Continental Oil Co	.004	5,585	112,865
Exxon Co., U.S.A	.089	124,259	2,689,019
Getty Refining & Marketing Co	.021	29,620	706,926
Gulf Refining & Marketing Co	.091	127,208	3,425,955
Marathon Oil Co	.023	31,909	950,583
Mobil Oil Corp	.094	131,357	2,963,322
Phillips Petroleum Co	.041	57,766	1,764,530
Shell Oil Co	.114	158,630	5,157,070
Sun Co	.055	77,483	1,755,368
Texaco, Inc	.114	158,760	3,674,045
Union Oil Co. of California	.046	63,819	3,808,154
/Total sales obligations		1,396,168	39,442,355

Emergency Allocations for January and February 1981

Refiner-Buyer	Refinery Location	January allocation (bbls)	February allocation (bbls)
Energy Cooperative, Inc	East Chicago, IN	350,424	1,084,244
Total		350,424	1,084,244

Summary of Additional Allocations October 1, 1980, through March 31, 1981, Allocation Period

Emergency allocation (January 1981)	350,424
Emergency allocation (February 1981)	1,084,244
United Refining OHA allocation	151,500
CRA allocation adjustment	(190,000)
Total allocations	1,396,168

Actions Taken on Other Applications for Emergency Allocations

On December 30, 1980, Rock Island Refining Co. (Rock Island) filed an application for an emergency allocation under Section 211.65(c)(2). On January 13, 1981, Rock Island withdrew its application.

On September 30, 1980, International Processors (IP) filed an application for an emergency allocation under Section 211.65(c)(2). On January 7, 1981, in a Decision and Order to IP, ERA advised that, pursuant to Section 205.27, since 90 days had expired since IP filed its application, IP could consider its application to be denied.

On November 20, 1980, United Refining Co. (United) filed an application for an emergency allocation under Section 211.65(c)(2). On January 23, 1981, United withdrew its application.

Contact List for Refiner-Sellers

Matthew J. Gallo, Amoco Oil Company, 200 E. Randolph Drive, P.O. Box 5910–A, Chicago, IL 60601

J. J. Hur, Atlantic Richfield Company, 515 South Flower Street, P.O. Box 2679, Los Angeles, CA 90071

Frank W. Bradley, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, DC 20006

C. D. Head, Cities Service Company, P.O. Box 300, Tulsa, OK 74102

Mike McNeese, Conoco, Inc., P.O. Box 2197, Houston, TX 77001

Barbara Finney, Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001

Eugene F. Gervino, Getty Refining & Marketing Company, P.O. Box 1650, Tulsa, OK 74102

L. G. Armel, Gulf Oil Corporation, Gulf Building, P.O. Box 2001, Houston, TX 77001

Victor Beghini, Vice President, Marathon Oil Company, 539 South Main Street, Findlay, OH 45840

W. L. Fanning, Jr., Mobil Oil Corporation, 3225 Gallows Road, Fairfax, VA 22037

A. L. Hobbs, Phillips Petroleum Company, Phillips Building, Bartlesville, OK 74004

G. G. Carnahan, Shell Oil Company, P.O. Box 2463, Houston, TX 77001

C. Steven LeBaron, Sun Petroleum Products Company, 9th Floor, Law Department, 1608 Walnut Street, Philadelphia, PA 19103

W. S. Williams, Texaco U.S.A., P.O. Box 52332, Houston, TX 77052

Howard Johnson, Texaco, Inc., c/o Legal Department, 2000 Westchester Avenue, White Plains, NY 10650

Lowell Way, Union Oil Company of California, 1650 East Golf Road, Schaumburg, IL 60196

[FR Doc. 81–3314 Filed 1–28–81; 8:45 am]

BILLING CODE 6450–01–M

McLain Truck Service, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: January 19, 1981; comments by March 2, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Office of Enforcement of the ERA executed a Consent Order with McLain Truck Service, Inc., of Monahans, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution.

Because the DOE and McLain Truck Service wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order with McLain Truck Service effective as of the date of its execution by the DOE and McLain Truck Service.

I. The Consent Order

McLain Truck Service, with its home office in Monahans, Texas, is a firm engaged in the resale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales to these products, the Office of Enforcement, ERA, and McLain Truck Service entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was March 1, 1979 through March 31, 1980, and it included all sales of the above mentioned products which were made during that period.

2. McLain Truck Service improperly applied the provisions of 10 CFR Part 211 when determining the proper allocation fractions for its sales of motor gasoline.

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, Southwest District Manager, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to Mary Johnson at the same address or by calling her at 214/767–7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on McLain Truck Service Consent Order." The ERA will consider all comments received by 4:30 p.m. local time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 19th day of January, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-3315 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

On-Site Fuel Oil, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of December 1980. The Consent Order represents resolution of outstanding compliance investigations or proceedings by the DOE and the firm which involves a sum of less than $500,000, excluding penalties and interest. This Consent Order is concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
On-Site Fuel Oil, Inc., 269 Green Street, Brooklyn, NY 11222.	$90,751	Motor Gas	4/1/79-12/31/79	End-user customers.

Issued on the 5th day of January, 1981 in Philadelphia, Pennsylvania.

Edward F. Momorella,

District Manager, Office of Enforcement.

[FR Doc. 81-3318 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Rucci Oil Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Rucci Oil Company, Inc., 1693 Richmond Terrace, Staten Island, New York 10310. This Proposed Remedial Order charges Rucci with pricing violations in the amount of $283,435.00, connected with the resale of no. 2 heating oil during the period from November 1, 1973 through December 31, 1974, in the New York City area to end-users including Consolidated Edison, the City of New York, and a reseller class.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, District Manager of Enforcement, (215) 597–2633. On or before February 13, 1981, any aggrieved person may file a Notice of Objection

with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 31st day of December 1980.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-3316 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Willis Distributing Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in a escrow account established pursuant to the Consent Order.

DATES: Effective date: March 2, 1981.

COMMENTS BY: March 2, 1981.

ADDRESS: Send comments to: Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Joseph B. Connolly, Audit Director, Office of Enforcement, Suite 260, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.

SUPPLEMENTARY INFORMATION: On December 31, 1980, the Office of Enforcement of the ERA executed a Consent Order with Willis Distributing Company of Erie, Pennsylvania. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Willis Distributing Company, with its home office located in Coroapolis, Pennsylvania, is a firm engaged in the marketing in gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Willis, the Office of Enforcement of the ERA, and Willis have entered into a Consent Order, the significant terms of which are as follows:

1. Willis has agreed to refund a total of $92,691 and interest thereon from the dates of alleged violation in four equal installments beginning in January, 1981 in full settlement of overcharges alleged by the DOE for the period April 1, 1979 through September 30, 1979.

2. Willis has agreed to pay a civil penalty of $7,500.

3. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Willis agreed to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $92,691, together with interest. Refund of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount specified in I.1. above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim with the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants for to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Willis. You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Willis Distributing Company Consent Order". We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 5th day of January 1981.

Edward F. Momorella,

District Manager, Office of Enforcement.

[FR Doc. 81-3317 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Edgington Oil Co., Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE: December 24, 1980.

COMMENTS BY: March 2, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, 6th Floor, San Francisco, California 94105. Telephone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On December 24, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Edgington Oil Company, Inc., Long Beach, California (Edgington). Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Edgington, with its home office in Long Beach, California, is a firm engaged in the refining and sale of petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement, ERA, as a result of its audit of Edgington, the Office of Enforcement, ERA, and Edgington entered into a Consent Order, the significant terms of which are as follows:

1. The DOE determined that Edgington had failed to adjust its cost banks by the full amount called for in an August 1979 Consent Order between Edgington's predecessor and the DOE, and had incorrectly computed its increased cost recoveries on sales of unleaded gasoline, during the period September 1976 through December 1980, in violation of 10 CFR Part 212. As a result, Edgington had overstated its total bank of unrecouped increased costs by $5,365,823.

2. Edgington, without admitting it has violated any DOE regulation, is willing to enter into this Consent Order as a means of settling and compromising this dispute, thus permitting it to avoid the expense of protracted litigation.

3. Edgington shall reduce its bank for motor gasoline costs by the amount of $5,365,823.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments to the U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, 6th Floor, San Francisco, California 94105. You may obtain a free copy of the Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation "Comments on Edgington Oil Company, Inc., Consent Order." We will consider all comments received by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 16th day of January 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-3408 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Goodman Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

EFFECTIVE DATE: December 22, 1980.

COMMENTS BY: March 2, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On December 22, 1980, the Office of Enforcement of the ERA executed a Consent Order with Goodman Oil Company, Inc., of Boise, Idaho. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Goodman Oil Company, Inc. (Goodman), with its home office located in Boise, Idaho, is a firm engaged in the sale and resale or motor gasoline, and is subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement, ERA, as a result of its audit of Goodman, the Office of Enforcement, ERA, and Goodman entered into a Consent Order, the significant terms of which are as follows:

1. Goodman's sales of motor gasoline from its Grandview and Weiser/Payetter bulk plants were audited for the period July 25, 1979 through August 31, 1979.

2. As a result of the audit, the Office of Enforcement alleged that Goodman charged prices for motor gasoline in excess of the maximum lawful selling prices permitted under 10 CFR 212.93. The alleged overcharge totalled $1,017.46.

In calculating its maximum legal selling prices for gasoline, Goodman allegedly failed to calculate its weighted average unit cost of product in inventory, as required by 10 CFR 212.93(a)(1). Contrary to 10 CFR 212.92, Goodman allegedly imposed an additional transportation cost when delivering product from its inventory to certain purchasers.

3. Goodman, by entering into the Consent Order, did not concur in the Office of Enforcement's allegations, nor did it admit any liability or violation of any statute or DOE regulaton or rule.

4. In the Consent Order, Goodman agreed to compute any additional overcharges which may have occurred in sales from all bulk plants during the period July 25, 1979 through December 31, 1979. Goodman agreed to make its computations using procedures approved by ERA. All computations made by Goodman are subject to ERA's approval. Goodman also agreed to refund all overcharges, plus interest, in the manner directed by ERA.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites all interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Goodman Oil Co., Inc., Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is

confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco on the 16th day of January 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 81-3407 Filed 1-28-81; 8:45 am]
BILLING CODE 6450-01-M

Issuance of an Amended Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Amended Order granting temporary public interest exemptions from the prohibitions of sections 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* to Salt River Project, Santan Station units CC 1–4 (Petitioner). This Amended Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioner listed below. The Amended Order is set forth following this Notice and has been sent by certified mail to the Petitioner.

The Petitioner filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Act, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notice of the petition and Order granting these temporary exemptions was published in the October 17, 1980 **Federal Register** (45 FR 69006).

Based on the information provided by the Petitioner, the powerplants listed in the table below are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of sections 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Case Number	Petitioner	Generating station	Powerplant identification	Maximum duration date
52564-8068-51-41	Salt River Project	Santan	CC 1	4/14/85
52564-8068-52-41			CC 2	4/14/85
52564-8068-53-41			CC 3	4/14/85
52564-8068-54-41			CC 4	4/14/85

Statement of Reasons

Because world oil supplies continue to be unstable there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in 10 CFR § 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Supplementary Information

The petitioner's initial submission had incorrectly identified high sulfur residual oil as the primary fuel to be displaced by the exemption. Based upon this information the Economic Regulatory Administration (ERA) previously published a Notice of the issuance of an Order granting temporary public interest exemptions in the **Federal Register** on October 17, 1980, (45 FR 69009). Both the Notice and Order, as previously issued, granting temporary public interest exemptions, pursuant to the authorities of section 311(e) of the Act, 10 CFR 501.68 and 10 CFR Part 508, from the prohibitions of sections 301(a)(2) and (3) of the Act, identified high sulfur residual oil as the oil to be displaced at the Santan Generating Station. After receiving the Order, Petitioner informed ERA that the Santan units could only displace middle distillate oil and that the high sulfur residual oil shown on the ERA Form 316 would be displaced by other units in the system. The Petitioner requested that the Order be amended and has submitted revised fuel displacement information on ERA Form 316 to certify that middle distillate oil will be displaced at the Santan Generating Station.

Any questions regarding this temporary public interest exemption should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112, 2000 M Street, NW, Washington, D.C. 20461, (202) 653–4268.

Amended Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Amended Order granting temporary public interest exemptions from the prohibitions of sections 301(a), (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act); 42 U.S.C. 8301 *et seq.* to the Petitioner listed below:

Case Number	Petitioner	Generating station	Powerplant identification	Maximum duration date
52564-8068-51-41	Salt River Project	Santan	CC 1	4/14/85
52564-8068-52-41			CC 2	4/14/85
52564-8068-53-41			CC 3	4/14/85
52564-8068-54-41			CC 4	4/14/85

Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for a period from the effective date of this Order until April 14, 1985. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Amended Order

This Amended Order shall become effective on the sixtieth calendar day following publication in the Federal Register in accordance with section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing the Special Rule (44 FR 21230), ERA will take no action with respect to any natural gas used by these exempted powerplants during the pendency period prior to the effective date of this Amended Order.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Amended Order are conditioned upon, and shall remain in effect so long as the Petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending and for each six-month period thereafter (periods ending June 30, and December 31) the actual monthly volume of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Pursuant to the terms and conditions of the order issued on July 19, 1979, to the Salt River Project, the Petitioner has submitted a system-wide fuel conservation plan. Petitioner, pursuant to the terms and conditions of the July 19, 1979 order, must continue to submit annually a report on progress achieved in implementing the five-year system-wide fuel conservation plan throughout the period covered by this Order.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are adminsitered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on January 23, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-3405 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

Pacific Resources, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE: December 29, 1980.

COMMENTS BY: March 2, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, 6th Floor, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, 6th Floor, San Francisco, CA 94105, telephone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On December 29, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Pacific Resources, Inc. of Honolulu, Hawaii. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Pacific Resources, Inc., with its home office located in Honolulu, Hawaii, is a firm engaged in the refining and marketing of petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Pacific Resources, Inc., the Office of Enforcement, ERA, and Pacific Resources, Inc. entered into a Consent Order, the significant terms of which are as follows:

1. DOE's investigation determined that during the audit period, February 1976 through December 1979, Pacific Resources. Inc. violated the Mandatory Petroleum Price Regulations, 10 CFR Part 212, in that the firm overstated its increased purchased product costs for gasoline. As a result, as of January 1, 1980, Pacific Resources, Inc. had overstated its total bank of unrecouped increased costs by $1,982,253.

2. Pacific Resources, Inc., without admitting that it has violated any DOE regulation, is willing to enter into this Consent Order as a means of settling and compromising this dispute.

3. Pacific Resources, Inc. has agreed to recompute and refile with DOE all applicable reports for the month of January 1980 and through the last month prior to the effective date of this Consent Order to reflect a reduction in its motor gasoline bank of $1,982,253 in unrecouped increased product costs.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should sent your comments to Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the the same address or by calling (415) 764-7038.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation "Comments on Pacific Resources, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is

confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 16th day of January 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-3406 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-04-NG]

Boundary Gas, Inc.; Application For Authorization To Import Natural Gas From Canada

Correction

In FR Doc. 81-1703, published at page 5041, on Monday, January 19, 1981, on page 5042, in the second column, in the first paragraph, the last line, "February 2, 1981" should be corrected to read "February 18, 1981".

BILLING CODE 1505-01-M

[ERA Docket No. 81-02-NG]

Transcontinental Gas Pipe Line Corp. and Algonquin Gas Transmission Co.; Joint Application for an Order Authorizing Importation of Natural gas From Canada

Correction

In FR Doc. 81-1710, published on page 5048, on January 19, 1981, in the third column, in the first paragraph under "OTHER INFORMATION", the last line, "February 2, 1981" should be corrected to read "February 18, 1981".

BILLING CODE 1501-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-132-000]

Cincinnati Gas and Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, Denying Motion, and Establishing Procedures

January 23, 1981.

On November 25, 1980, Cincinnati Gas and Electric Company (Cincinnati) tendered for filing revised rates, proposed to become effective January 25, 1981, for firm power service to five municipal customers and two wholly-owned subsidiaries.[1] The proposed rates would result in an increase in revenues of approximately $11,522,291 (19.84%) for the twelve months ending April 30, 1981. Cincinnati currently provides firm power service to the wholesale customers under settlement rates approved in Docket No. ER79-528.

Notice of the filing was issued on December 3, 1980, with responses due on or before December 22, 1980. On December 22, 1980, four municipal customers of Cincinnati (municipalities) jointly filed a protest, petition to intervene, and motion to reject or for maximum suspension.[2] The municipalities allege that the submittal violates the Commission's filing requirements, and they therefore request rejection of the filing as not fully supported by cost data and other information required by the Commission's regulations. If the filing is not rejected the municipalities request that the proposed rates be suspended for five months. In addition, the municipalities raise a variety of cost of service issues. They also request that the Commission establish price squeeze procedures.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Consequently, we shall grant the petition to intervene.

Upon review of Cincinnati's submittal, the Commission finds that the filing is in substantial compliance with the requirements of our regulations.[3] The discrepancies and issues raised by the municipalities are matters which may be explored during the hearing ordered below. Therefore, we shall deny the motion to reject the filing.

Our analysis indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's Policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed rates for filing and suspend them for five months to become effective thereafter on June 25, 1981, subject to refund.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the municipalities. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The municipalities' motion to reject Cincinnati's filing is hereby denied.

(B) Cincinnati's proposed rates tendered for filing on November 25, 1980, are accepted for filing and suspended for five months from sixty days after filing to become effective on June 25, 1981, subject to refund pending hearing and decision thereon.

(C) The municipalities' petition to intervene is granted *provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene, and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Cincinnati's proposed rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before March 11, 1981.

(F) A presiding administrative law judge, to be designated by the Chief

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[1] See Attachment A for list of customers and rate schedule designations.

[2] The four municipal customers are the Villages of Blanchester, Georgetown, Hammersville, and Ripley.

[3] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[4] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) We hereby order the initiation of price squeeze procedures in Docket No. ER81-132-000 and further order that the price squeeze phase of the proceeding begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the evaluation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

Attachment A.—*Cincinnati Gas and Electric Company, Docket No. ER81-132-000, Rate Schedule Designations*

[FPC Electric Tariff, First Revised Volume No. 1]

Designation	Description	Other parties
Third Revised Sheet No. 4 (Supersedes Second Revised Sheet No. 4).	Rate WH-1	West Harrison Gas and Electric Company.
Fifth Revised Sheet No. 5 (Supersedes Fourth Revised Sheet No. 5).	Rate WS-P	Union Light Heat and Power Company.
Third Revised Sheet No. 6 (Supersedes Second Revised Sheet No. 6).	Rate WS-S	Bethel, Blanchester, Georgetown, Hamersville, Ripley.

[FR Doc. 81-3375 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-20-012, et al.]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 23, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on January 15, 1981, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective February 1, 1981:

Sixty-fifth Revised Sheet No. 16 and Thirteenth Revised Sheet No. 16A

Columbia states that the foregoing tariff sheets are being filed pursuant to Article III-C of Columbia's Stipulation and Agreement in Docket No. RP78-20, *et al.*, which was approved by Commission Order issued July 3, 1979, and in conformity with Opinion No. 101 of the Commission issued November 6, 1980 in Docket No. RP78-20, *et al.* Said Article III-C provides that Columbia shall file revised tariff sheets reflecting a reduction in its cost of service in the event rate recovery of Columbia's post-certificate filing expenses relative to the Gas Arctic project is denied. Recovery of such expenses was denied by Opinion No. 101. The rate adjustment being filed herewith provides for the annual reduction of Columbia's cost of service by $1,948,324.

Copies of the filing were served upon the Company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Feb. 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3378 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-5-000]

Edison Electric Institute; Filing

January 23, 1981.

The filing company submits the following:

Take notice that on December 8, 1980, Edison Electric Institute (EEI), on behalf of its member companies, submitted for filing a petition for a declaratory order concerning the applicability of section 305(b) of the Federal Power Act to certain officers and directors of its member utilities.

Specifically, EEI submits that a recent decision by the Board of Governors of the Federal Reserve System (Board) held that the selling of third party commercial paper by commercial banks is not the selling of a security within the meaning of the Banking Act of 1933. This decision is currently being challenged in the Federal courts. EEI contends that since many officers and directors of its member utilities are also officers and directors of commercial banks, the provisions of section 305(b) of the Federal Power Act may become applicable to these individuals depending upon the outcome of the challenge to the Board's decision.

EEI therefore requests that the Commission issue a declaratory order that (i) no action need by taken by officers and directors of utilities under section 305(b) pending the outcome of the challenge to the Board's action, and (ii) officers or directors of public utilities who serve, or may serve, as officers or directors of banks subject to the Banking Act of 1933, and officers or directors of such banks who serve as officers or directors of public utilities, need not seek Commission approval to do so under section 305(b) and 18 CFR § 45, pending further Commission action.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Regulatory Energy Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection. Petitions or Protests are due on or before February 3, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3377 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3025]

Hydro Resources Corp.; Application for Short-Form License (Minor)

January 23, 1981.

Take notice that Hydro Resources Corporation (Applicant) filed on August 6, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for construction and operation of a water power project to be known as Kelley's Falls Project No. 3025. The project would be located

on the Piscataquog River, at Manchester and Groffstown, in Hillsborough County, New Hampshire. Correspondence with the Applicant should be directed to: Hydro Resources Corporation, P.O. Box 240, 83 Bay Street, Manchester, New Hampshire 03105.

Project Description—The proposed run-of-river project would consist of existing project works including: (1) Kelley's Falls Dam, a concrete gravity structure about 250 feet long and 31 feet high, including an ogee spillway section 192 feet long and 21 feet high at spillway crest elevation 158 feet m.s.l. with provisions for adding a 2.75-foot flashboards, and a headgate/intake structure 28 feet wide at the north (left) abutment; (2) a reservoir with a surface area of 129 acres and a storage capacity of about 1,000 acre-feet at surface elevation 158 feet m.s.l.; (3) a composite steel and concrete penstock, 11 feet in diameter and about 65 feet long; (4) a 28 by 27-foot powerhouse in which would be installed a new 450 kW turbine-generator unit; (5) a discharge basin; (6) a new 375-foot long 12 kV underground transmission line; and (7) other appurtenances. Applicant estimates the annual generation would average 2.7 million kWh.

Purpose of Project—Project energy developed at this project will be sold to the Public Service Company of New Hampshire.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 30, 1981. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3378 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3666-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 23, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3666 to be known as Allegheny Lock and Dam No. 4 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Allegheny Lock and Dam No. 4 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 18,100 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 95,000,000 kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before March 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing

application no later than May 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3666. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3379 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3682-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 23, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3682 to be known as Allegheny Lock and Dam No. 6 Hydro Project located on the Allegheny River in Armstrong County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps for Engineers Allegheny Lock and Dam No. 6 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 17,300 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimates that the average annual energy output would be 90,928,000 kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending of the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application for FERC Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedure specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3682. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3380 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3747-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 23, 1981.

Take notice that the Mitchell Energy Company, Inc. (Applicant) filed on November 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3747 to be known as the Dashields Project located on the Ohio River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Dashields Lock and Dam and would consist of: (1) a new powerhouse built just below the existing dam; (2) turbine/generator units with a total capacity of approximately 22 MW; (3) transmission and appurtenant facilities. The Applicant estimates that the average annual energy output would be 105 GWh.

Purpose of Project—Project power would be sold to the Metropolitan Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set forth below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3747. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3382 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-135-001 and TA80-1-16-002]

National Fuel Gas Supply Corp.; Proposed PGA Rate Adjustment

January 23, 1981.

Take notice that on January 14, 1981, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute First Revised Sheet Nos. 36C and 36D proposed to be effective September 30, 1980.

National states that the purpose of these substitute tariff sheets is to change the account number being used to accumulate supplier refunds from Account 243 to Account 242.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3383 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-56-006]

Northern Natural Gas Co.; Filing of Report

January 23, 1981.

Take notice that on January 14, 1981, Northern Natural Gas Company (Northern) tendered for filing a report for the period October 27, 1979 through October 26, 1980 in accordance with the sales refund obligation contained in Section III(B) of the Stipulation and Agreement and "Order Approving Settlement Agreement" issued on August 3, 1979 in Docket No. RP78-56.

This report states that for the period October 27, 1979 through October 26, 1980, Northern had both excess sales revenues and excess cost of service. Northern states further that the excess sales revenues were more than offset by the excess cost of service, and therefore no refunds are required for this period.

Northern states that copies of the report were mailed to each of Northern's jurisdictional customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3384 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-30-001]

Trunkline Gas Co.; Change in Tariff

January 23, 1981.

Take notice that on January 14, 1981 Trunkline Gas Company (Trunkline) tendered for filing Thirty-Fifth Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1. Trunkline submits that these revised tariff sheets reflect rate adjustments as follows:

1. (1) A PGA Rate Adjustment in accordance with Section 18 of the General Terms and Conditions; which reflects increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(2) A Louisiana First Use Tax (LFUT) Rate Surcharge in accordance with Section 20 of the General Terms and Conditions; and

(3) A "Reduced PGA" rate, and projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions; and

(4) A Purchased Gas Transmission and Compression tracking adjustment pursuant to Article VI(e) of the Agreement as to Rates and Related Matters in Docket No. RP78-11.

An effective date of March 1, 1981 is proposed.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3385 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-142-002]

Western Gas Interstate Co.; Filing

January 23, 1981.

Take notice that on December 10, 1980, Western Gas Interstate Company (Western) filed Second Substitute Original Sheet No. 33c.1 to its FERC Gas Tariff Original Volume No. 7. The proposed effective date of said tariff sheets is June 17, 1980, as specified in the Commission's letter of approval dated November 30, 1980.

Western states that the instant filing corrects the refund provision to non-exempt boiler fuel customers to provide for lump sum payment of supplier refunds received prior to January 1, 1980. It also eliminates the provision in § 20.7(d) which excluded the volumes of gas sold to non-exempt customers from their calculation of refunds for gas purchased after January 1, 1980.

Western states that copies of this filing were served upon Western's jurisdictional customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissison's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3386 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-16-001]

Colorado Interstate Gas Co.; Filing of Proposed Distribution of Gas Supplier Refunds To Exempt and Non-Exempt Customers (Revised)

January 23, 1981.

Take notice that on December 8, 1980, Colorado Interstate Gas Company (CIG) filed Substitute First Revised Sheet No. 61E to its FERC Gas Tariff, Original Volume No. 1, relating to the distribution to its exempt and non-exempt customers of certain gas supplier refunds received by CIG attributable to service rendered prior to January 1, 1980. Said tariff sheet is proposed to become effective January 1, 1981.

CIG states that pursuant to discussion with the Commission Staff, the instant filing is identical to the First Revised Sheet No. 61E, submitted to the Commission on November 25, 1980, except that the language limiting CIG's obligation to make refunds to those circumstances where the amount to be refunded exceeds one mill ($0.001) per Mcf is deleted. Additionally, the reference to § 154.38 of the Commission's Regulations in connection with the computation of interest on accrued refunds is changed to § 154.67.

CIG states that copies of this filing were served upon all parties contained in the list of customers and public bodies submitted with the November 25, 1980 filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3419 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 803-002]

Pacific Gas and Electric Co.; Application for Amendment of Major License

January 23, 1981.

Take notice that on October 28, 1980, the Pacific Gas and Electric Company of San Francisco, California (Applicant) filed an application for an amendment of its major license for the DeSabla-Centerville Project No. 803 [pursuant to the Federal Power Act, 16 U.S.C., Sections 791(a)–825(r)] to make improvements to its existing canal system. The DeSabla-Centerville Project is located on the West Branch Feather River, Butte Creek and tributaries in Butte County, California. Correspondence concerning the application should be sent to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The constructed DeSabla-Centerville Project consists of: 1) two storage reservoirs and dams; 2) three diversion dams; 3) three canals; 4) a forebay; 5) penstocks; and 6) two powerhouses with a total rated capacity of 24,850 kW.

Applicant proposes to make the following improvements to its canal system:

(a) Replace approximately 2,070 feet of Butte Canal with approximately 1,080 feet of tunnel.

(b) Replace approximately 11,400 feet of Hendricks Canal with approximately 1,660 feet of siphon. Part of the existing canal would serve as a spill channel and the remainder of the existing canal would be leveled. An 8-inch diameter and a 12-inch diameter pipe would be buried in portions of the original canal alignment to transmit water from existing feeders.

The proposed improvements would not increase the generating nor the hydraulic capacity of the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for amendment of license. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an order and consistent with the purpose of an order as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR section 1.8 or section 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 12, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for amendment of license for Project No. 803. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3409 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-28-001]

Panhandle Eastern Pipe Line Co.; Change in Tariff

January 23, 1981.

Take notice that on January 14, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Thirty-Seventh Revised Sheet No. 3–A
Fourteenth Revised Sheet No. 3–B
Fourth Revised Sheet No. 3–C.1
Fourth Revised Sheet No. 3–C.2
Fourth Revised Sheet No. 3–C.3

An effective date of March 1, 1981 is proposed.

Panhandle states that these revised tariff sheets reflect rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(2) A Louisiana First Use Tax (LFUT) Rate Surcharge pursuant to Section 20 of the General Terms and Conditions; and

(3) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(4) A PGA Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions, such adjustment reflecting the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(5) A "Reduced PGA" rate, and projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions; and

(6) A Purchased Gas Transmission and Compression and Transportation Revenue tracking adjustment in accordance with Article IX of the Stipulation and Agreement dated November 30, 1979 in Docket No. RP78-62 (Phase II) and pursuant to paragraph (D) of the Commission's Order issued March 31, 1980 in Docket No. RP80-78.

In addition, on December 16, 1980 the Administrative Law Judge certified to the Commission a Stipulation and Agreement for settlement of Panhandle's pending rate proceeding in Docket No. RP80-78. This Stipulation and Agreement would impact this proposed rate adjustment. Therefore, Panhandle submits herewith for filing six (6) copies each of the following alternate revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Alternate Thirty-Seventh Revised Sheet No. 3-A
Alternate Fourteenth Revised Sheet No. 3-B
Alternate Fourth Revised Sheet No. 3-C.1
Alternate Fourth Revised Sheet No. 3-C.2
Alternate Fourth Revised Sheet No. 3-C.3

An effective date of March 1, 1981 is proposed. These alternate tariff sheets reflect this rate adjustment incorporating the proposed Settlement in Docket No. RP80-78. Other rate adjustments included in this alternate submittal are as follows:

(1) A Purchased Gas Transmission and Compression and Transportation Revenue tracking adjustment pursuant to Article VI of the Stipulation and Agreement; and

(2) An Advance Payment tracking adjustment pursuant to Article VIII of the Stipulation and Agreement.

If the Commission approves the Stipulation and Agreement before March 1, 1981, Panhandle proposes that these alternate tariff sheets be approved in lieu of the revised tariff sheets. The alternate tariff sheets and supporting computations may be found in Volume No. 2 of this submittal.

Panhandle states that supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3410 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-12-000]

Penn-Dixie Steel Corp.; Application for Adjustment Seeking Interim Relief and Permanent Exemption From Incremental Pricing Provisions

January 23, 1981.

Take notice that on January 5, 1981, Penn-Dixie Steel Corporation (Penn-Dixie) filed with the Commission an application for adjustment under sections 206(d) and 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Penn-Dixie seeks interim relief and a permanent exemption from incremental pricing surcharges.

Penn-Dixie uses natural gas as a boiler fuel in the manufacture of steel products at its plant in Kokomo, Indiana. The gas is supplied by Kokomo Gas and Fuel Company, and the price of the gas is scheduled to be increased by $.68/Mcf as of January, 1981. Penn-Dixie estimates that this price increase, which results from the imposition of incremental pricing surcharges on Penn-Dixie, will cost Penn-Dixie approximately $400,000 in 1981. Penn-Dixie is a wholly-owned subsidiary of Penn-Dixie Industries, both of which filed petitions for reorganization under Chapter 11 of the Federal Bankruptcy Code in the U.S. Bankruptcy Court, Southern District of New York. Penn-Dixie maintains that due to its uncertain financial condition, the increase in its gas cost due to incremental pricing surcharges creates a financial hardship on Penn-Dixie which it will be unable to bear. The incremental pricing surcharges would allegedly eliminate Penn-Dixie's planned return to profitability in 1981, and thus jeopardize its plans for reorganization.

Penn-Dixie further states in its application that approximately 10 percent of its product tonnage goes to agricultural uses, such as farm machinery, fences, wire and animal pens. Penn-Dixie asserts that if it were forced to raise its prices on these products due to the price increase in natural gas sales, it would undermine the intent of the NGPA to exempt certain agricultural uses of gas from incremental pricing increases.

The application requests expedited treatment and also requests interim relief be granted due to Penn-Dixie's present financial condition. Pursuant to § 1.41(1) of the Commission's regulations, Penn-Dixie further requests that certain information presented in support of its request be given confidential treatment and be exempted from manadatory disclosure requirements under the Freedom of Information Act.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 and § 282.206 of the Commission's regulations.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR § 1.41(e). All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3411 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-149 and E-9537]

Public Service Co. of Indiana, Inc.; Order Granting in Part and Denying in Part Petitions for Rehearing and Accepting Refund Report

Issued: January 26, 1981.

Background

On September 23, 1975, Public Service Company of Indiana, Inc. (PSI) filed increased rates to its jurisdictional customers. The Commission rejected PSI's submittal on October 7, 1975, on

the grounds that the company's Period I data, being based on the twelve months ending December 31, 1974, were stale under section 35.13 of the regulations. By letter dated October 30, 1975, PSI resubmitted Period I data for the twelve months ending June 30, 1975. Subsequently, on November 28, 1975, the Commission accepted PSI's proposed rates for filing, but suspended their effectiveness for four months from thirty days after the October 30, 1975, filing date,[1] to become effective March 31, 1976, subject to refund.

PSI appealed the initial rejection of its rate submittal to the United States Court of Appeals for the District of Columbia Circuit on November 21, 1975. The court determined that the Commission's rejection of the filed Period I data was improper in that it was based on a revised Commission interpretation or application of its applicable regulations without adequate prior notice. *Public Service Company of Indiana* v. *Federal Energy Regulatory Commission*, 584 F. 2d 1084 (D.C. Cir. 1978).

Thus, the court ordered that the filing date be reset at September 23, 1975, instead of October 30, 1975, with an effective date after suspension to be based on the earlier filing date. The court remanded to the Commission the question of how long the suspension period should be in light of the revised filing date, indicating, however, that should the Commission decide to extend the suspension period to five months, it should provide a "reasoned analysis" in support of its decision.

On August 27, 1979, the Commission again ordered the proposed rates suspended for four months, to become effective, however, on February 24, 1976. Thus was created a five week period from February 24, 1976, to March 31, 1976, during which PSI was entitled to collect higher rates than it in fact had done under the original suspension order. The Commission's order on remand also provided that any additional amounts owed to PSI by its customers for service during this five week period could be offset against refunds PSI was obligated to make by virtue of Commission Opinion No. 44 (issued June 28, 1979). PSI and the Indiana Municipal Electric Association (IMEA) filed petitions for rehearing of the August 27, 1979 order on September 19, and September 26, 1979, respectively.

PSI filed a report of final refunds under Opinion No. 44 on August 22, 1980, indicating amounts refunded to its wholesale customers on August 11, 1980. The refunds were based on a revised cost of service and rates which were accepted for filing by letter of June 25, 1980, as being in compliance with Opinion No 44. They were also designed to reflect the February 24, 1976 effective date and the application of interest to amounts owed.

Notice of PSI's compliance filing was issued on September 12, 1980, with responses due on or before September 30, 1980. No comments were received.

Petitions for Rehearing

As indicated above, PSI and IMEA filed petitions for rehearing of the Commission's August 27, 1979 order on September 19, and September 26, 1979, respectively. The primary issue addressed by IMEA concerned the Commission's determination to maintain the originally ordered four month suspension period, rather than extending that period to five months.

Two issues addressed by PSI in its petition concerned: (1) PSI's right not only to collect the additional revenues for the February 24, to March 31, 1976 period, but also to collect such revenues from its wholesale customers with 9% interest; and (2) PSI's right to impose a surcharge in the event that any net amount was owing to PSI as a result of the August 27, 1979 order and the rates submitted in compliance with Opinion No. 44. IMEA filed a motion for leave to file a response along with a response to PSI's petition for rehearing on October 5, 1979.

By order issued October 19, 1979, the Commission granted the applications for rehearing for the limited purpose of further consideration.

Discussion

The Commission is not persuaded by IMEA's argument in support of extending the suspension period to five months. IMEA has essentially reiterated its earlier pleadings made prior to the issuance of the challenged order. Accordingly, we perceive no reason to modify our determination on this issue.

Because PSI raised for the first time on rehearing the question of interest on amounts owed it, we shall grant IMEA's motion for leave to file a response to PSI's application for rehearing.

Concerning PSI's request for interest on the additional amounts owed to it as a result of the earlier effective date, IMEA argues that the Commission lacks authority to order such interest since this would be retroactive ratemaking, which is prohibited under the Federal Power Act. In any case, according to IMEA, it would be "grossly inequitable" for the Commission to force the cities to compensate PSI for a loss that resulted from a Commission error.

Concerning our legal authoritiy to order interest, the Supreme Court stated in *United Gas* v. *Callery Properties*, 382 U.S. 223 at 229 (1965):

> „While the Commission "has no power to make reparation orders," . . . it is not so restricted where its order, which never became final, has been overturned by a reviewing court. Here the original certificate orders were subject to judicial review; and judicial review at times results in the return of benefits received under the upset administrative order. . . . An agency, like a court, can undo what is wrongfully done by virtue of its order.

The court further held that ". . . the imposition of interest on refunds is not an inappropriate means of preventing unjust enrichment." *Id.* at 230.[2]

While the amounts due to PSI from the cities are not "refunds" in the usual sense, they are amounts required to be paid to undo the effects of the Commission's overturned order. In the limited circumstances of this case, we find that it is equitable and appropriate to require the cities to pay interest on monies of which they had the use, instead of PSI, because of Commission action which was found by a court to be erroneous. We stress that the granting of interest here is in the nature of an equitable remedy designed to give effect to the court's decision on remand by making PSI whole as of the February 24, 1976 effective date. Our decision is based on the circumstances of this proceeding where, among other factors, the amount of money owed is relatively small.

The third issue—whether PSI should be entitled to any net amounts in its favor after taking into account final refunds resulting from the lower rates ultimately accepted for filing in Docket Nos. ER76-149 and E-9537—this has effectively been rendered moot. According to PSI's August 22, 1980 refund report, only one of PSI's customers, the town of Patoka, would

[1] These actions pre-dated the enactment of the Public Utility Regulatory Policies Act of 1978 which amended section 205(d) of the Federal Power Act to provide for sixty rather than thirty days notice of electric utility rate changes.

[2] In circumstances similar to those presented in the instant dockets, the court in *Boston Edison Company* v. *Federal Power Commission*, 557 F.2d 845 (D.C. Cir. 1977), C.A.D.C. No. 75-2123, by order filed July 28, 1977, directed the Federal Power Commission to determine "the appropriate rate and amount of interest to be allowed" on additional amounts owed to the utility. By order issued September 15, 1977 in *Boston Edison Company*, Docket Nos. ER77-558 and ER76-90, the Commission set the question of the appropriate amount of interest for hearing along with the consolidated question of the justness and reasonableness of the filed rates. In the Initial Decision issued August 29, 1979, the presiding administrative law judge determined that Edison was entitled to 9% simple interest on the amounts owed to the utility. This issue was resolved by settlement before reaching the Commission for final action.

owe any net amount to PSI. However, PSI previously stated by letter to Patoka dated August 11, 1980, that it had no plans to bill the town for this amount (approximately $1400). PSI further stated that the interest and refund report were for "information purposes only and not for billing." Accordingly, there is no need for the Commission to address this issue.

Finally, our review indicates that the refund report submitted by PSI is in compliance with the Commission's Opinion No. 44, its August 27, 1979 order, and the conclusions set forth in this order. Accordingly, the refund report will be accepted and this proceeding will be terminated.

The Commission Orders:

(A) IMEA's motion for leave to respond to PSI's application for rehearing is hereby granted.

(B) The applications filed by PSI and IMEA are hereby granted in part and denied in part as set forth in this order.

(C) The compliance refund report filed by PSI on August 22, 1980, is hereby found to be in accordance with Opinion No. 44, the Commission's order of August 27, 1979, and the conclusions expressed in this order. Accordingly, the compliance refund report is accepted for filing and Docket Nos. ER76-149 and E-9537 are terminated.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3412 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3657-000]

Ramel Corporation and the City of Nashville, Ark.; Application for Preliminary Permit

January 23, 1981.

Take notice that Ramel Corporation and the City of Nashville, Arkansas (Applicants) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3657 to be known as the Pine Creek Project located on The Little River in McCurtain County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard H. Davis, Jr., Route 5, Box 48B, Nashville, Arkansas 71852. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file. This application was filed as a competing application to Continental Hydro Corporation's application for Project No. 3372 which was filed on August 25, 1980.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineer's Pine Creek Dam and would consist of: (1) one or more 100-foot long penstock(s) located along the right (east) bank; (2) a powerhouse containing generating units having a rated capacity of 11,000-kW; (3) a short tailrace; (4) a switchyard; (5) a 6-mile long 69-kV transmission line; and (6) appurtenant facilities. Project energy would be transmitted to the Public Service of Oklahoma's existing transmission line.

The Applicant estimates that the average annual energy output would be 20,000,000 kWh .

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project, would consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation's application filed on August 25, 1980 for The Pine Creek Project No. 3372-000, under 18 CFR 4.33 (*as amended*, 44 FR 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *March 9, 1981*. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3657-000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3413 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 199]

South Carolina Public Service Authority; Application for Use of Project Lands and Waters

January 23, 1981.

Take notice that an application for use of project lands and waters at the Santee-Cooper Project, FERC No. 199 was filed on September 23, 1980, by the South Carolina Public Service Authority (SCPSA). The Santee-Cooper hydroelectric project is located on the Santee and Cooper Rivers, South Carolina and includes Lakes Marion and Moultrie. Correspondence concerning the application should be sent to: Mr. William C. Mescher, President, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and to Mr. Paul E. Ferguson, Refuge Manager, Santee National Wildlife Refuge, Route 2, Box 66, Summerton, South Carolina 29148.

SCPSA requests, on behalf of itself and the United States Department of the Interior, Santee National Wildlife Refuge, authorization to use project lands and waters for the construction of a 325 acre water fowl impoundment on the Pine Island Unit of the Santee National Wildlife Refuge, Clarendon County, Lake Marion. The Department of the Interior proposes to construct approximately four miles of low-level dike which would in essence form a perimeter road around the unit. The structure would enable the effective management of water levels in a manner commensurate with the approved water-fowl management program at Santee.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 2, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3414 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-10-000]

Tennessee Natural Gas Lines, Inc.; Refiling To "Track" PGA Rate Adjustment

January 23, 1981.

Take notice that on December 10, 1980, Tennessee Natural Gas Lines, Inc. (TNGL), refiled Substitute Thirty-Fourth Revised Sheet No. PGA-1 to its FERC Gas Tariff, Revised Volume No. 1, relating to the "tracking" of the reduced PGA rate change by its sole supplier, Tennessee Gas Pipeline Company (TGP), a Division of Tenneco, Inc., from 26.34 cents per Mcf to 25.43 cents per Mcf. The proposed effective date of the instant filing is July 1, 1980.

TNGL states that it initially filed substitute Thirty-Fourth Revised Sheet No. PGA-1 on July 25, 1980, with an effective date of July 1, 1980, and began billing its jurisdictional customer at the lower rates contained therein and not at the rates shown on the sheet it superseded.

TNGL states further that the instant refiling is submitted pursuant to an informal advisory by the Commission Staff that the Commission's records do not reflect the July 25, 1980, filing.

Copies of this filing have been mailed to TNGL's jurisdictional customer and to the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3415 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-29-000, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

January 23, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 9, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Jan. 9, 1981	Texas Eastern Transmission Corp.	RP81-29-000	Petition and plan.
Jan. 12, 1981	South Georgia Natural Gas Co.	RP73-49-002	Report.
Jan. 14, 1981	National Fuel Gas Supply Corp.	RP80-135-002	Report.
Jan. 14, 1981	Texas Eastern Transmission Corp.	RP81-31-000	Petition and plan.
Jan. 15, 1981	Midwestern Gas Transmission Co.	RP71-16	Report.
Jan. 15, 1981	Tennessee Gas Pipeline Co.	RP73-113-002, *et al.*	Report.
Jan. 16, 1981	El Paso Natural Gas Co.	RP78-18-011	Report.

[FR Doc. 81-3416 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3777-000]

The Town of Rollinsford; Application for Short-Form License (Minor)

January 23, 1981.

Take notice that the Town of Rollinsford (Applicant) filed on November 24, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Rollinsford Project No. 3777. The project would be located in the Town of Rollinsford, Strafford County, New Hampshire and York County, Maine. Coorespondence with the Applicant should be directed to: Grace L. Joncas, Chairperson, Board of Selectmen, P.O. Box 328, Rollinsford, New Hampshire 03869.

Project Description—The proposed project would consist of: (1) and existing 15-foot high, 350-foot long mansonry and concrete gravity dam; (2) an existing reservoir with negligible storage capacity; (3) and 8-foot diameter, 600-foot long penstock, (4) an existing powerhouse, the interior of which would be restored to its original condition, containing two new turbine-generator units with a total rated capacity of 1,492 kW; (5) a 100-foot long, 13.8-kV transmission line; and (6) appurtenant facilities. The proposed project would generate approximately 6,600,000 kWh annually saving the equivalent of 10,800 barrels of oil or 3,100 tons of coal.

Purpose of Project—Energy produced at the project would be sold to the Public Service Company of New Hampshire for distribution to it's customers.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that for the Rollinsford Project filed by John N. Webster and Larry Gleeson on April 7, 1980, Project No. 3132, under 18 CFR 4.33 (*as amended*, 44 FR 61328, October 25, 1979), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 6, 1981. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3417 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-5]

Town of Springfield, Vermont v. Central Vermont Public Service Corp.; Order Accepting Answer To Show Cause Order and Dismissing Complaint Subject to Condition

Issued January 26, 1981.

The proceeding in this docket began as a complaint and a petition for declaratory order by the Town of Springfield, Vermont (Springfield). Springfield claimed that the R–6 wholesale requirements tariff of Central Vermont Public Service Corporation (Central Vermont) contained a provision in its availability clause which is unduly discriminatory and anticompetitive in effect. By order issued August 29, 1980, the Commission, *inter alia*, directed Central Vermont "to show cause within sixty days of the issuance of this order why the availability clause should not be found to be unduly discriminatory" and "to address the question of what harm would result from the adoption of availability clause language similar to that contained in *Florida Power & Light Company's* compliance filing in Opinion Nos. 57 and 57–A." (mimeo at 4–5).

Pleadings

On October 28, 1980, Central Vermont filed an answer to the show cause order. In its answer, Central Vermont contended that its availability provision is not anticompetitive and that Springfield is not really interested in receiving service under the tariff. However, the Company, stating its desire "to avoid the expenses and trouble of litigating Springfield's complaint," agreed to modify its availability clause in its "R" tariff [1] to comport with the language of the *Florida Power & Light* availability clause. The clause, as proposed, would read:

> Electric service hereunder is available to any investor-owned, municipally owned or cooperatively owned electric utility, under the jurisdiction of the appropriate federal/state electric utility regulatory body, for its own use and for resale to its ultimate customers, or to other utilities upon specific agreement of the Company and Customer, at existing delivery points and at such other points on the Company's power supply system, as mutually agreed upon, where there are facilities of adequate type and capacity, to the extent of their present and future requirements in areas now being served by the Company and to areas not presently receiving electric service which are natural and reasonable expansions of such areas.

Central Vermont also states that "it stands willing to transmit any power that Springfield may purchase from any source on the same terms as Central Vermont provides transmission service to other customers. Central Vermont also is willing to sell partial requirements service to Springfield under a rate schedule which recognizes any special costs such service could impose on Central Vermont."

On November 14, 1980, Springfield filed a response to Central Vermont's answer. Springfield agreed to a dismissal of its complaint upon modification of the availability provision as proposed by Central Vermont and subject to the assurances provided by Central Vermont quoted in the paragraph above. Springfield took issue, however, with Central Vermont's assertion that Springfield does not intend to take service under the tariff. According to the Town, "Springfield anticipates that it will be eligible to purchase, and will in fact purchase, power from Central Vermont under this

[1] The August 29 order noted that Central Vermont had filed in Docket No. ER80-422, R-8 and R-8A wholesale tariffs which contained identical availability provisions to that of R-6. We interpret Central Vermont's agreement to modify the "R" tariff to include the R-8 and R-8A tariffs as well.

tariff or its successors for some time to come."

Discussion

In its answer to the Commission's show cause order, Central Vermont agreed to revise its availability provision in a manner satisfactory to the complainant, Springfield, and to provide Springfield with additional assurances of receiving transmision service and partial requirements service from the Company. Consequently, the Commission will accept the proposed modification of the availability provision, applicable to Central Vermont's R–6, R–8, and R–8A tariffs, and will direct that the modification be filed within thirty (30) days of the issuance of this order. Central Vermont is also directed to file a statement, as a supplement to these tariffs, embodying the assurances to Springfield discussed above concerning transmission service and partial requirements service within thirty (30) days of the issuance of this order. Upon Central Vermont's making these filings, the complaint filed by Springfield shall be deemed dismissed.

The Commission orders:

(A) Central Vermont's answer of October 28, 1980, is hereby accepted in satisfaction of the show cause order in this docket, subject to the conditions imposed by paragraph (B) below.

(B) The complaint of the Town of Springfield shall be deemed dismissed upon the filing by Central Vermont of the modification of its availability provision in its R–6, R–8, and R–8A tariffs, and of the statement concerning transmission and partial requirements service within thirty (30) days of the issuance of this order, as discussed in the body of this order.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3418 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD								
*GRACE PETROLEUM CORPORATION					RECEIVED: 12/29/80 JA: AL			
8110290	12-12-805PDA	0107520267	102		DAY 29-7	BEAVERTON	180,0	
8110287	12-12-802PDA	0105720210	102		FOWLER 23-15 #1	MUSGROVE CREEK	1000,0	
8110291	12-12-806PDA	0107520289	102		FRANKS 2-13	N BLOWHORN CREEK	0,0	
8110286	12-12-801PDA	0105720189	102		J T BUTTS 23-15	MUSGROVE CREEK	240,0	
8110292	12-12-805PD	0105720216	102		MURPHY 6-3	BLUFF	144,0	
*HUGHES & HUGHES					RECEIVED: 12/29/80 JA: AL			
8110289	12-12-804PD	0107520283	102		JOHNSON 31-16 NO 1	WATSON CREEK FIELD	212,0	
8110288	12-12-803PD	0107520276	102		SIZEMORE 16-13 NO 1	ARMSTRONG BRANCH GAS FIE	369,0	
*SOUTHLAND ROYALTY CO					RECEIVED: 12/29/80 JA: AL			
8110293	12-12-809PD	0107520287	102		ELLEN RODGERS 29-1 #1	MCGEE LAKE	105,0	TENNESSEE GAS PIPELI
8110294	12-12-8010PD	0107520293	102		J A STACY 19-13 #1	STAR	110,0	TENNESSEE GAS PIPELI
8110295	12-12-8011PD	0107520293	102		J A STACY 19-13 #1	STAR	100,0	TENNESSEE GAS PIPELI
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
*ADOBE OIL & GAS CORPORATION					RECEIVED: 12/29/80 JA: PA			
8110305	6073	3700522511	103		WADE C HALL	RURAL VALLEY	22,0	
*APPALACHIAN ENERGY INC					RECEIVED: 12/29/80 JA: PA			
8110317	6098	3704920977	102		E PORTICE #1 A-E-60	UPPER DEVONIAN SANDS	30,0	COLUMBIA GAS TRANSMI
8110303	6052	3704921007	102		F ROSS #1 A-E-153	UPPER DEVONIAN SANDS	30,0	COLUMBIA GAS TRANSMI
8110318	6101	3704920970	102		P BAKER #1 A-E-139	UPPER DEVONIAN SANDS	30,0	COLUMBIA GAS TRANSMI
8110302	6050	3704921053	102		W WILSON #1 A-E-132	UPPER DEVONIAN SANDS	30,0	COLUMBIA GAS TRANSMI
*BOYD & SHRIVER					RECEIVED: 12/29/80 JA: PA			
8110308	6078	3703100000	108		177 - CHANDLER	PORTER	6,8	HANLEY & BIRD
8110309	6079	3703120054	108		259 - DEAN	LIMESTONE	2,4	OWENS - ILLINOIS INC
8110310	6080	3703120058	108		260 - DEAN	LIMESTONE	2,4	OWENS - ILLINOIS INC
*ENVIROGAS INC					RECEIVED: 12/29/80 JA: PA			
8110300	6026	3704921120	103		#1 N E HUNTING & FISHING CLUB	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
8110299	6023	3704921119	103		#2 C POST	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
*FAIRMAN DRILLING CO					RECEIVED: 12/29/80 JA: PA			
8110307	6077	3706522027	103		SARAH BOWERS ET AL NO 1 F-2642	BIG RUN	20,0	CONSOLIDATED GAS SUP
*FELMONT OIL CORPORATION					RECEIVED: 12/29/80 JA: PA			
8110301	6034	3706320107	108		DORA MAIDENBERG #1 F-67	PINE	7,5	COLUMBIA GAS TRANSMI
*GEORGE M BORTZ JR					RECEIVED: 12/29/80 JA: PA			
8110322	6106	3705100000	108		JOHNSON #2	MENALLEN	0,5	COLUMBIA GAS TRANSMI
8110323	6107	3705100000	108		KELLEY #2	GERMAN	1,6	COLUMBIA GAS TRANSMI
8110324	6108	3705100000	108		MORRIS #2-2	FRANKLIN	0,7	COLUMBIA GAS TRANSMI
8110321	6105	3705100000	108		MORRIS #2-3	FRANKLIN	0,7	COLUMBIA GAS TRANSMI
8110320	6104	3705100000	108		TASSONE #2	GERMAN	5,4	COLUMBIA GAS TRANSMI
8110319	6103	3705100000	108		TASSONE #3	GERMAN	5,4	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*ORVILLE M BAMPLE AGENT					RECEIVED: 12/29/80 JA: PA			
8110306	6075	3702300000	108		BUFFALO & SUSQUEHANNA RR #6	BENNEZETTE	7,0	CONSOLIDATED GAS SUP
*ROBERT M BRACE					RECEIVED: 12/29/80 JA: PA			
8110304	6062	3704920863	102		MCCALL #1	WATERFORD - SOUTH	25,0	NATIONAL FUEL GAS DI
*UNION DRILLING INC					RECEIVED: 12/29/80 JA: PA			
8110311	6092	3706323012	108		A F DEEMER #1 0556	RAYNE TOWNSHIP	20,0	PEOPLES NATURAL GAS
8110315	6096	3712521206	108		HASKELL HANKINS #1 0619	SOMERSET TOWNSHIP	20,0	BROCKWAY GLASS CO IN
8110316	6097	3712521203	108		JAMES & KATHERINE HOYER #1 0616	SOMERSET TOWNSHIP	13,0	BROCKWAY GLASS CO IN
8110314	6095	3706324300	108		R H RAY ET AL #1 0597	RAYNE TOWNSHIP	10,0	COLUMBIA GAS TRANSMI
8110313	6094	3706324301	108		RAYMOND C HOUCK #1 0599	RAYNE TOWNSHIP	20,0	COLUMBIA GAS TRANSMI
8110312	6093	3706323360	108		S C HAER #1 0562	RAYNE TOWNSHIP	19,0	PEOPLES NATURAL GAS
*VINEYARD OIL & GAS CO					RECEIVED: 12/29/80 JA: PA			
8110296	5566	3704920963	102		ROTTHOFF #1 E-841	ROTTHOFF #1 - NORTH EAST	0,0	NATIONAL FUEL GAS CO
*WAINOCO OIL & GAS COMPANY					RECEIVED: 12/29/80 JA: PA			
8110297	5999	3703920734	103		HERBERT J KIMMY NO 1 (N-77)	ATHENS	40,0	COLUMBIA GAS TRANSMI
8110298	6000	3703920734	102		HERBERT J KIMMY NO 1 (N-77)	ATHENS	40,0	COLUMBIA GAS TRANSMI
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WEST VIRGINIA DEPARTMENT OF MINES								
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*ALLEGHENY LAND & MINERAL COMPANY					RECEIVED: 12/31/80 JA: WV			
8110381		4708300241	103		A-801	MIDDLE FORK DISTRICT	0,0	COLUMBIA GAS TRANSMI
8110388		4709702062	103		A-863	WASHINGTON DISTRICT	0,0	CONSOLIDATED GAS SUP
*APPALACHIAN EXPLORATION & DEVEL INC					RECEIVED: 12/31/80 JA: WV			
8110380		4708100508	103		BEAVER COAL COMPANY A-44	SLAB FORK	30,0	COLUMBIA GAS TRANSMI
8110389		4701900371	102		H BRADLEY #1	MT COVE	42,0	EQUITABLE GAS CO
*ASHLAND EXPLORATION INC					RECEIVED: 12/31/80 JA: WV			
8110387		4703903509	103		EASTERN ASSOCIATED COAL #67	PAINT CREEK	55,0	COLUMBIA GAS TRANSMI
8110390		4704700818	103		LON B ROGERS #22	VIRGINIA	12,0	CONSOLIDATED GAS SUP
8110385		4710900836	103		PARDEE LAND CO #57	LOGAN - WYOMING	27,0	CONSOLIDATED GAS SUP
8110376		4704501040	103		PARDEE LAND CO #58	LOGAN-WYOMING	73,0	CONSOLIDATED GAS SUP
*CHESTERFIELD CORP					RECEIVED: 12/31/80 JA: WV			
8110377		4700101157	103		MARTINEY #1 - BAR - 1157	UNION	37,7	PARTNERSHIP PROPERTI
*CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 12/31/80 JA: WV			
8110408		4700100874	103		ARTHUR FARANCE 12395	W VA OTHER A85772	67,0	GENERAL SYSTEM PURCH
8110409		4709100138	103		CHARLES M PAYNE 12429	WEST VIRGINIA OTHER A857	45,0	GENERAL SYSTEM PURCH
8110379		4704700806	103		CONSOLIDATED COAL 12613	PINEVILLE FIELD AREA A59	35,0	GENERAL SYSTEM PURCH
8110383		4703301927	103		D M COLE 12539	WEST VIRGINIA OTHER A857	25,0	GENERAL SYSTEM PURCH
8110407		4700100908	103		ELSWORTH MINANS 12417	WEST VIRGINIA OTHER A857	30,0	GENERAL SYSTEM PURCH
8110411		4707700192	103		FREEMAN M CLARKSON 12526	W VA OTHER A85772	27,0	GENERAL SYSTEM PURCH
8110412		4702102944	102		J E ARBUCKLE 12433	W VA OTHER A85772	31,0	GENERAL SYSTEM PURCH
8110410		4709100165	103		JOHN M GRIMES 12527	W VA OTHER A85772	27,0	GENERAL SYSTEM PURCH
8110384		4704700820	103		MONEY HEIRS 12620	PINEVILLE A59442	25,0	GENERAL SYSTEM PURCH
8110405		4710900824	103		POCAHONTAS LAND CORP 12586	PINEVILLE A59442	45,0	GENERAL SYSTEM PURCH
8110382		4703302088	103		WALTER NEELY 12593	WEST VIRGINIA OTHER A857	25,0	GENERAL SYSTEM PURCH
*DORAN & ASSOCIATES INC					RECEIVED: 12/31/80 JA: WV			
8110392		4703322009	103		C M LYONS #1 K-L-226	TENMILE DIST	30,0	CONSOLIDATED GAS SUP
*ELAMS GAS CO					RECEIVED: 12/31/80 JA: WV			
8110415		4709916930	103		MYRTLE VINSON #1	LINCOLN DISTRICT	0,0	COLUMBIA GAS TRANSMI
*GEORGE JACKSON					RECEIVED: 12/31/80 JA: WV			
8110391		4703321550	103		B F COFFMAN (B-5) (CC C092)	EAGLE DISTRICT A85772	36,0	CONSOLIDATED GAS SUP
*GLENN M JOHNSON DBA JOHNSON PRODUCI					RECEIVED: 12/31/80 JA: WV			
8110406		4709721934	103		DEAN #1	UNION	50,0	CONSOLIDATED GAS SUP

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*J & J ENTERPRISES INC					RECEIVED: 12/31/80 JA: WV			
8110413		4701702543	103		J-106	WEST UNION	150,0	COLUMBIA GAS TRANSMI
8110403		4701702580	103		J-74	CENTRAL	20,0	COLUMBIA GAS TRANSMI
*PETROLEUM DEVELOPMENT CORP					RECEIVED: 12/31/80 JA: WV			
8110404		4703301972	103		G T PARIS HRS #11	BRIDGEPORT	10,0	CONSOLIDATED GAS SUP
*ROCKWELL PETROLEUM COMPANY					RECEIVED: 12/31/80 JA: WV			
8110378		4701702707	103		SHULTE #4	ST CLAIR	20,0	COLUMBIA GAS TRANSMI
*RUSSELL V JOHNSON JR					RECEIVED: 12/31/80 JA: WV			
8110414		4701702593	103		JOHN ERWIN #3	BRUSHY FORK--TONS FORK	10,0	COLUMBIA GAS TRANSMI
*SPARTAN GAS COMPANY					RECEIVED: 12/31/80 JA: WV			
8110416		4706302345	103		CORA MCMELLON 8-210	JEFFERSON	11,0	
*TEXAS INTERNATIONAL PET CORP					RECEIVED: 12/31/80 JA: WV			
8110400		4704700737	108		POCAHONTAS #A-46	NORTH FORK	14,8	CONSOLIDATED GAS SUP
8110396		4704700723	108		POCAHONTAS #C-8	NORTH FORK	21,9	CONSOLIDATED GAS SUP
8110397		4704700724	108		POCAHONTAS #C-9	NORTH FORK	21,9	CONSOLIDATED GAS SUP
8110399		4704700731	108		POCAHONTAS LAND CORP #A-26	NORTH FORK	18,2	CONSOLIDATED GAS SUP
8110401		4704700741	108		POCAHONTAS LAND CORP #A-40	NORTH FORK	20,4	CONSOLIDATED GAS SUP
8110398		4704700726	108		POCAHONTAS LAND CORP #C-11	NORTH FORK	21,9	CONSOLIDATED GAS SUP
8110418		4704700040	108		POCAHONTAS LAND CORP #C-2	NORTH FORK	26,0	CONSOLIDATED GAS SUP
8110402		4704700742	108		POCAHONTAS LAND CORP #C-20	NORTH FORK	21,9	CONSOLIDATED GAS SUP
8110393		4704700711	108		POCAHONTAS LAND CORP #C-5	NORTH FORK	26,0	CONSOLIDATED GAS SUP
8110395		4704700722	108		POCAHONTAS LAND CORP #C-7	NORTH FORK	21,9	CONSOLIDATED GAS SUP
8110394		4704700721	108		POCAHONTAS LAND CORP C-6	NORTH FORK	21,9	CONSOLIDATED GAS SUP
*UNION DRILLING INC					RECEIVED: 12/31/80 JA: WV			
8110417		4709702011	103		HARVEY GOLDEN #1 1541	MEADE DISTRICT	0,0	COLUMBIA GAS TRANSMI
8110386		4703301126	108		PERRY L HALL #2 - 1418	EAGLE DISTRICT	2,0	CONSOLIDATED GAS SUP
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** U.S. GEOLOGICAL SURVEY - DENVER,CO								
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*ARCO OIL AND GAS COMPANY					RECEIVED: 12/29/80 JA: CO 1			
8110351	CD0047-80-A	0506706369	103		SOUTHERN UTE 11-5 32-9 (MV)	IGNACIO BLANCO	312,0	NORTHWEST PIPELINE C
8110352	CD0047-80-B	0506706369	103		SOUTHERN UTE 11-5 32-9 (PC)	IGANCIO BLANCO	402,0	NORTHWEST PIPELINE C
8110349	CD0049-80-A	0506706352	103		SOUTHERN UTE 15-4 32-9 (MV)	IGNACIO BLANCO (MV)	308,0	NORTHWEST PIPELINE C
8110350	CD0049-80-B	0506706352	103		SOUTHERN UTE 15-4 32-9 (PC)	IGANCIO BLANCO (PC)	194,0	NORTHWEST PIPELINE C
*CHANDLER & ASSOCIATES INC					RECEIVED: 12/29/80 JA: CO 1			
8110337	CC 229-0	0510308447	103		FORK UNIT 11-31-1-1	DRAGON TRAIL	110,0	NORTHWEST PIPELINE C
8110336	CC 230-0	0510308449	103		FORK UNIT 12-29-1-1	DRAGON TRAIL	0,7	NORTHWEST PIPELINE C
8110338	CC 228-0	0510308467	103		FORK UNIT 9-19-1-1	DOUGLAS CREEK NORTH	126,0	NORTHWEST PIPELINE C
8110335	CC 262-0	0510307775	108		N O DOUGLAS CREEK FEDERAL 3-7	DRAGON TRAIL	15,0	NORTHWEST PIPELINE C
*CONOCO INC					RECEIVED: 12/29/80 JA: CO 1			
8110326	CC247-0	0510305255	108		MISSOURI CREEK UNIT NO 2	TEXAS MOUNTAIN	10,0	WESTERN SLOPE GAS CO
*MOUNTAIN FUEL SUPPLY COMPANY					RECEIVED: 12/29/80 JA: CO 1			
8110331	CC 250-0	0510308396	103		MFS FEDERAL 10-2	LOWER HORSE DRAW	139,0	MOUNTAIN FUEL RESOUR
8110332	CC 235-0	0510308374	103		MFS FEDERAL 28-2	CATHEDRAL	65,0	WESTERN SLOPE GAS CO
*NORTHWEST EXPLORATION COMPANY					RECEIVED: 12/29/80 JA: CO 1			
8110325	CD0039-80	0510308366	103		PHILADELPHIA CREEK #25	PHILADELPHIA CREEK	20,0	NORTHWEST PIPELINE C
*TENNECO OIL COMPANY					RECEIVED: 12/29/80 JA: CO 1			
8110334	CC 231-0	0504506193	103		FEDERAL #9-6	SOUTH CANYON (DAKOTA)	500,0	
8110333	CC 232-0	0504506192	103		FEDERAL 9-8	DAKOTA/MORRISON	500,0	
*BELCO PETROLEUM CORPORATION					RECEIVED: 12/29/80 JA: UT 1			
8110345	UC 260-0	4304730612	103		CHU 45-25 30612	CHAPITA WELLS UNIT	0,0	MOUNTAIN FUEL SUPPLY
8110340	UC 316-0	4304730476	103		DUCK CREEK 3-16 30476	DUCK CREEK	233,0	NORTHWEST PIPELINE C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110343	UC 313-0	4304730541	103		DUCK CREEK 7-16 GR	DUCK CREEK	0,0	NORTHWEST PIPELINE C
8110344	UC 312-0	4304730555	103		NATURAL DUCK 2-15 GR 30555	NATURAL DUCK	0,0	NORTHWEST PIPELINE C
8110341	UC315-0	4304730556	103		NATURAL DUCK 3-15 GR	NATURAL DUCK	0,0	
8110342	UC 314-0	4304730557	103		NATURAL DUCK 4-21 GR	NATURAL DUCK	12,0	COLORADO INTERSTATE
8110346	UD-0050-80	4304730679	103		NATURAL DUCK 8-15GR	NATURAL DUCK	0,0	COASTAL OIL&GAS CORP
*GAS PRODUCING ENTERPRISES INC			RECEIVED: 12/29/80 JA: UT 1					
8110327	UC245-0	4304730578	103		NATURAL BUTTES UNIT 71-26B 30578	NATURAL BUTTES UNIT	0,0	COLORADO INTERSTATE
8110330	UC242-0	4304730468	103		NBU 41-34B 30468	NATURAL BUTTES UNIT	0,0	COLORADO INTERSTATE
8110329	UC243-0	4304730457	103		NBU 47-27B 30457	NATURAL BUTTES	0,0	COLORADO INTERSTATE
8110328	UC244-0	4304730473	103		NBU 52-1B 30473	NATURAL BUTTES UNIT	0,0	COLORADO INTERSTATE
*ROBB JACOBB			RECEIVED: 12/29/80 JA: UT 1					
8110339	UC 209-0	4301930509	103		JACOBB #24-2	CISCO SPRINGS	120,0	NORTHWEST PIPELINE C
*TEXAS OIL & GAS CORP			RECEIVED: 12/29/80 JA: UT 1					
8110347	UC 261-0	4301930547	103		HARVEY FEDERAL 1-X	SAN ARROYO	120,0	MESA PIPELINE CO
8110348	UD-0048-80	4301930640	103		VALENTINE FEDERAL #2	SAN ARROYO	365,0	NORTHWEST PIPELINE C
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
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*AMOCO PRODUCTION CO			RECEIVED: 12/29/80 JA: 3					
8110369	G0-1700	4271140430	102		OCS-G-2427 #A-1	HIGH ISLAND AREA-SOUTH E	1300,0	MICHIGAN - WISCONSIN
*CHEVRON U S A INC			RECEIVED: 12/29/80 JA: 3					
8110355	G0-1653	1770940374	102		OCS-G-2603 #2	EUGENE ISLAND	730,0	SOUTHERN NATURAL GAS
*CNG PRODUCING COMPANY			RECEIVED: 12/29/80 JA: 3					
*8110357	G01708	1771240134	102		A-1782	SHIP SHOAL	1300,0	CONSOLIDATED GAS SUP
*8110355	G0 1732	1770640292	102		A-303 (ALT)	VERMILION	570,0	CONSOLIDATED GAS SUP
*8110361	G0-1591	1771240232	102		F-1881	SHIP SHOAL	876,0	CONSOLIDATED GAS SUP
*DIAMOND SHAMROCK CORPORATION			RECEIVED: 12/29/80 JA: 3					
8110375	G0-1729	1770540376	102		VERMILION BLOCK 37 - WELL NO 1	VERMILION	0,0	TRANSCONTINENTAL GAS
8110356	G01728	1770540393	102		VERMILION BLOCK 37-WELL NO 4	VERMILION	0,0	TRANSCONTINENTAL GAS
*8110360	G0-1727	1770540385	102		VERMILION BLOCK 57-WELL NO 1	VERMILION	0,0	TRANSCONTINENTAL GAS
*FOREST OIL CORPORATION			RECEIVED: 12/29/80 JA: 3					
*8110368	G0-1536	1771040076	102		EUGENE ISLAND BLOCK 314 F-4A	EUGENE ISLAND	550,0	COLUMBIA GAS TRANSMI
*GULF OIL CORPORATION			RECEIVED: 12/29/80 JA: 3					
*8110372	G0-1721	1770940401	102		EUGENE ISLAND BLK 238 WELL H-5D	EUGENE ISLAND	2370,0	SEA ROBIN PIPELINE C
*MARATHON OIL COMPANY			RECEIVED: 12/29/80 JA: 3					
8110363	G0-1528	1771040815	102		EUGENE ISLAND BLOCK 349 WELL NO B-1	EUGENE ISLAND	75,0	TEXAS EASTERN TRANSM
*MCMORAN OFFSHORE EXPLORATION CO			RECEIVED: 12/29/80 JA: 3					
8110374	G0-1705	4270740043	102		OCS-G 2342 #A-1	GALVESTON	8517,0	TRANSCONTINENTAL GAS
8110367	G0-1717	4270740054	102		OCS-G 2342 #A-5	GALVESTON	8517,0	TRANSCONTINENTAL GAS
8110370	G0-1722	4270740050	102		OCS-G 2342 #A-7	GALVESTON	8517,0	TRANSCONTINENTAL GAS
*MOBIL OIL EXPLORATION & PROD S E			RECEIVED: 12/29/80 JA: 3					
8110362	G0-1702	1771140362	102		SHIP SHOAL 72 #10-B	SHIP SHOAL	1460,0	TRANSCO
*8110354	G0-1670	1771340051	102		SOUTH PELTO 10 NO 11A	SOUTH PELTO	750,0	TRANSCONTINENTAL GAS
8110358	G0-1671	1771340051	102		SOUTH PELTO 10 NO 11-B	SOUTH PELTO	1000,0	TRANSCONTINENTAL GAS
*SHELL OIL CO			RECEIVED: 12/29/80 JA: 3					
8110373	G0-1726	4270340050	102		JA-2	MATAGORDA ISLAND	3000,0	TRANSCONTINENTAL GAS
8110359	G0-1716	1770740335	102		OCS-G 1184 JA-1 (FORMERLY NO 10)	SOUTH MARSH ISLAND	1000,0	SEA ROBIN PIPELINE C
8110364	G0-1709	1770840341	102		OCS-G 2282 B-7 (FORMERLY A-7)	SOUTH MARSH ISLAND	1470,0	TRANSCONTINENTAL GAS
8110371	G0-1710	1770540350	102		OCS-0433 JA-1	VERMILION	1000,0	TEXAS EASTERN TRANSM
*TENNECO OIL COMPANY			RECEIVED: 12/29/80 JA: 3					
8110366	G0-1357	1770540269	102		VERMILION 245 E 2	VERMILION	4000,0	TENNESSEE GAS PIPELI
*ANADARKO PRODUCTION COMPANY			RECEIVED: 12/29/80 JA: LA 3					

29 3 692

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110365	GO-1725	1770340331	102	EAST CAMERON BLOCK 104 NO A-3D	EAST CAMERON	3650.0	TRUNKLINE GAS CO
** U.S. GEOLOGICAL SURVEY - TULSA,OK							
*PHILLIPS PETROLEUM COMPANY		RECEIVED: 12/29/80 JA: OK					
8110285		3501520908	103	EAST BINGER UNIT #71-2	EAST BINGER	0.0	ONG

OTHER PURCHASERS

8110353	PANHANDLE EASTERN P L CO
8110354	FLORIDA GAS
8110357	TRANSCONTINENTAL GAS P L CO
8110360	COLUMBIA GAS TRANS CORP
8110361	COLUMBIA GAS TRANS CORP
8110368	TEXAS GAS TRANS CORP
8110372	TEXAS EASTERN TRANS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 13, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3287 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued January 22, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION						
*FULTON PRODUCING COMPANY			RECEIVED: 12/22/80 JA: MT			
#8109707	6-80-164	2510121593 103	BERTHELOTE NO 42-5	WEST BUTTE - SHALLOW GAS	22,0	MINERS COULEE GAS CO
#8109706	6-80-163	2510121719 103	BERTHELOTE NO 43-8	WEST BUTTE - SHALLOW GAS	22,0	MINERS COULEE GAS CO
#8109708	6-80-165	2510121655 103	CONTINENTAL LAND NO 16-1	ARCH APEX	220,0	MINERS COULEE GAS CO
OHIO DEPARTMENT OF NATURAL RESOURCES						
*ALTHEIRS OIL INC			RECEIVED: 12/22/80 JA: OH			
8109804		3405320538 103	ERMA BAKER #1	CHESHIRE TWP	5,0	COLUMBIA GAS TRANS C
*AMERICAN PETROEL INC			RECEIVED: 12/22/80 JA: OH			
8109838		3411122119 107	CHARLES E HALL #1	WASHINGTON	22,0	
*AMTEX OIL AND GAS INC			RECEIVED: 12/22/80 JA: OH			
8109757		3416922336 103	STROH-GRABER WELL NO 4	MARLBORO	300,0	
*APPALACHIAN PETROLEUM CORP			RECEIVED: 12/22/80 JA: OH			
8109866		3416725485 107	H E MARBCH #3	ADAMS	3,5	COLUMBIA GAS TRANSMI
*BELDEN & BLAKE & CO LD 4X			RECEIVED: 12/22/80 JA: OH			
8109758		3415123350 103	ROHRER-VAUGHAN #4-1000		36,5	EAST OHIO GAS CO
*BEREA OIL AND GAS CORPORATION			RECEIVED: 12/22/80 JA: OH			
8109749		3411924957 103	CAIN #1	RICH HILL	1,0	COLUMBIA GAS TRANSMI
8109748		3411925216 103	ST CLAIR - CREEL UNIT #1A	RICH HILL	1,0	COLUMBIA GAS TRANSMI
*BILL BLAIR INCORPORATED			RECEIVED: 12/22/80 JA: OH			
8109811		3402920770 103	F & M ENTERPRISES #1	HOMEWORTH FIELD	30,0	EAST OHIO GAS CO
8109856		3402920793 103	FRANK #1	HOMEWORTH FIELD	24,0	EAST OHIO GAS CO
8109855		3402920792 103	FRANK #2	HOMEWORTH FIELD	24,0	EAST OHIO GAS CO
8109810		3402920802 103	GROVE #1	HOMEWORTH FIELD	18,0	EAST OHIO GAS CO
8109854		3402920775 103	HEROLD #1	HOMEWORTH FIELD	32,0	EAST OHIO GAS CO
8109809		3402920806 103	KITZMILLER #2	HOMEWORTH FIELD	32,0	THE EAST OHIO GAS CO
*BUCKHORN OIL COMPANY INC			RECEIVED: 12/22/80 JA: OH			
8109728		3407522744 103	TROYER #1	MECHANIC	20,0	COLUMBIA GAS TRANSMI
8109729		3407527420 103	YODER #24-1	MECHANIC	20,0	COLUMBIA GAS TRANSMI
8109727		3407522708 103	YODER 13-1	MECHANIC	20,0	COLUMBIA GAS TRANSMI
*CALLANDER & KIMBREL INC			RECEIVED: 12/22/80 JA: OH			
8109852		3403124069 103	PHILIP BROWN #8	PERRY	3,0	
8109851		3403124071 103	ROBERT & MIRIAM MIKESELL #8	PIKE	4,0	
*CHANSE PETROLEUM CORPORATION			RECEIVED: 12/22/80 JA: OH			
8109817		3400721377 103	D & M BEVINGTON #1	LENOX	5,0	
8109718		3400721379 103	R & N HAGERTY #1	HAGERTY & WEDDLE	5,0	
*CLARENCE K TUBBEL JR			RECEIVED: 12/22/80 JA: OH			
8109862		3400721508 103	GARSTENSCHLAGER-FIALA #1	CITY OF CONNEAUT	25,0	
8109863		3400721465 103	P GANDY #1	MONROE	30,0	
*CLINTON OIL CO			RECEIVED: 12/22/80 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109737		3413322317	103		BAILEY-DAVIS #1-519	RANDOLPH	200.0	
8109736		3413322318	103		BANIECKI #1-520	ROOTSTOWN	200.0	
8109746		3411925438	103		E C PORTER #1-518	SALEM	250.0	
8109732		3413322407	103		FRANK PAPP UNIT #1-521	BRIMFIELD	125.0	
8109722		3408720279	107		H V & M RONK #1	UNION	2.0	
8109721		3408720280	107		J T & M K SMITH #1	GETAWAY	1.8	
*COLLINS-MCGREGOR OPERATING CO					RECEIVED: 12/22/80 JA: OH			
8109850		3405520289	103		W BARKMAN-O HERING #1	BURTON	19.0	EAST OHIO GAS CO
8109849		3405520290	103		WILLIAM M BARKMAN #1	BURTON	18.0	EAST OHIO GAS CO
*COMBINED RESOURCES CORP					RECEIVED: 12/22/80 JA: OH			
8109794		3409921270	103		BRICKER #2	GOSHEN	20.0	EAST OHIO GAS CO
*CYCLOPS CORP					RECEIVED: 12/22/80 JA: OH			
8109807		3403123942	103		DICKERSON #1	TUSCARAWAS	30.0	
*EDWARD E ATHA					RECEIVED: 12/22/80 JA: OH			
8109861		3400922035	103		JEAN B HUBBARD #1	ROME	20.0	
*ENTERPRISE GAS & OIL INC					RECEIVED: 12/22/80 JA: OH			
8109847		3405922710	103		L LARRICK #2	CENTER	25.6	COLUMBIA GAS TRANSMI
8109776		3405922782	103		LEATHERWOOD FARMS ETAL #1	WILLS	35.0	COLUMBIA GAS TRANSMI
*GASEARCH INC					RECEIVED: 12/22/80 JA: OH			
8109785		3415521484	103		HAGOOD UNIT #3	VIENNA	20.0	
8109764		3415521534	103		STEHLIK #1	MESOPOTAMIA	20.0	COLUMBIA GAS TRANSMI
8109761		3415521472	103		YOUNGSTOWN AIRPORT #11	VIENNA	20.0	
8109763		3415521521	103		YOUNGSTOWN AIRPORT #2	VIENNA	20.0	
8109762		3415521477	103		YOUNGSTOWN AIRPORT #3	VIENNA	20.0	
8109760		3415521471	103		YOUNGSTOWN AIRPORT #5	VIENNA	20.0	
8109784		3415521523	103		YOUNGSTOWN AIRPORT #8	VIENNA	20.0	COLUMBIA GAS TRANSMI
8109783		3415521525	103		YOUNGSTOWN AIRPORT #9	VIENNA	20.0	COLUMBIA GAS TRANSMI
*GEO ENERGY INC					RECEIVED: 12/22/80 JA: OH			
8109747		3411925322	103		J WHITE #2-1	UNION	5.0	
*HARRIS ENGINEERING CO					RECEIVED: 12/22/80 JA: OH			
8109743		3412724795	103		CATHERINE KIENER NO 1	PIKE	36.0	
*HOPEWELL OIL AND GAS DEVELOPMENT CO					RECEIVED: 12/22/80 JA: OH			
8109837		3411122128	103		DAVID BLACKSTONE #1	SENECA	12.0	COLUMBIA GAS TRANSMI
8109841		3411121956	103		LEANDER KUHN #1	SENECA	10.0	COLUMBIA GAS TRANSMI
8109741		3412724835	103		TOM HENNING #1	HARRISON	10.0	COLUMBIA GAS TRANSMI
*INLAND DRILLING CO INC					RECEIVED: 12/22/80 JA: OH			
8109739		3413321461	103		BASHAM #1	FRANKLIN	5.0	
8109766		3413322387	103		BASHAM-HANNUM #1A	FRANKLIN	5.0	
8109738		3413321826	103		BASHAM-KRAUSMAN #1	FRANKLIN	5.0	
8109735		3413322371	103		LENTZ #3	FREEDOM	0.1	
*IRVIN PRODUCING CO					RECEIVED: 12/22/80 JA: OH			
8109833		3411925299	103		BERNICE BAIRD #2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8109827		3411925350	103		BOYSE & EPPLEY #1	WAYNE	10.0	NATIONAL GAS & OIL C
8109825		3411925403	103		BRYCE W WATT #1	NEWTON	0.0	COLUMBIA GAS TRANSMI
8109831		3411925302	103		CHRISTAIN HECKEL #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8109832		3411925301	103		CHRISTAIN HECKEL #2	NEWTON	10.0	COLUMBIA GAS TRANSMI
8109830		3411925303	103		JAMES ECK #3	SALT CREEK	10.0	NATIONAL GAS & OIL C
8109740		3412724861	103		GAZEL TOKIE #3	SALT LICK	10.0	COLUMBIA GAS TRANSMI
8109829		3411925306	103		ORVILLE MILLER #1	WAYNE	10.0	NATIONAL GAS & OIL C
8109826		3411925402	103		WILLIAM W HILL #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
*J & B OIL					RECEIVED: 12/22/80 JA: OH			
8109865		3416725547	107		HEARN #1	INDEPENDENCE	30.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*J P WHITE					RECEIVED: 12/22/80 JA: OH			
8109816		3400721456	103		SHADLE #1	CHERRY VALLEY	50.0	COLUMBIA GAS TRANSMI
*JACK ENTERPRISES					RECEIVED: 12/22/80 JA: OH			
8109868		3416725087	107		H-41 DALE & ELIZABETH PITSINGER #1	LAWRENCE	200.0	COLUMBIA GAS TRANSMI
8109864		3416725089	107		H-47 DALE & ELIZABETH PITSINGER #2	LAWRENCE	200.0	COLUMBIA GAS TRANSMI
8109867		3416725283	107		H-47 DALE & ELIZABETH PITSINGER #4	LAWRENCE	200.0	COLUMBIA GAS TRANSMI
*JIMMY HAMILTON GAS & OIL					RECEIVED: 12/22/80 JA: OH			
8109869		3416725044	107		ELMER MEARN WELL NO 144	LUDLOW	15.0	COLUMBIA GAS TRANSMI
8109872		3416724885	107		HAZEL EDWARDS #138	LUDLOW	0.0	COLUMBIA GAS TRANS C
8109792		3411121910	107		MARY CLINE WELL NO 140	WASHINGTON	15.0	COLUMBIA GAS TRANSMI
8109871		3416724886	107		WILBUR RINARD WELL NO 136	LUDLOW	45.0	COLUMBIA GAS TRANSMI
*JOE L SCHRINSHER					RECEIVED: 12/22/80 JA: OH			
8109818		3416922382	103		HILLCREST-AMERICAN LEGION #1	WOOSTER	0.0	EAST OHIO GAS CO
8109756		3416922314	103		LARRY E BAER #4	BAUGHMAN	20.0	EAST OHIO GAS CO
*JOHN TANSKY					RECEIVED: 12/22/80 JA: OH			
8109745		3412724756	103		DON G NOYES #2	HOPEWELL	10.0	COLUMBIA GAS TRANSMI
8109744		3412724786	103		JIMMY MOORE #2	READING	10.0	COLUMBIA GAS TRANSMI
*JOHNSON DRILLING CO					RECEIVED: 12/22/80 JA: OH			
8109723		3408322774	103		GRACE HARDESTY #1	JACKSON	5.0	COLUMBIA GAS TRANSMI
*KENOIL					RECEIVED: 12/22/80 JA: OH			
8109819		3416922425	103		GARLAN SCHEIBE #1	PLAIN	9.0	COLUMBIA GAS TRANSMI
*KING DRILLING CO					RECEIVED: 12/22/80 JA: OH			
8109820		3416922417	103		EVA FIKE #1	GREEN	10.0	COLUMBIA GAS TRANS C
*L & M PETROLEUM					RECEIVED: 12/22/80 JA: OH			
8109870		3416725016	107		LINDA WRIGHT #1	FEARING	12.8	COLUMBIA GAS TRANSMI
*LAUDERMAN OIL & GAS DRILLING					RECEIVED: 12/22/80 JA: OH			
8109753		3416724528	103		ISAAC WEST #1 WELL	LIBERTY	18.0	COLUMBIA GAS TRANSMI
8109751		3411121907	103		VIRGIL WEBB #1 WELL	FRANKLIN	18.2	COLUMBIA GAS TRANSMI
8109754		3416725549	103		WILLIAM DEPUY #1 WELL	LAWRENCE	18.2	COLUMBIA GAS TRANSMI
*LEADER EQUITIES INC					RECEIVED: 12/22/80 JA: OH			
8109834		3411925165	103		FLOYD & MILDRED BICE #1-A	CASS	15.0	
8109835		3411925077	103		IDA DURANT #1	ADAMS	10.0	
8109828		3411925317	103		JOHN & CLETA GRAHAM #1	CASS	15.0	
8109750		3411924776	103		JOHN GRAHAM #2	CASS	17.0	
*LIBERTY OIL&GAS CORP					RECEIVED: 12/22/80 JA: OH			
8109858		3400922111	103		D ROBINSON B #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
8109859		3400922109	103		MILL A #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
8109860		3400922108	103		VINCENT #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
8109857		3400922110	103		WALTER BOGGS #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
*LOMAK PETROLEUM INC					RECEIVED: 12/22/80 JA: OH			
8109779		3415123143	103		J SHUCKER #1	TUSCARAWAS	20.0	COLUMBIA GAS TRANSMI
*MARTIN EXCAVATING INC					RECEIVED: 12/22/80 JA: OH			
8109770		3407522608	103		CLAUDE STOTLER #1	MECHANIC	10.0	COLUMBIA GAS TRANSMI
8109769		3407522609	103		CLAUDE STOTLER #2	MECHANIC	10.0	COLUMBIA GAS TRANSMI
8109772		3407522606	103		DALE LAHM #1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8109771		3407522607	103		HERB PATTERSON #1	MECHANIC	5.0	COLUMBIA GAS TRANSMI
8109731		3407522663	103		NELLIE PATTERSON #1	MECHANIC	10.0	COLUMBIA GAS TRANSMI
8109798		3407522632	103		RUSTIC REALTY #1	HARDY	30.0	COLUMBIA GAS TRANSMI
8109730		3407522688	103		VICLAHM #1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
*MOSSWOOD OIL & GAS CO					RECEIVED: 12/22/80 JA: OH			
8109752		3416724305	103		KENNETH L & RUTH CLINE #2	WARREN	10.0	GAS TRANSPORT INC
*NATIONAL PETROLEUM CORP					RECEIVED: 12/22/80 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109839		3411122079	107		CLYDE & MARY RUBLE #1	SUMMIT	15,0	TEXAS EASTERN TRANSM
8109840		3411122015	107		HEFT #1	SUMMIT	15,0	TEXAS EASTERN TRANSM
*NEW FRONTIER EXPLORATION INC					RECEIVED: 12/22/80 JA: OH			
8109780		3415123191	103		ROBERT PERO UNIT #1	OSNABURG	32,0	
8109778		3415123190	103		ROBERT PERO UNIT #2	OSNABURG	32,0	
*OHIO NATURAL FUEL CO					RECEIVED: 12/22/80 JA: OH			
8109768		3407522648	103		NEDOMA #2	KNOX	27,0	COLUMBIA GAS TRANSMI
8109774		3407522467	103		P & K MILLER #1	SALT CREEK	21,0	COLUMBIA GAS TRANSMI
8109821		3416922345	103		REDICK #4	CHESTER	36,0	COLUMBIA GAS TRANSMI
*OHIO OIL & GAS CO					RECEIVED: 12/22/80 JA: OH			
8109782		3415521526	103		STALL #2	BRISTOL	20,0	EAST OHIO GAS CO
*ONEAL PRODUCTIONS INC					RECEIVED: 12/22/80 JA: OH			
8109836		3411522021	103		EDWARD BEHYMER #1	WINDSOR	0,0	COLUMBIA GAS TRANSMI
*OXFORD OIL CO					RECEIVED: 12/22/80 JA: OH			
8109726		3408322125	108		HARLEY HANNA #1		3,0	COLUMBIA GAS TRANS C
8109724		3408322168	108		HARLEY HANNA #2		3,0	COLUMBIA GAS TRANS
8109725		3408322223	108		HARLEY HANNA #3		3,0	COLUMBIA GAS TRANS
8109755		3416920370	108		MARTHA CONRAD #1	NOVE	3,0	COLUMBIA GAS TRANS
*PENN-OHIO ENERGY CORP					RECEIVED: 12/22/80 JA: OH			
8109797		3407526550	103		LEVI E & EMMA L RABER #1	CLARK	75,0	COLUMBIA GAS TRANSMI
8109853		3403124021	103		OLLIE A LOWE #2	CLARK	90,0	COLUMBIA GAS TRANSMI
8109767		3407522659	103		RICHARDS #3	KILLBUCK	35,0	COLUMBIA GAS TRANSMI
8109773		3407522523	103		ROY O & LIZZIE R KEIM #2	MILLERSBURG	60,0	COLUMBIA GAS TRANSMI
*PINETOP ESTATES					RECEIVED: 12/22/80 JA: OH			
8109759		3415320618	103		PINETOP ESTATES #1	NORTH HAMPTON	36,0	EAST OHIO GAS CO
*QUAKER STATE OIL REFINING CORP					RECEIVED: 12/22/80 JA: OH			
8109781		3416320451	103		O FUNK #1	SWAN	40,2	COLUMBIA GAS TRANS C
*RELIANCE ENERGY					RECEIVED: 12/22/80 JA: OH			
8109799		3407522526	103		ROBERT BEDUGHER #1	GREEN	15,0	COLUMBIA GAS TRANSMI
*RICHARD C POLING					RECEIVED: 12/22/80 JA: OH			
8109795		3408923869	103		ARTHUR HARTMEN #1	PERRY	0,0	
*SANDHILL ENERGY INC					RECEIVED: 12/22/80 JA: OH			
8109790		3416725631	107		EARL HAUGHT NO 1	LAWRENCE	5,4	
8109789		3416725678	107		EARL HAUGHT NO 2	LAWRENCE	6,0	
8109791		3416725630	107		HAUGHT-DEPUY #1	LAWRENCE	9,0	
*SENECA ENERGY CORP					RECEIVED: 12/22/80 JA: OH			
8109808		3403123470	103		CONKLE #1	CLARK	196,0	COLUMBIA GAS TRANSMI
8109806		3403123993	103		HUGHES #1	CLARK	49,0	COLUMBIA GAS TRANSMI
*SHELDON L TURRILL					RECEIVED: 12/22/80 JA: OH			
8109742		3412724797	103		#1 F HITE	MADISON	50,0	NATIONAL GAS & OIL C
*SUPERIOR PETROLEUM INC					RECEIVED: 12/22/80 JA: OH			
8109813		3401921361	103		DORNAN #2	MONROE	20,0	M B OPERATING CO INC
8109812		3401921362	103		DORNAN #3	MONROE	20,0	M B OPERATING CO INC
8109814		3401921344	103		MWCO #1E	MONROE	20,0	
*SUPERIOR PETROLEUM SERVICES INC					RECEIVED: 12/22/80 JA: OH			
8109719		3409921271	103		BRICKER #3	GOSHEN	20,0	EAST OHIO GAS CO
8109720		3409921241	103		OKEEFE #1	GOSHEN	20,0	EAST OHIO GAS CO
*THE MUTUAL OIL & GAS COMPANY					RECEIVED: 12/22/80 JA: OH			
8109775		3407522287	103		KESSLER #1	MARION	10,0	PARAMOUNT TRANSMISSI
*TIGER OIL INC					RECEIVED: 12/22/80 JA: OH			
8109824		3412122375	107		GILBERT BECKER #1 WELL	ELK	0,0	COLUMBIA GAS TRANSMI
*TOWNER PETROLEUM CO					RECEIVED: 12/22/80 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109803		3405921901	108		KOVAL #1 AF=3		2,9	UNITED STATES STEEL
8109802		3405921904	108		KOVAL #2 AF=2		0,0	UNITED STATES STEEL
8109801		3405921920	108		MANNING/MESSER AF=4		0,0	UNITED STATES STEEL
8109848		3405921961	108		O SHARE USS=23		8,2	UNITED STATES STEEL
8109800		3405921958	108		R LARRICK #1 USS=11		5,7	UNITED STATES STEEL
*TRIPLE GAS CO					RECEIVED: 12/22/80 JA: OH			
8109815		3400922078	103		BROWN #6	BERN	3,7	COLUMBIA GAS TRANSMI
*VIKING RESOURCES CORP					RECEIVED: 12/22/80 JA: OH			
8109788		3415123326	103		BECK UNIT #1	PARIS	30,0	
8109844		3415123268	103		O BLAGLE #1	PARIS	30,0	
8109734		3413322373	103		DEARTH UNIT #1	PALMYRA	30,0	
8109733		3413322374	103		DEARTH UNIT #2	DEERFIELD	30,0	
8109787		3415123327	103		FOSNAUGHT #1	PARIS	30,0	
8109786		3415123328	103		FOSNAUGHT #2	PARIS	30,0	
8109842		3415123299	103		LYONS #1	OSNAFURG	30,0	
8109823		3413322367	103		NEUBERT UNIT #1	DEERFIELD	30,0	
8109777		3415123253	103		RINDCHEN #1	PARIS	30,0	
8109845		3415123256	103		RITTENHOUSE UNIT #1	PARIS	30,0	
8109846		3415123255	103		RITTENHOUSE UNIT #2	PARIS	30,0	
8109822		3415123254	103		RITTENHOUSE UNIT #3	PARIS	30,0	
*W E SHRIDER CO					RECEIVED: 12/22/80 JA: OH			
8109805		3403124050	103		RICHARD GOOD #1	WASHINGTON	3,0	COLUMBIA GAS TRANSMI
*WILLIAM F HILL					RECEIVED: 12/22/80 JA: OH			
8109796		3407522674	103		THOMAS & MARY COOK #1	KNOX	8,0	
*WILLIAM N TIPKA					RECEIVED: 12/22/80 JA: OH			
8109765		3415722980	103		QUIGLEY #18	WASHINGTON	30,0	COLUMBIA GAS TRANSMI
*WOA INC & WELLENCO INC					RECEIVED: 12/22/80 JA: OH			
8109793		3410322354	103		MIHALIK & HOLCOMB #1	GRANGER	20,0	
*ZENITH EXPLORATION COMPANY					RECEIVED: 12/22/80 JA: OH			
8109843		3415123276	103		R ROHRER #2	NIMISHILLEN	20,0	
**********								
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY								
**********								
*PHILADELPHIA OIL COMPANY					RECEIVED: 12/23/80 JA: VA			
8109717		4505120334	103		P=100 W L F WRIGHT	NORA	49,2	KENTUCKY WEST VIRGIN
8109716		4505120339	103		P=101 TARPON COAL & COKE COMPANY	NORA	78,7	KENTUCKY WEST VIRGIN
8109715		4519520346	103		P=102 M E & W R HENRY	NORA	84,8	KENTUCKY WEST VIRGIN
8109709		4505120262	103		P=63 JIMMY COUNTS ET AL	NORA	183,9	KENTUCKY WEST VIRGIN
8109710		4505120263	103		P=64 JIMMY COUNTS ET AL	NORA	130,8	KENTUCKY WEST VIRGIN
8109711		4505120300	103		P=84 EARL HILTON	NORA	39,0	KENTUCKY WEST VIRGIN
8109712		4505120307	103		P=87 J L SIFERS	NORA	27,6	KENTUCKY WEST VIRGIN
8109713		4505120308	103		P=88 J L SIFERS	NORA	143,6	KENTUCKY WEST VIRGIN
8109714		4505120331	103		P=99 STEINMAN DEVELOPMENT COMPANY	NORA	45,4	KENTUCKY WEST VIRGIN

BILLING CODE 6450-85-C

OTHER PURCHASERS VOLUME NO 1348

8109706 MONTANA POWER CO
8109707 MONTANA POWER CO
8109708 MONTANA POWER CO

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3284 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued January 22, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
*GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 12/22/80 JA: LA			
8109970	80-3126	1704520605	102	J L BAYLESS JR ET AL NO 1	EAST JEFFERSON ISLAND	545,0	LOUISIANA INTRASTATE
*KERR-MCGEE CORPORATION				RECEIVED: 12/22/80 JA: LA			
8109972	80-3127	1772520206	102	S L 816 WELL #1	MAIN PASS BLOCK 47	1043,0	SOUTHERN NATURAL GAS
*MARTIN EXPLORATION COMPANY				RECEIVED: 12/22/80 JA: LA			
8109971	80-3124	1705120501	102	STATE LEASE 7325 NO 1	WEST LAKE PONTCHARTRAIN	313,9	
8109969	80-3125	1705120501	102	STATE LEASE 7325 NO 1-D	WEST LAKE PONTCHARTRAIN	89,4	
MONTANA BOARD OF OIL & GAS CONSERVATION							
*FULTON PRODUCING COMPANY				RECEIVED: 12/22/80 JA: MT			
*8109961	6-80-171	2510121756	103	CHRISTIAN NO 14-12	MINERS COULEE	103,0	MINERS COULEE GAS CO
*8109963	6-80-170	2510121753	103	CHRISTIAN NO 34-12	ARCH APEX	46,0	MINERS COULEE GAS CO
*8109967	6-80-166	2510121678	103	J FEY NO 22-1	ARCH APEX	100,0	MINERS COULEE GAS CO
*8109964	6-80-167	2510121831	103	J FEY NO 31-4	ARCH APEX	40,0	MINERS COULEE GAS CO
*8109962	6-80-172	2510121806	103	J FEY 31X-11	ARCH APEX	170,0	MINERS COULEE GAS CO
*8109965	6-80-169	2510121720	103	MACHALE - SCHILTZ NO 13-14	MINERS COULEE	100,0	MINERS COULEE GAS CO
*8109966	6-80-168	2510121820	103	MCCUTCHEON NO 22-21	MINERS COULEE	315,0	MINERS COULEE GAS CO
*TRICENTROL UNITED STATES INC				RECEIVED: 12/22/80 JA: MT			
8109968	4-80-88	2504121223	108	DAVEY 21-11-T32N-R17E	TIGER RIDGE	6,0	NORTHERN NATURAL GAS
OKLAHOMA CORPORATION COMMISSION							
*AL MCCORD INC				RECEIVED: 12/24/80 JA: OK			
8109933	06641	3502720366	103	RUBY GRANT #1	N W NORMAN	180,0	SUN GAS CO
8109934	06638	3509321703	103	V NICHOLS #1-25	HENO-RINGWOOD	10,0	PIONEER GAS PRODUCTS
*AMCOLE ENERGY CORP				RECEIVED: 12/24/80 JA: OK			
8109939	06631	3507321991	103	GEORGE LANKARD #1	BOONER TREND	31,7	CONTINENTAL OIL CO
*APACHE CORPORATION				RECEIVED: 12/24/80 JA: OK			
8109915	07251	3512920459	102	LINVILLE #1-32		219,0	
*ARAPAHO PETROLEUM INCORPORATED				RECEIVED: 12/24/80 JA: OK			
8109938	06619	3504722128	103	HILACEK 1-23	BOONER TREND	0,0	PANHANDLE EASTERN PI
*BLAIK OIL COMPANY				RECEIVED: 12/24/80 JA: OK			
8109949	06665	3504722132	103	CHELF #2	BOONER TREND	36,0	CHAMPLIN PETROLEUM C
*BRISCOE OIL CO				RECEIVED: 12/24/80 JA: OK			
8109920	07039	3508321358	102	BUFFORD #1	SW/SW SECTION 24 TOWNSHI	62,0	EASON OIL CO
*CACTUS TRI-COUNTY GAS				RECEIVED: 12/23/80 JA: OK			
8109882	07070	3513121179	102	BILLY JACK #2		112,0	DIAMOND S GAS SYSTEM
8109881	07071	3513121238	102	BILLY JACK #3		68,0	DIAMOND S GAS SYSTEM
8109897	07072	3513121242	102	BILLY JACK #5	TALALA	0,0	DIAMOND S GAS SYSTEM

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109898	07073	3513121369	102		BILLY JACK #9	NEW FIELD	175,0	DIAMOND S GAS SYSTEM
8109904	07079	3513121374	102		DON LANE #10	SOUTHWEST TALALA	140,0	DIAMOND S GAS SYSTEM
8109899	07074	3513120884	102		DON LANE #2	ODLOGAH	0,0	DIAMOND S GAS SYSTEM
8109900	07075	3513121140	102		DON LANE #3		175,0	DIAMOND S GAS SYSTEM
8109901	07076	3513121172	102		DON LANE #4		131,0	DIAMOND S GAS SYSTEM
8109902	07077	3513121241	102		DON LANE #5		35,0	DIAMOND S GAS SYSTEM
8109903	07078	3513121243	102		DON LANE #6		114,0	DIAMOND S GAS SYSTEM
*CALVERT DRILLING CO					RECEIVED: 12/24/80 JA: OK			
8109955		3501720871	103		KELSO #1	SW LOCKRIDGE	7,2	
8109937		3508320916	103		POLLOCK #1	WEST EDMOND	9,1	PHILLIPS PETROLEUM C
*CITIES SERVICE COMPANY					RECEIVED: 12/23/80 JA: OK			
8109874	06566	3502500000	108		BRADSHAW A #1	KEYES	10,0	COLORADO INTERSTATE
*COTTON PETROLEUM CORPORATION					RECEIVED: 12/23/80 JA: OK			
8109895	06606	3505120653	103		COWBOY B NO 1	N E CHICKASHA	2,0	TRANSOK PIPE LINE CO
*DESPAIN ENERGY ASSOCIATES INC					RECEIVED: 12/23/80 JA: OK			
8109894	06602	3505320480	106		#1 LEHRLING 053-56487	N W DEER CREEK	12,0	CRA INC
*DICK BOGERT INC					RECEIVED: 12/23/80 JA: OK			
8109906	06609	3507322347	103		HELEN #1-5	SOONER TREND	182,0	CITIES SERVICE GAS C
8109907	06610	3507322457	103		WILHAUER #1-20	SOONER TREND	182,0	CITIES SERVICE GAS C
*DOYLE T GROGAN					RECEIVED: 12/24/80 JA: OK			
8109917	07151	3505320490	102		REID-CLARK NO 1	WILDCAT	91,0	SUN GAS CO
*F M BUXTON					RECEIVED: 12/23/80 JA: OK			
8109886	06620	3507300000	108		BOLLENBACH NO 1	SOONER TREND	1,2	CONOCO INC
8109893	06621	3507300000	108		SPENCER NO 1	SOONER TREND	4,5	CONOCO INC
*GETTY OIL COMPANY					RECEIVED: 12/23/80 JA: OK			
*8109896	06633	3513700000	108		ROBBERSON B WELL NO 1	SHO-VEL-TUM	18,0	OKLAHOMA NATURAL GAS
*HAMILTON BROTHERS OIL CO					RECEIVED: 12/24/80 JA: OK			
8109913	07280	3500520808	102		PARKER NO 1-15	WILDCAT	1100,0	UNITED GAS PIPE LINE
8109914	07258	3500520054	102		VAUGHAN-DUVALL NO 1-3	WILDCAT	110,0	
*HARPER OIL COMPANY					RECEIVED: 12/24/80 JA: OK			
8109941	06634	3507322500	103		WROBBEL #1	WEST KINGFISHER	65,0	PHILLIPS PETROLEUM C
*J D FAIR					RECEIVED: 12/24/80 JA: OK			
8109950	01382	3508100000	108		EVA POWERS #2		10,0	CHARLES NEBBITT TRUS
8109951	01384	3508100000	108		FLORER #1 13-15-5		18,0	CHARLES NEBBITT TRST
*KEITH F WALKER					RECEIVED: 12/24/80 JA: OK			
8109958	06542	3501922021	103		STATE LIFE INSURANCE COMPANY	OIL CITY	73,0	MOBIL OIL CORP
*LADD PETROLEUM CORP					RECEIVED: 12/24/80 JA: OK			
8109935	06533	3504700000	103		HEDGES A #2		0,0	CITIES SERVICE GAS C
8109946	06661	3505100000	103		LOCKE #1	MINCO WEST	0,0	
*LADD PETROLEUM CORPORATION					RECEIVED: 12/23/80 JA: OK			
8109911	6532	3504722042	103		ROGERS #2	C SWL4 SEC14	0,0	CITIES SERVICE GAS C
8109910	6531	3504721826	103		SHULTZ MARSHALL #2	C S/E 4 SEC 5	0,0	CITIES SERVICE GAS C
8109905	06534	3504722124	103		TEEMLY NO 2	C NW/4 SEC 26	0,0	CITIES SERVICE GAS C
8109912	6530	3504721793	103		WILER NO2	NW SEC 8E4	0,0	CITIES SERVICE GAS C
*LADD PETROLEUM CORPORATION					RECEIVED: 12/24/80 JA: OK			
8109948	06663	3501120868	103		ASH #1	THOMAS SOUTHEAST	33,1	TRANSOK PIPELINE CO
8109947	06662	3505120911	103		BRADY NO 1	MINCO WEST	1285,0	MICHIGAN-WISCONSIN P
8109945	06660	3503920322	103		MILLER NO 3-A	THOMAS SOUTHEAST	136,8	TRANSOK PIPELINE CO
*LUBELL OIL CO					RECEIVED: 12/24/80 JA: OK			
8109953	06429	3506320755	103		LUBELL NO 1-13 OSBORNE	GILCREASE	50,0	PUBLIC SERVICE COMPA
*BLENCO PETROLEUM CORP					RECEIVED: 12/24/80 JA: OK			
8109940	06632	3506320779	103		HAWTHORNE #1	GREASY CREEK	0,0	WELLHEAD ENTERPRISES

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109936	06628	3506320773	103		HARJORIE SEABORN #1	GREASY CREEK	310,2	WELLHEAD ENTERPRISES
*M HARVEY GRAHMER					RECEIVED: 12/23/80 JA: OK			
8109892	06622	3501900000	108		T L CARPENTER #1	FOX	0,0	MOBIL OIL CORP
8109891	06623	3501900000	108		T L CARPENTER NO 2	FOX	0,0	MOBIL OIL CORP
*M HARVEY GRAHMER					RECEIVED: 12/24/80 JA: OK			
8109956	06624	3501900000	108		T L CARPENTER NO 3	FOX	0,0	MOBIL OIL CORP
8109942	06625	3501900000	108		T L CARPENTER NO 4	FOX	0,0	MOBIL OIL CORP
*MACKELLAR INC					RECEIVED: 12/23/80 JA: OK			
8109873	06557	3507322050	103		BEASLEY #1	SOONER TREND	0,0	CITIES SERVICE GAS C
*MACKELLAR INC					RECEIVED: 12/24/80 JA: OK			
8109932	06642	3510320781	103		FREESE #2	EAST GREEN VALLEY	0,0	ATLANTIC RICHFIELD C
*NICHOLS PETROLEUM CO					RECEIVED: 12/24/80 JA: OK			
8109929	06648	3513900000	108		O R GAITHER NO 1	SOUTH EVA FIELD	6,5	SOUTHERN UNION GAS C
*OCHILTREE LEASE SERVICE INC					RECEIVED: 12/24/80 JA: OK			
8109952	06628	3504722118	103		DUGGAN #8-1	SOONER TREND	162,6	GRACE PETROLEUM CORP
*OUACHITA EXPLORATION INC					RECEIVED: 12/23/80 JA: OK			
8109875	06588	3505100000	103		HALL #1	CHICKASHA GAS FIELD	1,0	ARKANSAS-LOUISIANA G
8109889	06595	3505100000	103		HIBBERT # 1	CHICKASHA GAS FIELD	8,5	ARKANSAS-LOUISIANA G
8109890	06594	3505100000	103		HIBBERT #A-1	CHICKASHA GAS FIELD	6,0	ARKANSAS-LOUISIANA G
8109876	06593	3505100000	103		HIBBERT #B-1	CHICKASHA GAS FIELD	12,0	ARKANSAS-LOUISIANA G
8109877	06592	3505100000	103		HIBBERT #C-1	CHICKASHA GAS FIELD	12,0	ARKANSAS-LOUISIANA G
8109887	06597	3505100000	103		UMPLEBY #1	CHICKASHA GAS FIELD	14,0	ARKANSAS-LOUISIANA G
8109878	06590	3505100000	103		WALTERS #A1	CHICKASHA GAS FIELD	1,5	ARKANSAS-LOUISIANA G
8109879	06591	3505100000	103		WALTERS #B-1	CHICKASHA GAS FIELD	56,0	ARKANSAS-LOUISIANA G
8109888	06596	3505100000	103		WALTERS #B-2	CHICKASHA GAS FIELD	56,0	ARKANSAS-LOUISIANA G
8109880	06589	3505100000	103		WALTERS #1	CHICKASHA GAS FIELD	22,0	ARKANSAS-LOUISIANA G
*P-T III LTD					RECEIVED: 12/24/80 JA: OK			
8109930	06645	3504722066	103		WILMA #18-1	SOONER TREND	65,0	WELLHEAD ENTERPRISES
*PETROMARK EXPLORATION INC					RECEIVED: 12/24/80 JA: OK			
8109931	06643	3509300000	103		JRB #21-1	SOONER TREND	91,2	CITIES SERVICE GAS C
*PORTS OF CALL CO					RECEIVED: 12/24/80 JA: OK			
8109959	06673	3501721535	103		WOODS BROS #1-4	NW YUKON	0,0	MOBIL OIL CORP
*RALPH E PLOTNER OIL & GAS INVEST IN					RECEIVED: 12/24/80 JA: OK			
8109928	06649	3501721357	103		MAXEY NO 1-6	SOUTH YUKON	365,0	PHILLIPS PETROLEUM C
*RED EAGLE OIL CO					RECEIVED: 12/24/80 JA: OK			
*8109957	06636	3509321782	103		HALL NO 1	FAIRVIEW	100,0	PIONEER GAS PRODUCTS
*RICKS EXPLORATION CO					RECEIVED: 12/24/80 JA: OK			
8109916	07165	3515321068	102		FERGUSON 8A	N WOODWARD	20,0	NORTHERN NATURAL GAS
*SAMEDAN OIL CORPORATION					RECEIVED: 12/24/80 JA: OK			
8109919	07146	3501721533	102		BLUMHOF NO 1		75,0	PHILLIPS PETROLEUM C
8109943	06651	3501721425	103		HOLLMAN NO 1		50,0	PHILLIPS PETROLEUM C
8109958	06650	3501720866	103		KASTENS NO 1		25,0	PHILLIPS PETROLEUM C
*SEARCH DRILLING CO					RECEIVED: 12/23/80 JA: OK			
8109909	06614	3500721808	103		ARCHER #1-4	CAMRICK	103,0	
*SERVICE DRILLING CO					RECEIVED: 12/24/80 JA: OK			
8109918	07149	3513121250	102		PURINA RANCH #3-11		8,0	DIAMOND B GAS SYSTEM
*SHAR-ALAN OIL CO					RECEIVED: 12/24/80 JA: OK			
8109944	06692	3508321259	103		GRASSMAN #2	E HENNASSEY	40,0	EASON OIL CO
*SOUTHPORT EXPLORATION INC					RECEIVED: 12/23/80 JA: OK			
8109885	7129	3515321011	102		HEPNER NO 1-14	(FREEDOM PROSPECT)	73,0	MICHIGAN WISCONSIN P
8109884	7128	3515321038	102		LYDICK NO 1-13	(FREEDOM PROSPECT)	128,0	MICHIGAN WISCONSIN P
*SULLIVAN AND CO					RECEIVED: 12/23/80 JA: OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8109883	7116	3508121005	102		BERTIE DRAKE NO 1	CARNEY	923,0	CITIES SERVICE CO
8109883	7116	3508121005	103		BERTIE DRAKE NO 1	CARNEY	923,0	CITIES SERVICE CO
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 12/24/80 JA: OK			
*8109960	08856	3512920409	107		BETTY HOLLIS #3	REYDON	912,5	KANSAS NEBRASKA NATU
*UNIVERSAL RESOURCES CORPORATION					RECEIVED: 12/24/80 JA: OK			
8109922	06659	3501120604	108		EMANUEL 1-18	SOONER TREND	15,0	PHILLIPS PETROLEUM C
8109923	06658	3507300000	108		FIRST NATIONAL BANK 1-8	ALTONA	16,0	PHILLIPS PETROLEUM C
8109924	06657	3507321008	108		GARMS 1-20	ALTONA	3,0	TRANSOK PIPE LINE CO
8109925	06656	3507320764	108		HOBBS 1-14	SOONER TREND	10,0	PHILLIPS PETROLEUM C
8109926	06655	3501120284	108		LORENZ 2-1	ALTONA	8,0	TRANSOK PIPE LINE CO
8109927	06654	3507300000	108		REEVES 2-22	ALTONA	14,0	PHILLIPS PETROLEUM C
*VAN HORN OIL & GAS INC					RECEIVED: 12/23/80 JA: OK			
8109908	06612	3507322216	103		BEEBY #12-1	SOONER TREND	180,0	PANHANDLE EASTERN PI
*WAGNER & BROWN					RECEIVED: 12/24/80 JA: OK			
8109921	07050	3512920405	102		TRACY NO 1-30	WEST CHEYENNE VALLEY	700,0	

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WEST VIRGINIA DEPARTMENT OF MINES

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*BEREA OIL AND GAS CORPORATION					RECEIVED: 12/22/80 JA: WV			
8110050		4700121234	102		D MCLEAN #1	BARKER	20,0	
8110051		4700121224	102		P THORNE #1	VALLEY	20,0	
*BIG B DRILLING CO INC					RECEIVED: 12/22/80 JA: WV			
8110018		4710700650	108	D	C J YOHO #1	CLAY DISTRICT	0,0	CONSOLIDATED GAS CO
8110020		4710700651	108	D	C J YOHO #2	CLAY DISTRICT	0,0	CONSOLIDATED GAS
*8110068		4710700610	108		LETHA BUNGARD #1	CLAY DISTRICT	0,0	CONSOLIDATED GAS
*8110019		4710700659	108	D	LETHA BUNGARD #3	CLAY DISTRICT	0,0	CONSOLIDATED GAS
8110069		4710700655	108		WILLIAM MARKS #1	CLAY DISTRICT	0,0	CONSOLIDATED GAS CO
*BRUCE FOSTER					RECEIVED: 12/22/80 JA: WV			
8110017		4702102984	108	D	GOFF BUMMERS LEASE #3	DUCK RUN	11,8	EQUITABLE GAS CO
*CAMERON OIL & GAS COMPANY					RECEIVED: 12/22/80 JA: WV			
8110003		4700500319	108	D	L R GRIFFITH #1	L R GRIFFITH	0,0	COLUMBIA GAS TRANSMI
*CENTRAL GAS CO					RECEIVED: 12/22/80 JA: WV			
8110063		4708504553	103		LEMON #6	MACFARLAN	23,4	CONSOLIDATED GAS SUP
*COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 12/22/80 JA: WV			
8110074		4703902764	102		ANNE ALDERSON 820360	INDIAN CREEK	136,7	COLUMBIA GAS TRANS C
8110073		4703902719	102		DELMER LGD 820306	INDIAN CREEK	82,5	COLUMBIA GAS TRANS C
8110071		4703903410	102		GEORGES CREEK L & M 820522	INDIAN CREEK	136,7	COLUMBIA GAS TRANS C
8110048		4703903373	102		JOHN L D PAYNE TR 820519	INDIAN CREEK	48,8	COLUMBIA GAS TRANS C
8110076		4703903404	102		KANAWHA & HOCKING C & C 820525	INDIAN CREEK	214,8	COLUMBIA GAS TRANS C
8110075		4703902743	102		KANAWHA & HOCKING C & C 820345	INDIAN CREEK	151,8	COLUMBIA GAS TRANS C
8110070		4703901684	102		TCO FEE 808804	INDIAN CREEK	96,5	COLUMBIA GAS TRANS C
8110072		4703903401	102		TCO MINERAL TR 820516	INDIAN CREEK	78,1	COLUMBIA GAS TRANS C
8110049		4703902718	102		TCO MINERAL 820307	INDIAN CREEK	175,1	COLUMBIA GAS TRANS C
*CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 12/22/80 JA: WV			
8109979		4701302933	108		C A COLLINS 6159	WEST VIRGINIA OTHER A-85	3,0	GENERAL SYSTEM PURCH
8110047		4703302089	103		MAE GASTON 12602	W VA OTHER A85772	24,0	GENERAL SYSTEM PURCH
8110015		4704700197	108	D	OLGA COAL CO 10275	PINEVILLE FIELD AREA A-5	12,0	GENERAL SYSTEM PURCH
8110014		4704700291	108	D	OLGA COAL CO 10453	PINEVILLE FIELD AREA A-5	14,0	GENERAL SYSTEM PURCH
8109977		4701302940	108		PIERCE LOUGH 5859	WEST VIRGINIA OTHER A-85	14,0	GENERAL SYSTEM PURCH
8109974		4704700613	108	D	POCAHONTAS LAND 11709	PINEVILLE FIELD AREA A-5	14,0	GENERAL SYSTEM PURCH
8109973		4704700678	108	D	POCAHONTAS LAND 12156	PINEVILLE FIELD AREA A-5	20,0	GENERAL SYSTEM PURCH
8109976		4701302904	108		SYLVESTER STUMP 5610	WEST VIRGINIA OTHER A-85	8,0	GENERAL SYSTEM PURCH
*DENNIS D BLAUSER					RECEIVED: 12/22/80 JA: WV			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110016		4704120783	108	D	BAILEY LINGER #1	SKIN CREEK	0,7	EQUITABLE GAS CO
8110013		4700700617	108	D	E S WILLIAMS #1	SALTLICK	0,0	CONSOLIDATED GAS COR
*E M & M E SMITH					RECEIVED: 12/22/80 JA: WV			
8109985		4701300102	108		L R HARLESS NO 2	WASHINGTON DISTRICT	1,0	CABOT CORP
*ELAMS GAS CO					RECEIVED: 12/22/80 JA: WV			
8110045		4709901699	103		GLEN HAYES #1	LINCOLN DISTRICT	0,0	COLUMBIA GAS TRANSMI
*FOX DRILLING CO INC					RECEIVED: 12/22/80 JA: WV			
8110028		4700101279	103	D	D THAYER #1(47-001-1279)	BELINGTON FIELD	65,0	COLUMBIA GAS TRANSMI
8110025		4700101266	103	D	H POLING #2(47-001-1266)	BELINGTON FIELD	45,0	COLUMBIA GAS TRANSMI
8110026		4700101266	103	D	H POLING #2(47-001-1266)	BELINGTON FIELD	45,0	COLUMBIA GAS TRANSMI
8110024		4700101267	103	D	H POLING #3(47-001-1267)	BELINGTON FIELD	45,0	COLUMBIA GAS TRANSMI
8110027		4700101267	103	D	H POLING #3(47-001-1267)	BELINGTON FIELD	45,0	COLUMBIA GAS TRANSMI
8110029		4700101280	103	D	WAGNER #2(47-001-1280)	BELINGTON FIELD	35,0	COLUMBIA GAS TRANSMI
*FRANKLIN ADKINS					RECEIVED: 12/22/80 JA: WV			
8110021		4709921685	108	D	PENNINGTON #1	LINCOLN	14,0	COLUMBIA GAS TRANSMI
*FUEL RESOURCES INC					RECEIVED: 12/22/80 JA: WV			
*8110022		4700120841	102	D	D CARR #1	VALLEY DISTRICT	10,0	CONSOLIDATED GAS SUP
*8109975		4700120668	108		JR PHILLIPS #1	VALLEY DISTRICT	21,8	CONSOLIDATED GAS SUP
*J & J ENTERPRISES INC					RECEIVED: 12/22/80 JA: WV			
8110057		4701702527	103		J-105	NEW MILTON	300,0	COLUMBIA GAS TRANSMI
8110065		4701702618	103		J-231	CENTRAL	400,0	COLUMBIA GAS TRANSMI
8110055		4701702596	103		J-37	NEW MILTON	400,0	CONSOLIDATED GAS SUP
8110056		4701702562	103		J-44	NEW MILTON	400,0	CONSOLIDATED GAS SUP
8110058		4701702500	103		J-98	WEST UNION	400,0	COLUMBIA GAS TRANSMI
*JONES OIL AND GAS COMPANY					RECEIVED: 12/22/80 JA: WV			
8110004		4702121909	108	D	RUDDELL NO 2	GILMER STATION	5,5	CONSOLIDATED GAS SUP
8110005		4700700664	108	D	SIZEMORE NO 2	COPER	3,1	EQUITABLE GAS CO
8110006		4700700634	108	D	WILLIAM BROWN NO 3	GILMER	2,0	CONSOLIDATED GAS SUP
*MONITOR PETROLEUM CORP					RECEIVED: 12/22/80 JA: WV			
8110052		4700121258	103		MONITOR NO 1 GUY GOLDEN	BARKER	54,0	COLUMBIA GAS TRANSMI
*PENNZOIL COMPANY					RECEIVED: 12/22/80 JA: WV			
8110036		4708700109	108		A P SINNETT #1	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110039		4708700091	108		A P SINNETT #2	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110037		4708700198	108		A P SINNETT #3	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110059		4708702706	108		A P SINNETT #4	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110038		4708700101	108		A P SINNETT #6	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110032		4708702508	108		A W EDGELL #1	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110009		4700501220	108	D	BILLUPS J M #2	WASHINGTON	0,0	CONSOLIDATED GAS SUP
8110031		4708702438	108		CHAMBERS HEIRS #17	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110030		4708702439	108		CHAMBERS HEIRS #18	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8109983		4701302924	108		CREED YOAK #1	LEE	2,0	CONSOLIDATED GAS SUP
8110061		4708702743	108		DAVID SIMMONS #2	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110042		4708700889	108		DAVID SIMMONS #26	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110040		4708701027	108		DAVID SIMMONS #27	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110041		4708701077	108		DAVID SIMMONS #28	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110043		4708701086	108		DAVID SIMMONS #29	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110044		4708701954	108		DAVID SIMMONS #32	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110060		4708702744	108		DAVID SIMMONS #5	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110033		4708702533	108		E S FISHER #1	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110034		4708700197	108		E S FISHER #2	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8110035		4708700110	108		E S FISHER #3	SMITHFIELD	1,6	CONSOLIDATED GAS SUP
8109980		4701302892	108		J B BENNETT #2	SHERMAN DISTRICT	1,5	CONSOLIDATED GAS SUP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110010		4700500055	108	D	J W PHIPPS #3	WASHINGTON DISTRICT	2,2	CONSOLIDATED GAS SUP
8109984		4701302902	108		LAURA V ASH #4 (CABOT)	SHERMAN DISTRICT	0,8	CONSOLIDATED GAS SUP
8109978		4701302895	108		W T RAFFERTY #3	SHERMAN DISTRICT	1,5	CONSOLIDATED GAS SUP
8109981		4701302896	108		W T RAFFERTY #4	SHERMAN DISTRICT	1,5	CONSOLIDATED GAS SUP
8109986		4701302993	108		W T RAFFERTY #7	SHERMAN DISTRICT	1,5	CONSOLIDATED GAS SUP
8109982		4701302907	108		W T RAFFERTY #9	SHERMAN DISTRICT	1,5	CONSOLIDATED GAS SUP
8110007		4704501028	108	D	YANKEY-FREEMAN #1	LOGAN	1,6	CONSOLIDATED GAS SUP
8110008		4704501031	108	D	YANKEY-FREEMAN #10	YANKEY-FREEMAN	5,2	CONSOLIDATED GAS SUP
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 12/22/80 JA: WV			
8110046		4703301975	103		JOHN WEBB #2	BRIDGEPORT	22,5	CONSOLIDATED GAS SUP
8110062		4701702585	103		L BROADWATER #1	STRAIGHT FORK-BLUESTONE	85,0	COLUMBIA GAS TRANSMI
8110064		4703302253	103		WILLIAM ALLEN #3	GLADE RUN	30,0	CONSOLIDATED GAS SUP
-R & B GAS COMPANY					RECEIVED: 12/22/80 JA: WV			
8110002		4708500080	108	D	J W HEFNER NO 1	MURPHY DISTRICT	8,0	
-RITCHIE PETROLEUM INC					RECEIVED: 12/22/80 JA: WV			
8109987		4708500000	108	D	G Y REXROAD #1	ELM RUN	0,3	CONSUMERS GAS UTILIT
8109988		4708500000	108	D	S H ZICKAFOUSE #3	ELM RUN	0,3	CONSUMERS GAS UTILIT
-SOUTHERN TRIANGLE OIL CO INC					RECEIVED: 12/22/80 JA: WV			
8109999		4701700000	107	D	CHEUVRONT		38,0	CONSOLIDATED GAS
8110000		4701700562	107	D	COX B		26,0	CONSOLIDATED GAS
8109990		4701700800	107	D	COX D F		5,0	CONSOLIDATED GAS
8109995		4701700796	107	D	FAUPLE #1		0,0	CONSOLIDATED GAS
8109998		4701700590	107	D	GABB/AGER #1		28,0	CONSOLIDATED GAS
8110001		4700100128	107	D	GEORGE #1		30,0	CONSOLIDATED GAS
8109996		4701700705	107	D	HINTER E		76,0	CONSOLIDATED GAS
8109994		4701700880	107	D	JERRY		22,0	CONSOLIDATED GAS
8109997		4701700859	107	D	KELLAR		14,0	CONSOLIDATED GAS
8109992		4704100855	107	D	KOODY		37,0	CONSOLIDATED GAS
8109993		4702101483	107	D	REED #2		16,0	CONSOLIDATED GAS
8109991		4701700757	107	D	SHINN A		12,0	CONSOLIDATED GAS
-STANDARD GAS CO					RECEIVED: 12/22/80 JA: WV			
8110011		4709700810	108	D	ST CLAIR #1	BUCKHANNON	0,0	COLUMBIA GAS TRANSMI
8110012		4709720854	108	D	ST CLAIR #2	BUCKHANNON	6,0	COLUMBIA GAS TRANSMI
-TERMEX OIL & GAS LTD					RECEIVED: 12/22/80 JA: WV			
8110023		4708503850	108	D	FISCHER-CAMPBELL	PULLMAN	0,0	
-TRIO PETROLEUM CORP					RECEIVED: 12/22/80 JA: WV			
8110066		4700701206	108		SINGLETON NO 1	HEATER	2,0	CONSOLIDATED GAS SUP
-UNITED OPERATING COMPANY					RECEIVED: 12/22/80 JA: WV			
8110054		4701702631	103		CUNNINGHAM #6	CABIN RUN	0,0	COLUMBIA GAS TRANSMI
8110053		4700101309	103		ROY EVERSON 1-8	LAUREL RUN/TYGART RIVER	226,4	CONSOLIDATED GAS SUP
-W C WILSON O & G					RECEIVED: 12/22/80 JA: WV			
8109989		4708503244	108	D	J H MCGINNIS WELL #2	WASHBURN	2,9	CONSOLIDATED GAS SUP
-WARREN R HAUGHT AGENT					RECEIVED: 12/22/80 JA: WV			
8110067		4708523742	108		HAMMETT H-535	MURPHY DISTRICT	3,3	CONSOLIDATED GAS SUP

BILLING CODE 6450-85-C

OTHER PURCHASERS VOLUME NO #369

8109896	LONE STAR GAS CO
8109957	OKLAHOMA NATURAL GAS GATHERING CORP
8109960	KANSAS NEBRASKA NATURAL GAS CO INC
8109961	MONTANA POWER CO
8109962	MONTANA PAVEN CO
8109963	MONTANA POWER CO
8109964	MONTANA POWER CO
8109965	MONTANA POWER CO
8109966	MONTANA POWER CO
8109967	MONTANA POWER CO
8109975	BROOKLYN UNION GAS CO
8110019	QUAKER STATE OIL REFINING CO
8110022	BROOKLYN UNION GAS CO
8110068	QUAKER STATE OIL REFINING CORP

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3285 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued January 22, 1981.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*****	******	******	*** *	*********	**********	****	*********
CALIFORNIA DEPARTMENT OF CONSERVATION							
*LAWRENCE BARKER JR				RECEIVED: 12/29/80 JA: CA			
8110276	80-2-0007	0411120967	103	HARVEY-SNYDER #1 API #111-20967	SOUTH MOUNTAIN BRIDGE AR	0,0	PACIFIC LIGHTING SER
*SANTA FE ENERGY COMPANY				RECEIVED: 12/29/80 JA: CA			
8110277	80-2-0008	0411120873	103	ARCO 18	OJAI-SILVERTHREAD FIELD	36,0	ARCO OIL & GAS CO
8110278	80-2-0009	0411120883	103	ARCO 21	OJAI-SILVERTHREAD FIELD	37,0	ARCO OIL & GAS CO
KANSAS CORPORATION COMMISSION							
*ALPINE DRILLING CO INC				RECEIVED: 12/22/80 JA: KS			
8110229	K 80-0937	1518520909	103	WATERS #2	SATERLEE	182,0	CENTRAL STATES GAS C
*AMOCO PRODUCTION CO				RECEIVED: 12/24/80 JA: KS			
8110194	K-80-0997	1512910114	108	KANSAS UNIVERSITY GAS UNIT E #1	RICHFIELD	19,0	PANHANDLE EASTERN PI
8110192	K-80-0999	1509300000	108	ROHLMAN GAS UNIT B WELL #1	HUGOTON	18,0	CITIES SERVICE GAS C
8110193	K-80-0998	1512900000	108	SLINKER GAS UNIT A WELL #1	HUGOTON	17,5	CITIES SERVICE GAS C
*B M & K CO				RECEIVED: 12/22/80 JA: KS			
8110255	K80-0982	1514500000	108	GANO ESTATE #1	BENSON	14,0	KANSAS-NEBRASKA NATU
*BENSON MINERAL GROUP				RECEIVED: 12/22/80 JA: KS			
8110245	K80-0970	1512528707	102	HARRIS #1-5	JEFFERSON-SYCAMORE	0,0	UNION GAS SYSTEMS IN
8110246	K80-0969	1504720708	102	SALBER A 1-15	WIL EXTENSION	0,0	PANHANDLE EASTERN PI
*BENSON MINERAL GROUP				RECEIVED: 12/24/80 JA: KS			
8110184	K-79-0091	1505520220	108	GREATHOUSE #1		0,0	
*BEREN CORPORATION				RECEIVED: 12/22/80 JA: KS			
8110269	K 80-0929	1500720687	103	BLACKSTOCK #1	HARDTNER	13,0	
8110268	K 80-0930	1500720797	103	BLACKSTOCK #2	HARDTNER	36,0	
8110267	K 80-0931	1500779600	103	BLACKSTOCK #3	HARDTNER	30,0	
8110266	K 80-0918	1500720804	103	BLACKSTOCK #4	HARDTNER	18,0	
8110258	K 80-0915	1500720872	103	BLACKSTOCK #6	HARDTNER	16,0	
8110233	K 80-0914	1500720873	103	BLACKSTOCK #7	HARDTNER	11,0	
8110234	K 80-0913	1500720874	103	BLACKSTOCK #8	HARDTNER	13,0	
8110265	K 80-0919	1500720875	103	BLACKSTOCK #9	HARDTNER	13,0	
8110264	K 80-0920	1500720648	103	LOIS #1	HARDTNER	7,5	
8110261	K 80-0923	1500720870	103	LOIS #5	HARDTNER	13,0	
8110256	K80-0917	1500720726	103	LOIS B #2	HARDTNER	11,0	
8110257	K 80-0916	1500720974	103	LOIS B #8	HARDTNER	13,0	
8110263	K 80-0921	1500720757	103	LOIS C #3	HARDTNER	13,0	
8110273	K80-0924	1500720932	103	LOIS C #6	HARDTNER	13,0	
8110262	K 80-0922	1500720775	103	LOIS D #4	HARDTNER	18,3	
8110272	K-80-0925	1500720933	103	LOIS D #7	HARDTNER	18,3	
*DOME PETROLEUM CORP				RECEIVED: 12/22/80 JA: KS			
8110228	K 80-0938	1507520346	103	COOK #4	BRADSHAW	77,4	SUNFLOWER ELECTRIC C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110227	K 80-0939	1507520269	103		WOOD #2	BRADSHAW	76,8	SUNFLOWER ELECTRIC C
*DON RIDER PRODUCTION					RECEIVED: 12/24/80 JA: KB			
8110201	K-80-0944-A	1500700000	108		STERNBERGER #2	AETNA POOL	13,5	CITIES SERVICE GAS C
*DOUG MCMULLIN					RECEIVED: 12/24/80 JA: KB			
8110203	K-80-0981	1509120145	102		SORKIN NO 3		10,0	PHILLIPS PETROLEUM C
*F G HOLL					RECEIVED: 12/20/80 JA: KB			
8110181	K-80-0955	1518520769	108		BRENSING A NO 1	FARMINGTON	10,0	CENTRAL STATES GAS C
*F G HOLL					RECEIVED: 12/24/80 JA: KB			
8110177	K-80-0959	1504720621	103		BREITENBACH C NO 1-14		200,0	REPUBLIC NATURAL GAS
8110176	K-80-0960	1504720414	103		DERLEY NO 1-13	ENLOW	12,5	REPUBLIC NATURAL GAS
8110179	K-80-0957	1504720613	103		G BREITENBACH B NO 1-30	EMBRY EXT	51,0	REPUBLIC NATURAL GAS
8110180	K-80-0956	1504720393	103		J H CROSS NO 1-22	WAYNE EXT	78,0	REPUBLIC NATURAL GAS
8110178	K-80-0958	1504720628	103		JONES NO 1-29	EMBRY	110,0	REPUBLIC NATURAL GAS
8110214	K-80-0962	1515120481	108		LEE NO 1-32	JEM SW	9,7	CENTRAL STATES GAS C
8110175	K-80-0961	1504720620	103		WEBER NO 1-29	EMBRY	138,0	REPUBLIC NATURAL GAS
8110213	K-80-0963	1504720275	108		ZUERCHER NO 1	EMBRY EXT	16,0	CENTRAL STATES GAS C
*GENERAL OIL DISTRIBUTORS INC					RECEIVED: 12/24/80 JA: KB			
8110209	K-80-0967	1517520459	103		WOOD #1	BLUE BELL	70,0	PANHANDLE EASTERN PI
*GEORGE R JONES					RECEIVED: 12/22/80 JA: KB			
8110270	K 80-0927	1500720934	103		CARTER NO 1	WILDCAT	72,0	PEOPLES NATURAL GAS
8110271	K 80-0926	1500720929	103		MOTT B NO 1	WILDCAT	72,0	KANSAS GAS SUPPLY CO
*GOULD OIL INC					RECEIVED: 12/22/80 JA: KB			
8110244	K80-0971	1514520554	108		BOWMAN B #1	BOW	3,6	KANSAS-NEBRASKA NATU
8110242	K80-0973	1514520235	108		DUNBAR #1	SHADY NORTH	9,0	KANSAS-NEBRASKA NATU
8110243	K80-0972	1509720347	108		WEAVER #1	GREENSBURG	7,0	PANHANDLE EASTERN PI
*GOULD OIL INC					RECEIVED: 12/24/80 JA: KB			
8110207	K-80-0974	1514520076	108		BARSTOW #1	BOW	7,3	KANSAS-NEBRASKA NATU
8110206	K-80-0975	1514520175	108		GALLIART A #1	SHADY	7,3	KANSAS-NEBRASKA NATU
*GRAVES DRILLING CO INC					RECEIVED: 12/22/80 JA: KB			
8110235	K 80-0855	1500720963	103		SMITH NO 1	BLOOMER	21,6	KANSAS POWER & LIGHT
*HANKINS OIL & GAS INC					RECEIVED: 12/22/80 JA: KB			
8110232	K 80-0933	1502520385	103		KLINGER 1-12	MCKINNEY	200,0	
*HANKINS OIL & GAS INC					RECEIVED: 12/24/80 JA: KB			
8110202	K-80-0943	1507720583	103		ANTHONY 1-17		144,0	PEOPLES NATURAL GAS
*HERNDON OIL & GAS CO					RECEIVED: 12/24/80 JA: KB			
8110210	K-80-0966	1504700000	108		KEARNEY NO 1	WILDCAT	16,0	NORTHERN NATURAL GAS
*IMPERIAL OIL COMPANY					RECEIVED: 12/22/80 JA: KB			
8110248	K80-0993	1502520425	102		BRENSING #4-13	EXCEL	73,0	NORTHERN NATURAL GAS
8110252	K80-0990	1509720699	103		RINKEL B #3-11	WELLSFORD	18,2	PANHANDLE EASTERN PI
*IMPERIAL OIL COMPANY					RECEIVED: 12/24/80 JA: KB			
8110204	K-80-0976A	1504720093	108		RUSSELL #1		15,0	KANSAS-NEBRASKA NATU
*J M HUBER CORPORATION					RECEIVED: 12/22/80 JA: KB			
8110230	K 80-0936	1508100000	108		CAVE NO 1	HUGOTON	12,0	CITIES SERVICE GAS C
*J MARK RICHARDSON					RECEIVED: 12/22/80 JA: KB			
8110237	K 80-0832	1509720605	103		BENDER B-2	ALFORD	100,0	KANSAS GAS SUPPLY CO
8110236	K 80-0833	1509720503	103		KEENAN #1	ALFORD	200,0	KANSAS GAS SUPPLY CO
*K R M PETROLEUM CORPORATION					RECEIVED: 12/24/80 JA: KB			
8110191	K-80-1000	1503320328	102		LEMON #11	LEMON RANCH POOL	36,5	NORTHERN NATURAL GAS
8110190	K-80-1001	1503320336	102		RHODES #6	LEMON RANCH POOL	36,5	NORTHERN NATURAL GAS
*KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 12/24/80 JA: KB			
8110208	K-80-0968	1506720563	103		MEYER 1-2	PANOMA COUNCIL GROVE	86,0	
8110189	K-80-1002	1509320674	103		NEIBUHR 1-2	PANOMA COUNCIL GROVE	55,0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110188	K-80-1003	1509320670	103		SAUER 1-2	PANOMA COUNCIL GROVE	161,0	KANSAS-NEBRASKA NATU
-LEAR PETROLEUM EXPLORATION INC					RECEIVED: 12/22/80 JA: KS			
8110231	K 80-0954	1503320372	102		BAYNE #1-5	WILDCAT	100,0	MICHIGAN WISCONSIN P
-LEBEN OIL CORP					RECEIVED: 12/22/80 JA: KS			
8110250	K80-0991-A	1514520687	103		BERSCHEIDT #2	ZOOK	72,0	KANSAS NEBRASKA NATU
-LEE BANKS					RECEIVED: 12/22/80 JA: KS			
8110260	K 80-0941	1511920036	102		WIENS #1	MCKINNEY	146,0	PANHANDLE EASTERN
-MESA PETROLEUM					RECEIVED: 12/22/80 JA: KS			
8110254	K80-0988	1507120185	103		MONROE #1-4	BYERLY	200,0	
8110253	K80-0989	1517520415	103		PLATT #1-3	ARKALON	60,0	
-MESA PETROLEUM					RECEIVED: 12/24/80 JA: KS			
8110183	K-80-0987	1511920340	103		CORNETT #1-6	MCKINNEY	400,0	
-MOBIL OIL CORP					RECEIVED: 12/24/80 JA: KS			
8110182	K-80-0951	1518900000	103		PHIFER NO 1 UNIT NO 2	PANOMA	70,0	NORTHERN NATURAL GAS
8110195	K-80-0950	1518920459	103		STEWART-CRAWFORD UNIT NO 1	PANOMA	70,0	NORTHERN NATURAL GAS
-O B HARPER					RECEIVED: 12/26/80 JA: KS			
8110185	K-80-1008	1511320640	103		#1 DAVID HUXMAN	GRABER	11,0	PEOPLE NATURAL GAS C
-PAR PETROLEUM INC					RECEIVED: 12/24/80 JA: KS			
8110187	K-80-1004	1507520250	108		HUBER #1	BRADSHAW	10,9	KANSAS-NEBRASKA NATU
8110212	K-80-0964	1515120776	103		PETROWSKY NO 1	MOORE SW	36,5	CENTRAL STATES GAS C
8110211	K-80-0965	1511920403	103		RAMSEY #1	ANGELL FIELD	0,0	
-PETRIE ENTERPRISES INC					RECEIVED: 12/22/80 JA: KS			
8110251	K80-0991	1515120532	103		HAMILTON #1	PRATT	45,0	CENTRAL STATES GAS C
8110249	K80-0992	1515120449	103		SWISHER #1 A	PRATT	25,5	CENTRAL STATES GAS C
-RANGE OIL COMPANY INC					RECEIVED: 12/24/80 JA: KS			
8110205	K-80-0976	1503520881	108		#1 METZINGER		12,4	CITIES SERVICE GAS C
-SANDERS OIL CO					RECEIVED: 12/22/80 JA: KS			
8110247	K80-0994	1514520548	102		#1 WOOD	WILDCAT	9,0	PAWNEE ROCK GATHERIN
-SILVER CREEK PRODUCTION CO INC					RECEIVED: 12/24/80 JA: KS			
8110196	K-80-0949	1503522204	102		MCCOLLUM #6	TISDALE GAS AREA	45,6	CITIES SERVICE GAS C
-TEXAS OIL & GAS CORP					RECEIVED: 12/22/80 JA: KS			
8110241	K80-0124	1512920373	103		ELDER #1	GREENWOOD	0,0	COLORADO INTERSTATE
8110239	K 80-0301	1509520910	103		MESSENGER B #1	SPIVEY-GRABS	11,0	CITIES SERVICE OIL C
-THE MAURICE L BROWN COMPANY					RECEIVED: 12/22/80 JA: KS			
8110238	K 80-0824	1517120183	103		E J BAKER #1	HUGOTON NORTH	52,0	KANSAS-NEBRASKA NATU
-W B OSBORN JR (OPERATOR)					RECEIVED: 12/24/80 JA: KS			
8110198	K-80-0947	1509320450	108		ANDERSON #1-A	PANOMA	19,3	PANHANDLE EASTERN PI
8110197	K-80-0948	1503521246	108		MCNICKLE #1	ESTES	22,7	CITIES SERVICE GAS C
8110199	K-80-0946	1509320155	108		RINEHART #1	HUGOTON	16,9	COLORADO INTERSTATE
8110200	K-80-0945	1509300000	108		SUDAN #1	HUGOTON	14,5	NORTHERN NATURAL GAS
-W M PEACHEE					RECEIVED: 12/22/80 JA: KS			
8110259	K 80-0978	1509720422	102		#1 DIRKS	WILDCAT	180,0	KANSAS POWER & LIGHT
-W L HARTMAN ESTATE					RECEIVED: 12/24/80 JA: KS			
8110186	K-80-1007	1505520337	103		GARDEN CITY B-5	HUGOTON	16,2	
-WALLACE OIL & GAS INC					RECEIVED: 12/22/80 JA: KS			
8110240	K80-0197	1508120164	103		SHAW JONES #1	KANSAS HUGOTON	36,0	NORTHERN NATURAL GAS
-WAYNE L BROWN					RECEIVED: 12/22/80 JA: KS			
8110226	K 80-0942	1504700000	108		FATZER NO 1	FELLSBURG	14,0	NORTHERN NATURAL GAS
**********								
MONTANA BOARD OF OIL & GAS CONSERVATION								
**********								
-MIDLANDS GAS CORPORATION					RECEIVED: 12/29/80 JA: MT			
8110280	9-80-196	2507121539	108		0270 1-2 BROWN	BOWDOIN	23,0	KANSAS-NEBRASKA NATU

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110281	9-80-199	2507121557	103		1441 KAPETEKANAY 1	BOWDOIN	96,0	KANSAS-NEBRASKA NATU
8110279	9-80-197	2507121689	102		1733 NONCOX PETROLEUM	BOWDOIN	124,0	KANSAS-NEBRASKA NATU
8110283	9-80-200	2507121625	103		2133 G M WILLIS 1	BOWDOIN	68,0	KANSAS-NEBRASKA NATU
8110282	9-80-198	2507121630	102		2371 OLSEN 1		158,0	KANSAS-NEBRASKA NATU
	NORTH DAKOTA GEOLOGICAL SURVEY							
-DOME PETROLEUM CORP					RECEIVED: 12/22/80 JA: ND			
8110217	312	3305301100	102		BURNS 2-35	MON-DAK	21,2	SHELL OIL CO
8110216	314	3310500843	103		JOYCE 2-2	PLEASANT VALLEY	34,2	AMINOIL USA INC
-SUPRON ENERGY CORPORATION					RECEIVED: 12/22/80 JA: ND			
8110219	308	3300700424	102		CERKONEY #1	TREETOP	50,0	WESTERN GAS PROCESSO
8110220	309	3300700472	102		CERKONEY #2	TREETOP	20,0	WESTERN GAS PROCESSO
8110221	310	3300700506	102		CERKONEY #3	TREETOP	86,0	WESTERN GAS PROCESSO
8110222	311	3300700507	102		CERKONEY #4	TREETOP	28,0	WESTERN GAS PROCESSO
-TEXACO INC					RECEIVED: 12/22/80 JA: ND			
8110215	315	3305301051	102		W QUALE NO 3X	KEENE	28,0	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE					RECEIVED: 12/22/80 JA: ND			
8110218	313	3300700427	102		RODAKOWSKI USA #2	TREETOP	60,0	KOCH HYDROCARBON CO
	WEST VIRGINIA DEPARTMENT OF MINES							
-BEREA OIL AND GAS CORPORATION					RECEIVED: 12/22/80 JA: WV			
8110225		4700121223	102		D OBRIEN #1	BARKER	20,0	
8110224		4700121281	102		K T EVANS #1	BARKER	20,0	
8110223		4700121237	102		ROBERT H POE #1	VALLEY	20,0	
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
-AMINOIL DEVELOPMENT INC					RECEIVED: 12/24/80 JA: 3			
8110172	G0-1704	4271140324	102		OCS-G-2412 WELL NO A-2A	HIGH ISLAND	950,0	NATURAL GAS PIPELINE
-CHEVRON U S A INC					RECEIVED: 12/24/80 JA: 3			
8110174	G0-1707	1772540213	102		OCS-G-1373 NO 9	BRETON SOUND	1460,0	MISSISSIPPI POWER CO
-GULF OIL CORPORATION					RECEIVED: 12/24/80 JA: 3			
8110173	G0-1704	1770940343	102		EUGENE IS BLK 292 G-B OCS-G-0983	EUGENE ISLAND	3650,0	SEA ROBIN PIPELINE C
-MARATHON OIL COMPANY					RECEIVED: 12/24/80 JA: 3			
8110284	G0-1530	1771040875	102		EUGENE IS BLK 349 #B-5	EUGENE ISLAND	730,0	TEXAS EASTERN TRANSM
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
-AMERADA HESS CORPORATION					RECEIVED: 12/22/80 JA: NM 6			
8110187	NM-1137-80	3003922165	103		J APACHE I #8	PICTURED CLIFFS	6,8	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 12/22/80 JA: NM 6			
8110116	NM-1481-80	3004523992	103		DAVIDSON GAS COM H NO 1E	BASIN DAKOTA	30,0	SOUTHERN UNION GATHE
8110169	NM-1309-80	3003526620	102		FEDERAL AG COM #1	WILDCAT WEST OBUDO MORRO	800,0	EL PASO NATURAL GAS
8110144	NM-1469-80	3004524291	103		GALLEGOS CANYON UNIT NO 145E	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110094	NM-1468-80	3004524271	103		GALLEGOS CANYON UNIT NO 216E	BASIN DAKOTA	66,0	EL PASO NATURAL GAS
8110095	NM-1467-80	3004524259	103		GALLEGOS CANYON UNIT NO 221E	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110097	NM-1465-80	3004523899	103		GALLEGOS CANYON UNIT NO 227E	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110096	NM-1466-80	3004523901	103		GALLEGOS CANYON UNIT NO 242E	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110113	NM-1464-80	3004524254	103		GALLEGOS CANYON UNIT WELL #196E	BASIN DAKOTA	29,5	EL PASO NATURAL GAS
8110114	NM-1463-80	3004524249	103		GALLEGOS CANYON UNIT WELL #210E	BASIN DAKOTA	29,5	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110115	NM-1462-80	3004523900	103		GALLEGOS CANYON UNIT WELL #229E	BASIN DAKOTA	29,5	EL PASO NATURAL GAS
8110111	NM-1460-80	3004524114	103		HUBBELL GAS COM C NO 1E	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110112	NM-1459-80	3004524112	103		KUTZ DEEP GAS COM D NO 1E	BASIN DAKOTA	30,0	SOUTHERN UNION GATHE
8110139	NM-0049-80-B	3002526353	103		SOUTH MATTIX UNIT #35	FOWLER-UPPER PADDOCK	500,0	EL PASO NATURAL GAS
*ARCO OIL AND GAS COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110156	NM-1304-80	3004524456	103		SCHLOSSER NN FEDERAL 6E (DK)	BASIN DAKOTA	175,0	NORTHWEST PIPELINE C
*CLIFFORD CONE					RECEIVED: 12/22/80 JA: NM &			
8110125	NM-0146-79-1	3001500000	108		CULWIN QUEEN UNIT #12-B-1-T19S-R30E	SHUGART	260,0	PHILLIPS PETROLEUM C
8110126	NM-0146-79-5	3001500000	108		CULWIN QUEEN UNIT #16-G-1-19S-R30E	SHUGART	300,0	PHILLIPS PETROLEUM C
8110127	NM-0146-79-4	3001500000	108		CULWIN QUEEN UNIT #15-H-1-T19S-R30E	SHUGART	100,0	PHILLIPS PETROLEUM C
*CONOCO INC					RECEIVED: 12/22/80 JA: NM &			
8110124	NM-1471-80	3003922290	103		AXI APACHE N NO 11A	AXI APACHE AREA	564,0	GAS CO OF NEW MEXICO
8110077	NM-1338-80	3003922288	103		AXI APACHE N NO 13A	AXI APACHE AREA	1696,0	GAS CO OF NEW MEXICO
8110121	NM 1510-80	3003921983	103		AXI APACHE N NO 16	AXI APACHE AREA	663,0	GAS CO OF NEW MEXICO
8110154	NM-1308-80	3002526586	103		BURGER B-20 NO 3	NEW MEXICO FEDERAL UNIT	18,0	WARREN PETROLEUM CO
8110148	NM-1477-80	3002526601	103		HAWK B-1 NO 16	NEW MEXICO FEDERAL UNIT	12,0	GETTY OIL CO
8110078	NM-1337-80	3002526653	103		SEMU EUMONT NO 112	NEW MEXICO FEDERAL UNIT	103,0	WARREN PETROLEUM CO
*CONSOLIDATED OIL & GAS INC					RECEIVED: 12/22/80 JA: NM &			
8110093	NM-1431-80-B	3004524348	103		LANGENDORF 1-E	BLANCO MESAVERDE	0,0	SOUTHERN UNION GATHE
8110170	NM-1431-80-A	3004524348	103		LANGENDORF 1-E	BASIN-DAKOTA	0,0	SOUTHERN UNION GATHE
*DAVID FASKEN					RECEIVED: 12/22/80 JA: NM &			
8110098	NM-1322-80	3001520692	108		ARCO 10 FEDERAL #2	BOYD (MORROW)	18,0	TRANSWESTERN PIPELIN
*DEPCO INC					RECEIVED: 12/22/80 JA: NM &			
8110139	NM-1122-80	3004524269	103		FEDERAL #41-32	WEST KUTZ P C	3,0	GAS CO OF NEW MEXICO
8110141	NM 1131-80	3003900000	108		MKL 12	SOUTH BLANCO PICTURE CLI	16,0	EL PASO NATURAL GAS
*DEPCO INC					RECEIVED: 12/29/80 JA: NM &			
8110275	NM-2732-79	3004506632	108		HANCOCK NO 6	WEST KUTZ (PICTURE CLIFF	14,0	GAS CO OF NEW MEXICO
*DOYLE HARTMAN OIL OPERATOR					RECEIVED: 12/22/80 JA: NM &			
8110087	NM-1429-80	3002526951	103		EL PASO-WELLS FEDERAL NO 1	JALMAT (GAS)	133,2	EL PASO NATURAL GAS
8110082		3002526950	103		TERRA-CARLSON FEDERAL NO 1	LANGLIE MATTIX	119,0	EL PASO NATURAL GAS
*EL PASO NATURAL GAS COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110103	NM-1445-80	3004524070	103		ATLANTIC A #14	BLANCO PICTURED CLIFFS	90,0	EL PASO NATURAL GAS
8110104	NM-1444-80	3004524184	103		ATLANTIC B #25	BLANCO PICTURED CLIFFS	50,0	EL PASO NATURAL GAS
8110105	NM-0875-80	3003920703	108		CANYON LARGO UNIT #195	BALLARD - PICTURED CLIFF	20,0	EL PASO NATURAL GAS
8110084	NM-1440-80	3004523770	103		DRYDEN #3A	BLANCO MESAVERDE	250,0	EL PASO NATURAL GAS
8110142	NM-0529-80	3004508606	108		FANNIN #1	AZTEC-PICTURED CLIFFS GA	31,0	EL PASO NATURAL GAS
8110085	NM-1448-80	3004523699	103		GRAMBLING A #1A	BLANCO MESAVERDE	250,0	EL PASO NATURAL GAS
8110086	NM-1447-80	3004524053	103		HANCOCK #7E	BASIN DAKOTA	90,0	EL PASO NATURAL GAS
8110144	NM-1455-80	3004524143	103		HOWELL D #5	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8110107	NM-0534-80	3004509728	108		HUERFANO UNIT #94	BALLARD-PICTURED CLIFFS	21,0	EL PASO NATURAL GAS
8110165	NM-1454-80-B	3004523850	103		JONES A #2A	AZTEC PICTURED CLIFFS	50,0	EL PASO NATURAL GAS
8110166	NM-1454-80-A	3004523850	103		JONES A #2A	BLANCO MESAVERDE	280,0	EL PASO NATURAL GAS
8110153	NM-1300-80	3004523886	103		LACKEY B #13E	BASIN DAKOTA	70,0	EL PASO NATURAL GAS
8110167	NM-1453-80	3004524092	103		LACKEY B #14E	BASIN DAKOTA	70,0	EL PASO NATURAL GAS
8110152	NM-1301-80	3004523880	103		LACKEY B #15E	BASIN DAKOTA	90,0	EL PASO NATURAL GAS
8110140	NM-1015-80	3004505816	108		MCCONNELL #2	BALLARD-PICTURED CLIFFS	19,0	EL PASO NATURAL GAS
8110109	NM-0752-80	3003960098	108		RINCON UNIT #97 MV & PC	BLANCO-MESAVERDE GAS & B	49,0	EL PASO NATURAL GAS
8110106		3004500000	108		SAN JUAN #21	AZTEC-PICTURED CLIFFS GA	22,0	EL PASO NATURAL GAS
8110158	NM-1299-80-B	3003920874	103		SAN JUAN 27-4 UNIT #101	BASIN DAKOTA	90,0	EL PASO NATURAL GAS
8110159	NM-1299-80-A	3003920874	103		SAN JUAN 27-4 UNIT #101	BLANCO MESAVERDE	150,0	EL PASO NATURAL GAS
8110168	NM 1452-80	3003922375	103		SAN JUAN 27-4 UNIT #108	BLANCO MESAVERDE	70,0	EL PASO NATURAL GAS
8110136	NM 5212-79	3003920829	108		SAN JUAN 27-4 UNIT #91	TAPACITO PICTURED CLIFFS	0,0	EL PASO NAT GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110160	NM-1298-80-B	3003922239	103		SAN JUAN 28-7 UNIT #12A	BLANCO PICTURED CLIFFS	50,0	EL PASO NATURAL GAS
8110161	NM-1298-80-A	3003922239	103		SAN JUAN 28-7 UNIT #12A	BLANCO MESAVERDE	180,0	EL PASO NATURAL GAS
8110150	NM-1302-80-B	3003922281	103		SAN JUAN 28-7 UNIT #30A	BLANCO PICTURED CLIFFS	50,0	EL PASO NATURAL GAS
8110151	NM-1302-80-A	3003922281	103		SAN JUAN 28-7 UNIT #30A	BLANCO MESAVERDE	180,0	EL PASO NATURAL GAS
8110125	NM-1450-80-A	3003921916	103		SAN JUAN 29-7 UNIT #49A	BLANCO MESAVERDE	250,0	EL PASO NATURAL GAS
8110132	NM-1450-80-B	3003921916	103		SAN JUAN 29-7 UNIT #49A	BASIN DAKOTA	110,0	EL PASO NATURAL GAS
8110131	NM-1451-80	3003922213	103		SAN JUAN 30-6 UNIT #51A	BLANCO MESAVERDE	220,0	EL PASO NATURAL GAS
8110110	NM 0670-80	3004509161	108		SELLERS #6	BASIN-DAKOTA GAS	20,0	EL PASO NATURAL GAS
8110102	NM-1446-80	3004523830	103		SUNRAY J #1A	BLANCO MESAVERDE	220,0	EL PASO NATURAL GAS
*EL RAN INC					RECEIVED: 12/22/80 JA: NM &			
8110092	NM-1434-80	3000520679	103		PHILLIPS FEDERAL #1	CHAVEROO	10,8	TRANSWESTERN PIPELIN
8110091	NM-1435-80	3000520711	103		PHILLIPS FEDERAL #2	CHAVEROO	10,6	TRANSWESTERN PIPELIN
8110090	NM-1436-80	3000520741	103		PHILLIPS FEDERAL #3	CHAVEROO	11,0	TRANSWESTERN PIPELIN
*GETTY OIL COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110080	NM-1334-80	3002511743	108		A B COATES C WELL NO 21	JUSTIS MONTOYA	21,5	EL PASO NATURAL GAS
*GRACE PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: NM &			
8110133	NM-0483-80	3003905385	103		GRACE FEDERAL 21-1	ESCRITO GALLUP	56,0	EL PASO NATURAL GAS
*GRACE PETROLEUM CORPORATION					RECEIVED: 12/29/80 JA: NM &			
8110274	NM-0900-80	3002526610	103		NEW MEXICO FEDERAL G-1		500,0	GAS CO OF NEW MEXICO
*HELEN LORAINE HARVEY					RECEIVED: 12/22/80 JA: NM &			
8110122	NM-1473-80-B	3004523910	103		JONES #3 AZTEC FRUITLAND	AZTEC FRUITLAND	3,0	EL PASO NATURAL GAS
8110123	NM-1473-80-A	3004523910	103		JONES #3 BLOOMFIELD FARMINGTON	BLOOMFIELD FARMINGTON	86,4	EL PASO NATURAL GAS
*HIXON DEVELOPMENT COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110163	NM 1291-80	3004523983	103		FEDERAL 18 WELL NO 1	FARMINGTON SAND	2,7	HIXON DEVELOPMENT CO
8110162	NM-1292-80	3004524266	103		FEDERAL 20 WELL NO 1	MAN-FRUITLAND-PC	1,8	HIXON DEVELOPMENT CO
*HNG OIL COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110136	NM-483579103	3002526133	103		WILSON 21 FEDERAL #3 NM 23199	COMANCHE STATELINE TANSI	80,0	EL PASO NATURAL GAS
8110137	NM-483679103	3002526134	103		WILSON 21 FEDERAL #4 NM 23199	COMANCHE STATELINE TANSI	46,0	EL PASO NATURAL GAS
*INEXCO OIL COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110117	NM 1256-80	3001523112	102		BISON WALLOW UNIT NO 1	BISON WALLOW UNIT	70,0	EL PASO NATURAL GAS
*J GREGORY MERRION&ROBERT L BAYLESS					RECEIVED: 12/22/80 JA: NM &			
8110149	NM-1303-80	3002316404	108		BONANZA #1	BASIN DAKOTA	9,0	EL PASO NATURAL GAS
*J M HUBER CORPORATION					RECEIVED: 12/22/80 JA: NM &			
8110134	NM-0248-80	3002526504	103		STOLTZ FEDERAL NO 2	NORTON (WOLFCAMP)	80,0	WARREN PETROLEUM CO
*NEWBOURNE OIL COMPANY					RECEIVED: 12/22/80 JA: NM &			
8110083		3001521385	108		FEDERAL C NM 064348	CEMETARY	32,0	GAS COMPANY OF NEW M
*MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 12/22/80 JA: NM &			
8110155	NM-1306-80	3003906347	108		JICARILLA B NO 1	TAPACITO PICTURED CLIFFS	15,2	NORTHWEST PIPELINE C
8110129	NM-1310-80	3003922384	103		LINDRITH B UNIT NO 5	CHACON-DAKOTA ASSOCIATED	153,3	EL PASO NATURAL GAS
*NORTHWEST PIPELINE CORPORATION					RECEIVED: 12/22/80 JA: NM &			
8110079		3004521545	108		SAN JUAN 32-7 #28	BLANCO	0,0	EL PASO NATURAL GAS
*READ & STEVENS INC					RECEIVED: 12/22/80 JA: NM &			
8110105	NM-1441-80	3004120433	108		HOLLY FEDERAL #1	TODD SAN ANDRES	7,0	TRANSWESTERN PIPELIN
*SOUTHLAND ROYALTY CO					RECEIVED: 12/22/80 JA: NM &			
8110120		3004522560	108		DECKER A #6	BLANCO	19,0	SOUTHERN UNION GATHE
8110146	NM-1479-80-B	3004524043	103		EAST #10M	BLANCO	100,0	SOUTHERN UNION GATHE
8110147	NM-1479-80-A	3004524043	103		EAST #10M	BASIN	75,0	SOUTHERN UNION GATHE
8110143	NM 1478-80	3001523102	103		EMPIRE FEDERAL COMM #1		75,0	NORTHERN NATURAL GAS
8110119	1982-80	3004509953	108		HOLDER A #1	BASIN	19,0	SOUTHERN UNION GATHE
8110118	NM-1483-80	3004507573	108		REID #22	BLANCO	17,0	SOUTHERN UNION GATHE
*SUPRON ENERGY CORPORATION					RECEIVED: 12/22/80 JA: NM &			
8110130	NM-1472-80-B	3004523536	103		NYE FEDERAL 1-M	BASIN DAKOTA	141,0	SOUTHERN UNION GATHE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*N M GALLAWAY								
8110100	NM-1514-80	3003920342	108		RECEIVED: 12/22/80 JA: NM 8 DELO #1	BALLARD PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
*WESTERN OIL AND MINERALS LIMITED					RECEIVED: 12/22/80 JA: NM 8			
8110081	NM-1333-80	3004523947	103		HAMMOND NO 8	SOUTH BLANCO	0.0	EL PASO NATURAL GAS
*WESTERN RESERVES OIL COMPANY					RECEIVED: 12/22/80 JA: NM 8			
8110099	NM-1317-80	3000520739	103		WESTERN RESERVES FEDERAL 34 NO 3	TOM-TOM (SAN ANDRES)	8.0	TRANSWESTERN PIPELIN
*YATES PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: NM 8			
8110088	NM-1428-80	3000560742	102		COFFMAN NY FEDERAL		0.0	TRANSWESTERN PIPELIN
8110101	NM-1312-80	3001523315	103		COTTON MX FEDERAL COM NO 1	UND BOYD MORROW	0.0	TRANSWESTERN PIPELIN
8110145	NM-1440-80	3001522423	108		FEDERAL AB NO 5		0.0	EL PASO NATURAL GAS
8110171	NM-1484-80	3001523216	103		FEDERAL CN-B #2	PENASCO DRAW SA - YESO A	0.0	TRANSWESTERN PIPELIN
8110089	1439-80	3001522150	108		ROBINSON MN FEDERAL NO 1	WILDCAT	0.0	TRANSWESTERN PIPELIN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 13, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3286 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3744-000]

Leggat McCall and Werner Ventures, Inc.; Application for Preliminary Permit

January 22, 1981.

Take notice that Leggat McCall and Werner Ventures, Inc. (Applicant) filed on November 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3744 to be known as the Downers Mill Project located on the Ottanquechee River in Windsor County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Almy, Leggat McCall and Werner Ventures, Inc., 60 State Street, Boston, Massachusetts 02109, and Mr. Jay Ryder, Halliwell Associates, Inc., 589 Warren Avenue, East Providence, Rhode Island 02914. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The propose project would include the following existing works: (1) a 100-foot long, 14-foot high concrete dam; (2) a reservoir having negligible storage capacity; and (3) a powerhouse, the upper stories of which are used as offices and the basement of which would be used for power purposes. In addition, power generating equipment and appurtenant works having a total installed capacity of 800 kW would be installed at the project.

The dam and water rights at the mill are currently owned by the Vermont Agency of Environmental Conservation.

The Applicant estimates that the average annual energy output would be 4,550,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare preliminary designs, cost estimates, and investigate hydraulic, economic, environmental, historic, and recreational aspects of the project. Upon the completion of the preliminary permit studies, the Applicant would proceed with the filing of an application for license. The Applicant estimates that the total cost of permit studies would be $24,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Emery Mills Project No. 3215 filed on June 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3744–000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3280 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3211-000]

Power Authority of the State of New York; Application for Preliminary Permit

January 22, 1981.

Take notice that the Power Authority of the State of New York (Applicant) filed on October 29, 1980, an application

for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3211 to be known as the Hinckley Project located on West Canada Creek in Oneida and Herkimer Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Frey, General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3,800-foot long earth and concrete gravity dam; (2) a 400-foot long ogee spillway with a crest elevation of 1,225 feet m.s.l.; (3) Hinckley Reservoir, with a surface area of 4.46 square miles at normal maximum surface elevation of 1,225 feet; (4) a waterway to be cut through the dam, 12 by 16 feet, a bifurcation transition structure, and two 12-foot steel penstocks; (5) a new powerhouse, 70 by 50 feet, at the north end of the dam; (6) two 4.5 MW turbines coupled with generators producing a maximum of 10.5 MW; (7) a 300-foot long unlined tailrace; (8) a 2.5-mile long, 4.16 kV transmission line; and (9) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 25,000,000 kWh.

Purpose of Project—Project power would be sold to the applicant's customers.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices, of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3211. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3281 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3212-000]

Power Authority of the State of New York; Application for Preliminary Permit

January 22, 1981.

Take notice that the Power Authority of the State of New York (Applicant) filed on October 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§791(a)–825(r)] for proposed Project No. 3212 to be known as Waterford Project located on the Hudson River in Rensselaer County, New York. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Frey, General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing C–1 Dam, 19.5 feet high, consisting of an overflow section 602.5 feet long, and a gated section 348 feet long housing six 50-foot Taintor gates; (2) the navigation pool created by the C–1 Dam; (3) a new powerhouse on the east side of the river; (4) four 1.5 MW tube-turbine units; (5) a short transmission line; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 44,000,000 kWh.

Purpose of Project—Project power would be sold to the Applicant's present customers.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $36,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3212. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3282 Filed 1-28-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-79-1; RD-FRL 1741-2]

Air Quality Criteria for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Availability of Second External Review Draft.

SUMMARY: As previously announced, EPA is revising the existing criteria documents for particulate matter and sulfur oxides (PM/SO_x) under Sections 108 and 109 of the Clean Air Act, 42 U.S.C. §§ 7408, 7409. The first external review draft of a revised combined PM/SO_x criteria document was made available for public comment in April, 1980. This notice announces the forthcoming availability of a second external review draft, and invites public comment on its contents.

TO OBTAIN COPIES: The Environmental Criteria and Assessment Office (ECAO) filled more than 4,000 public requests for copies of the first external review draft. Because all those who received copies of the first draft from ECAO will be sent copies of the second external review draft, there is no need to resubmit a request. Others wishing to receive the second external review draft should address written requests for copies to *Dianne Chappell—PM/SO_x*, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. To place a telephone request (919) 541-3746; FTS 629-3746.

DATES: To facilitate public review, the second external review draft is being released during January—February, 1981, in five volumes on a staggered schedule as the volumes are completed. Volume I contains the executive summary as chapter 1; Volume II contains chapters 2, 3, 4, and 5 on air quality aspects; Volume III contains chapters 6, 7, and 8 on transport and fate, acidic deposition effects, and vegetation effects; Volume IV contains chapters 9 and 10 on visibility and materials damage effects; and Volume V contains chapters 11, 12, 13, and 14 on health effects. A subsequent Federal Register notice will be published when all five volumes have been released. The notice will announce a firm date by which all public comments on the second external draft must be received.

SUPPLEMENTARY INFORMATION: Formal notice of the decision to prepare a revised combined PM/SO_x document was first given in the Federal Register of October 2, 1979 (44 FR 56730). As stated there, if the EPA Administrator should decide to propose revised national ambient air quality standards for particular matter or sulfur oxides under Section 109(b) of the Clean Air Act, 42 U.S.C. 7409(b), the proposals would be bse on a final revised PM/SO_x criteria document.

Review of these standards is being carried out under the rulemaking procedures of Section 307(d) of the Clean Air Act, 42 U.S.C. 7607(d). Pursuant to these procedures, rulemaking dockets containing public

comments, agency proposals and other relevant materials have been established for the review of PM and SO_x standards (docket Nos. A–79–29 for PM and A–79–28 for SO_x). The criteria document docket, No. ECAO–CD–79–1, is incorporated as part of the dockets for both the PM and SO_x standards. The dockets are available for inspection and copying between the hours of 8 AM and 4 PM at EPA headquarters in the Central Docket Section (A–130) Gallery 1, West Tower, Waterside Mall, 401 'M' Street, S.W., Washington, D.C. 20460.

The first external review draft was announced in the **Federal Register** of April 11, 1980 (45 FR 24913). ECAO received and reviewed 89 comments from the public, many of which were quite extensive. The Clean Air Act Advisory Committee (CASAC) of the Science Advisory Board also provided advice and comments on the first external review draft at a public meeting of August 20–22, 1980 (45 FR 51644, August 4, 1980).

As with the first external review draft, the second external review draft will be submitted to CASAC for its advice and comments. ECAO is also soliciting written comments from the public on the second external review draft and requests that an original and three copies of all comments be submitted to: Project Officer for PM/SO_x, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. To facilitate ECAO's consideration of comments on this lengthy and complex document, commentators with extensive comments should index the major points which they intend ECAO to address by providing a list of the major points and a cross-reference to the page in the document. Comments should be submitted during the forthcoming period, which will be announced once all volumes of the second external review draft are available.

Richard Dowd,

Acting Assistant Administrator, Office of Research and Development.

January 19, 1981.

[FR Doc. 81–3322 Filed 1–28–81; 8:45 am]
BILLING CODE 6560–35–M

[RD–FRL 1742–3]

Solicitation for Institutional Preproposals To Develop an Epidemiology Study of Particulates Program

The U.S. Environmental Protection Agency (EPA) announces the opening of An Epidemiological Study of Particulates Program for FY 1981. Deadline for receipt of preproposal is 5:00 p.m. EST, March 9, 1981.

Background

The EPA is required under Pub. L. 95–95 (the amended Clean Air Act of 1977) to review the scientific basis for the total suspended particulate (TSP) ambient air quality standard to determine whether a revised particulate standard can be promulgated in the near future and to update the particulate standard every five years thereafter. Section 403(a) of the amended Clean Air Act of 1977 contained a congressional request for a study and report on " * * * the relationship between size, weight, and chemical composition of suspended particulate matter and the nature and degree of the endangerment to public health and welfare presented by such particulate matter (especially with respect to fine particulate matter) * * * ." In response, EPA, in cooperation with the National Academy of Science, in November, 1977, published a report entitled "Airborne Particles" (EPA–600/1–77–053). This report recommended that there is a need for epidemiological research which includes consideration of physical and chemical characterisitics of particles. Additionally, the report advised that epidemiological studies of exposure to low levels of pollution are needed. EPA's Gases and Particles Research Committee, which provides guidance and helps determine priorities for EPA's research program related to gases and particles, requested that a problem definition study (PDS) for epidemiologic studies of particles be conducted. A panel of experts outside the EPA aided the agency in conducting the study to determine the epidemiological research needed on particles. The Pittsburgh Center for Environmental Epidemiology, School of Public Health, University of Pittsburgh, Pittsburgh, Pennsylvania, has prepared a preliminary report on the recommended research and is drafting a final report. The recommendations contained in the preliminary report are attached as abridged and adapted by EPA.

An Epidemiological Study of Particulates Program

The program will study respiratory diseases, both acute and chronic, in relation to exposure to airborne particles. A single prospective investigation will be conducted by one parent institution which will work in collaboration with other institutions as needed. Adequate exposure estimates will be needed and quality assurance/control of all measurements will be very important. The program will be divided into two phases. In phase one, the program will be formally developed, and in phase two, the program will be implemented.

This solicitation seeks a parent institution to perform phase one. This parent institution must also demonstrate competence to execute the rest of the project.

In the first phase, the parent institution and representatives from the collaborating institutions in cooperation with EPA will develop a study protocol based on the PDS panel recommendations for epidemiological research for particles. During the first phase, study communities will be selected, special health studies determined, pretests and pilot studies will be conducted and other appropriate planning related to the study protocol will be conducted. The parent institution and EPA will also select collaborating institutions during the first phase. Upon review and approval by the Agency of the research protocol, the program will be implemented in the subsequent phase as appropriate.

It is anticipated that after the first phase the size of the program in subsequent years may extend beyond a single institution. This is the basis for the recommendation that the selected parent institution, during the first phase, seek and establish collaboration with other institutions to play appropriate roles in the first phase and subsequent implementation phase. Demonstration of previous collaboration with other institutions on other projects is requested.

Reliable epidemiological data is needed to support regulatory decision making. The recipient will be required to provide quality assurance/control in the conduct of this work in keeping with the Agency mandatory quality assurance/control program.

Epidemiologic research must be rigorously planned. The parent institution selected to plan and implement the program for epidemiological study of particulates should have the appropriate staff to plan and implement properly the detailed protocol for these studies. By serving as both the planning and implementing organization, the institution can assure the continuity of the program. The institution and its program should have a multi-media and multi-disciplinary orientation either by virtue of expertise available on the institution's staff or by arrangements with other institution(s) or individuals. The parent institution will serve as the focal point for coordination with other federal agencies, institutions

and liaison groups regarding particulates epidemiology research.

The parent institution undertaking the program should have a staff and an ongoing program appropriate for facilitating the development of the particulate research program. The institution's proposed plan should describe at a minimum the following general areas of expertise as they related to the PDS workshop recommendations for the research program as presented in the description of the program:

- Environmental Epidemiology (to include but not be limited to epidemiology project design and testing and panel planning),
- Environmental Exposure Assessment (to include but not limited to aerometric instrumentation and measurements and meteorology),
- Biostatistics,
- Data Management, and
- Administrative Plan

Though not as directly related as the above areas, the institution's expertise in related clinical research and toxicology should be briefly presented.

The program should be supported at institutions with well established expertise in environmental epidemiology and related disciplines and a demonstrated commitment to such research. Support should therefore require only moderate staff increases and limited investments in facilities and equipment. The intent of EPA is to integrate and build upon existing expertise and resources which are already developed and supported through individual grants, contracts, or other funding mechanisms.

Among the applicant institution, a firm basis for a common interest in the public need as perceived by EPA and its advisors should exist. The commonality of interest should be shared by leaders within the institution and EPA.

In order to qualify, the applicant institution must demonstrate an administrative structure that will foster successful scientific and administrative management. The key figure will be the program's director who must demonstrate professional competence and who must make a major time commitment to the scientific program and its administration. Because program funds will be in addition to the funds of the institution's ongoing programs, the program director must have the ability to coordinate program activities in a manner that will benefit the overall program.

It is possible that augmented support may be available for studies related to but beyond the basic research program. Both the parent and collaborating institutions could seek additional support for related research from EPA and other sources through other mechanisms such as grants, contracts, or other cooperative agreements.

In general, program resources are not to be used to supplement other ongoing projects within the purview of the institution's staff. Exceptions may occur, for example, if an ongoing program fulfills an objective of the particulate research program.

Institution location in most instances is a secondary goal in comparison to commonality of interest with EPA, available scientific and professional expertise, and institutional commitment to the research program.

The experience of other Agencies with similar programs suggests that three elements are of critical importance in the mutual fulfillment of the Agency's needs and the cooperating institution's goals. These are:

1. A dedicated program director whose responsibility includes the design and conduct of the research program consistent with the guidelines developed by the Steering Committee.

2. The active participation of a Steering Committee whose membership represents at a minimum:

- EPA, Health Effects Research Laboratory, RTP personnel;
- a representative for the Assistant Administration of Research and Development; and
- the program director.

This board has the responsibility of providing overall guidance for the program and periodically reviewing progress.

3. Periodic interaction of the program director with a scientific advisory committee for purposes of programmatic review and recommendations. The scientific advisory committee members should be external to the Agency and the institution and be broadly representative of the available expertise in the nation.

Mechanism of Support

Support will take the form of a cooperative agreement as provided for by the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224).

Cooperative agreements differ from grants and contracts in that substantial involvement of the sponsoring agency in the supported institution's direction and investigation takes place on a continuing basis. This involvement includes the exchange of institution and agency personnel as appropriate to objectives of the program. As in a joint venture between two private parties, the whole range of factors affecting the venture and its outcome are the subject of negotiation. Responsibility for assuring performance is shared by the agency and the institution.

Cooperative agreements are subject to provisions of EPA's General Grant Regulations (40 CFR Part 30 and Part 40, Research and Demonstration Grant Regulations) and to the special conditions to be set forth in each agreement executed by the authorized official of the institution and EPA.

In the first year, approximately $175,000 of support is anticipated for this epidemiological study of particulates program. In the long term, a minimum of $1,500,000 per year of support is anticipated. However, future and as yet unknown budget constraints could eventually require more limited support. The support covers both direct and indirect costs. Execution of a cooperative agreement requires the recipient institution to contribute not less than five percent of the allocable project costs.

Application and Selection Process

Because of the time and resources required for preparation of detailed proposals, each applicant is required to submit a preproposal letter prior to preparation of a proposal. Criteria and guidelines for preparation of this letter are presented in this notice under the subheading,

Preproposal.

The EPA contact is:

D. J. Kotchmar, M.D., Health Effects Research Laboratory (MD–54), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The original and 12 copies of the preproposal are due at this contact point by 5:00 p.m. EST, March 9, 1981. Please provide a stamped, self-addressed envelope so that we may acknowledge receipt of your letter.

The Laboratory Director, HERL, RTP will appoint a review committee of internal and external scientists for the proposed program. Each committee will rank all letters and select the top applicants. The selected applicants will be notified of their eligibility to submit a formal proposal and be supplied with instructions for proposal preparation. All applicants submitting preproposals will be notified of the outcome of the review process by May 15, 1981.

Preproposal

A description of the programs' goals and objectives, which are based upon the recommendations of the PDS workshop panel, follows this section. In order to be eligible for consideration, the preproposal must adhere to the following format and limitations.

I. Staff—Identify the proposed program director, his/her time commitment, his/her staff and their working relationship.

II. Strategy—Plan for building upon the institution's expertise and resources.

III. Program—Description of the institution's present scientific program and proposed approach for the first phase of and the subsequent implementation phase of the particulate research program.

IV. Management—Proposed approach for operating the program and coordination with EPA.

V. Background—Experience of staff and institution in the areas of the proposed research program.

VI. Facilities—Resources of the institution and their availability for use in the program.

VII. Local Review Statement—A one- to two-page letter signed by the institution's chief executive officer which indicates how the proposed program relates to overall institutional goals, the institution's general support for the proposed effort, and its willingness to provide the necessary institutional resources for successful implementation of the program.

VIII. Summarized curriculum vitae (three pages for each one including pertinent publications) for the proposed program director and key (no more than five) staff members of the parent institution.

That portion of the preproposal covered by section I through VI should not exceed 15 double-spaced pages typed one side only. Sections VII and VIII may be single spaced. Do not append additional material to the preproposal as it will not be forwarded to the review committee.

Highly detailed descriptions of ongoing or proposed programs should be avoided in the preproposal. The review committee will focus their evaluations on the institution's stated intent and ability to initiate and execute the epidemiology particulate program as broadly stated in this Notice. If the review committee requires further information, all eligible institutions (those submitting preproposals by the stated deadline) will be given opportunity for additional response.

Recommendations for an Epidemiologic Study of Particulates Program

These recommendations for research have been extracted from the September 1980 Preliminary Report of the PDS Workshops on Inhaled Particles which was prepared by the Pittsburgh Center for Environmental Epidemiology, University of Pittsburgh. The final report is scheduled to be available by March 16, 1981. The recommendations have been abridged and adapted by EPA to facilitate the development of the recommended research program.

The members of the PDS Workshops on Epidemiologic Studies of Inhaled Particulate Pollution have prepared these recommendations to assist the EPA in developing a research program to ascertain the biomedical effects of inhalable particulate matter. This definition of research was accomplished by identification of gaps in current knowledge, identification of research that needs to be performed to fill these gaps, and determination of research that has a high probability of providing a clear examination of the health effects of particles. The recommendations were based on the following factors: (1) Known biological plausibility of the association between particulate pollution and disease; (2) experimental and epidemiologic evidence in the literature; (3) relative contribution of other etiologic or risk factors; and (4) quality of previous epidemiologic studies.

I. Summary of Recommendations

A summary of the recommendations drawn from the preliminary report follows:

a. To study respiratory diseases, both acute and chronic, in relation to exposure to airborne particles, a single prospective investigation involving several institutions should be given priority. The design would stratify communities by particulate levels and by disease levels and would include careful clinical evaluation and functional testing of preselected populations. Such a single multi-institutional study design is considered by the panel as having the best chance of a clear examination of the health effects of particles.

b. Special studies, to include studies of acute effects of particles on cardiovascular disease, studies of acute exposure to high levels of pollutants, and studies of potentially sensitive subgroups, could be incorporated within the multi-institution design as feasible.

c. The effects of other pollutants should be investigated in such studies.

d. In all studies proposed, good design of the monitoring of airborne particles and other pollutants in the study area is mandatory. Adequate exposure estimates must be made to include personal monitoring and indoor monitoring. Quality assurance/control of all measurements is very important. Chemical characterization of particles will be important in relation to particulate size.

e. Adequate biostatistical methodology should be an integral part of planning any studies.

II. Rationale for Recommended Studies

A discussion of the rationale for a respiratory disease study and an associated cardiovascular disease study follows as drawn from the panel's preliminary report.

a. *Acute Respiratory Disease Morbidity.* Acute respiratory disease may be divided, for convenience, into a few categories: those resulting from irritant reactions alone, those with an infectious component, those with an atopic or allegic component, and those which occur in patients with pre-existing disease. Particles are believed to play a role affecting the onset and course of various acute respiratory diseases (ARD's). However, this potential effect needs further study and the following points need to be addressed: (1) The size and speciation of the particle which may produce or exacerbate acute respiratory disease, (2) the importance of acute respiratory disease in the development of chronic respiratory diseases, (3) the nature of high, short-term exposures associated with acute respiratory diseases, (4) the effect of long-term exposure to relatively low levels, and (5) the characterization of important covariables requires more work; these include, for example, meteorological factors, temperature, and exposure to aero-allergens or epidemic viruses, all of which may have an effect greater than exposure to particles.

Other factors that must be considered are other pollutants (indoor and outdoor), smoking, occupational exposures, recreational exposures, and infectious agents. Other confounding variables of importance inlude: Housing characteristics, socioeconomic status (especially education), and factors which may determine individual sensitivity or susceptibility. These include immunologic status, familial history of respiratory disease and previous acute respiratory history, including asthma or chronic bronchitis.

b. *Chronic Respiratory Morbidity.* Previous research indicates that particles, alone or with SO_x, contribute to the prevalence of chronic airway obstructive diseases. Particles appear to contribute also to exacerbations in such diseases. At present, it is unclear still at what particulate levels these occur, what particulate sizes are most important, and what is the chemical nature of the particle which may have such effects. Furthermore, the nature of the problem in sensitive individuals (e.g., asthmatics) and in less susceptible individuals is unclear. Finally, the

mechanisms associated with various effects need further research, again, in part, in relation to the irritant or specific chemical nature of the particle. Problems which need to be overcome in such work include: (1) Development of adequate monitoring and analysis methods, (2) determination of actual exposure and dose cumulatively for individuals, (3) determination of interactions between particles and gases, cigarette smoke, pollen, etc., (4) determination of relative effects of high, short-term exposure and low, long-term exposure, and (5) determination of the constituents of susceptibility and/or resistance.

For the etiology of chronic obstructive pulmonary disease (COPD), one must, therefore, do a longitudinal study in which all known factors are examined over time in relation to the onset and cause of COPD. The factors would include: Smoking, familial history, atopy, childhood respiratory infection, occupation, home factors, socioeconomic status, and exposures to pollutants by size and speciation since birth (with estimates for exposures prior to the study). This probably requires complete residential and occupational histories, family trees, etc., with some retrospective determination of these variables. The study would require atmospheric and biological monitoring as well as adequate monitoring of pulmonary function, atopy, and changes in key factors and would require adequate determinations of symptom/disease states. Sources of genetic and environmental determinants of susceptibility should be sought. Monitoring of sensitive individuals should be necessary especially during episodes of high particles. The study should take place in an area with variable particulate levels (and possibly where sub-areas have different levels). Such studies should be performed in areas with different types of particles such as from fossil fuel combustion, fugitive dust, or specific industrial operations.

c. *Respiratory Infections.* The importance of respiratory infection as a variable in studies of air pollution depends heavily on the extent to which early acute respiratory infection promotes chronic lung disease later in life and to which respiratory infection exacerbates established lung disease. Most available evidence is consistent with the hypothesis that childhood respiratory infection, particularly during the first two years of life, produces increased risk of chronic respiratory symptoms or lowered ventilatory function later in life.

To date, few prospective studies to determine the degree of association between childhood respiratory infection and later chronic illness have been done. In part, lack of information in this area results from the technical difficulty and great expense involved in fully describing the communities' experience with specific infectious agents.

Agent-specific respiratory infection may be an important unmeasured covariate in air pollution studies; this may partially explain discrepancies among the results of studies performed at different times and places. This concept would appear to apply directly to any proposed particulate research program which will probably be conducted in several different areas. (Infection would appear to be an important covariate within studies as well since many of the symptoms linked with pollution exposure can also be produced by infection.)

It is important then that respiratory infections be studied both as an outcome variable and as a confounder in air pollution studies. Infection and lung function would best be measured prospectively in acute and chronic studies of acute and chronic respiratory diseases.

d. Cardiovascular Disease

1. *Chronic.* The effects of particles on chronic cardiovascular disease are difficult to measure and hard to study. At this particular time, the panel agreed that efforts to evaluate cardiovascular disease should stress acute and not chronic effects unless a very specific disease such as myocarditis is being related to a chemical pollutant in a special environment.

2. *Acute.* Acute cardiovascular effects include precipitation of congestive heart failure, angina pectoris, and sudden death from myocardial infarction. It is often very difficult to define the underlying cause of death because of concomitant cardiac and respiratory failure at the time of death. Many people who have chronic respiratory disease supposedly die of cardiovascular disease. They develop some heart disease or apparent heart disease. Physicians, unfortunately, still have difficulty in telling whether shortness of breath is related to pulmonary disease or to congestive heart failure.

An argument might be that the most susceptible population in terms of respiratory effects may be patients who have congestive heart failure and not patients who have modest reduction of pulmonary function. In the former case, death may ensure through a respiratory mechanism. The effect that can be measured may be the precipitation of congestive heart failure. Therefore, a logical study design might be to look at patients with congestive heart failure, find out whether changes in pollution have resulted in acute episodes of congestive heart failure, and measure pulmonary function as related to the episode.

It was agreed by the panel that cardiovascular disease should be studied in conjunction with the respiratory disease study if adequate funds are available. There were several reasons for this decision. First, the pathophysiology of acute cardiovascular failure and respiratory failure are not clear. It is often very difficult to define the underlying cause of death because of concomitant cardiac and respiratory failure at the time of death. Many people who have chronic respiratory disease are reported as having died of cardiovascular disease.

Secondly, most of the committee members were convinced that a variety of single isolated studies to look at the problem of inhalable particles which were not clearly integrated would have relatively little chance of success and that a more standardized study which could look at several disease specific groups using the same populations and data collection techniques has the best potential for filling gaps in research.

III. Preliminary Research Plan

The following is a presentation of the research plan recommended in the preliminary report.

a. *Community selection and related study decision.* The most feasible plan to study the potential health effects of inhalable particles or respirable particules, as opposed to total suspended particles, is a collaborative community study in which several different health parameters would be evaluated within several different ages, possible race and sex, and disease specific groups. Two particular types of study design were considered: (1) A study of inhalable particles related to the burning of coal. In this model, the communities could be selected in relationship to the current total suspended particles into high, intermediate, and low total suspended particles; and/or selected on the basis of suspect chemical compounds in particles such as sulfates, nitrates, acidity, or others; or the levels of inhalable particles. (2) The second model would evaluate particulate level and also variation in oxidant levels. In this case, the particulate levels would also be divided into a high, intermediate, and low community and within each of the groupings, there would be high and low oxidants.

Communities could also be sub-classified on the basis of cardiorespiratory disease mortality.

These studies would be able to do the following: First would be to determine whether there are differences in a variety of physiological parameters, mainly pulmonary function and chronic obstructive pulmonary disease in the communities with high pollution, as compared to the intermediate or less polluted community. Second, to determine whether the chemical and physical characteristic of pollution was related to the biomedical effects being studied. Similarly, whether there were differences in inhalable particles as opposed to total suspended particles. Also, to determine if the relationship of various levels of mortality were related to various pollutant type and levels.

b. *Community characteristics.* Some of the characteristics of the community were also defined, such as size. The communities should probably be no greater than about 100,000 people; however, the communities could be a sub-division of a larger area as long as the population within the sub-community can be clearly defined in relationship to their work status, housing, sources of medical care. Probably a census tract or group of census tracts within a large city should be avoided since it would be extremely difficult to relate the pollution level to the mobility of the population in terms of jobs, recreation, etc. The population should be relatively stable since some of the study designs require longitudinal follow-up and loss of population to follow-up could have adverse effects in evaluating the results. Confounding by unusual job exposures, such as half the population being involved in coal mining, should obviously be avoided. Ideally, there should be some variability of pollutant levels over time within the community.

Several ideal situations were considered. Communities where the pollution levels are currently low, but where, by building a power plant, one can anticipate that in the next few years the pollution level will rise, that is, going from low to high. Likewise, areas where the pollution level now may be high but there is anticipation that because of control technology the levels will be substantially reduced in the future. If such communities can be indentified, they would be ideal for this model since the basic background information, that is, the cross-sectional information, could be collected prior to the changes and then the changes evaluated. Furthermore, even in those communities where there is not a major change it would be preferable to have communities where the pollution levels vary within the community over time. This would improve the likelihood of being able to measure variations in hospital admissions from cardiovascular disease, cardiovascular mortality as well as the potential for doing panel studies to determine the effects of acute changes in respiratory function in relationship to changes in pollution in both the high, intermediate, and low particulate polluted area.

There are some debate, never completely resolved, of whether the pollutant sources within the community should be-well defined so that the characteristics of the pollutants themselves and the potential for modification in the future can be evaluated. Furthermore, it was agreed that pollutants, other than inhalable particles, should be measured and that a first-rate carefully evaluatd monitoring system must be available. Furthermore, there should be a history of previous pollution measures within the community and the prior measurements should be reasonably good.

c. *Biomedical study design.* The study design that was proposed was the identification of a population sample. This would consist of a sample of children, adults, and possibly the elderly. Two approaches would be followed: First, longitudinal studies consisting of basic pulmonary function. The minimal tests would include pulmonary function which must comply with the Snowbird Conference criteria on epidemiology and the standardization project of the American Thoracic Society. Miniumal pulmonary function tests must include an FEV and FVC. Other measurements may also be used as indicated as well as more detailed pulmonary function measurements in certain selected sub-groups. Standard respiratory questionnaries must also be used at all sites. The examples for adults and children are presented in the Epidemiology Standards Project. Additional questionnaries may be used but should conform with the recommendations in the report. Second, demographic and medical information should be available and occupational history should be included.

There was some debate whether yearly examinations were required. The group felt that this would have to be discussed in relationship to cost feasibility and yield from yearly examinations.

d. *Special studies.* Besides the longitudinal studies, it was felt that special sub-studies should be done on high risk polulations within each community. This might include individuals with decreased pulmonary function, those how have specific clinical diseases, and sub-groups of smokers and non-smokers with abnormal pulmonary function measurement. Furthermore, it was proposed that at least one sub-group panel study be done to measure the actue changes in pulmonary function in relationship to anticipated changes in inhalable particles within the communities.

Cardiovascular evaluation should include the following studies: (1) An initial evaluation of arteriosclerotic heart disease, chronic obstructive pulmonary disease, and total mortality rates within each of the communities. (2) Measurement of hospitalized acute myocardial infarction based on review of hospital records including electrocardiograms, enzymes, and symptomatology. Sub-classification of hospitalized myocardial infarction and cardiovascular disease patients to various sub-groups but specifically into these who have incident myocardial infarctions (transmural and non-transmural). (3) Surveillance of all cardiovascular admissions to the hospitals in the community, all deaths, and especially sudden deaths with follow-back interviews for the sudden deaths and perhaps for total deaths within the community. (4)

Surveillance of all patients with chronic obstructive pulmonary disease and also an evaluation of all respiratory disease deaths.

Systems that are proposed include: Identification of all hospitals in the community and the referral hospitals in the area; the development of a system for date collection based on the current system the hospitals are using to collect their information; developing a system in each of the hospitals to identify all myocardial infarctions, coronary heart disease admissions, and admissions for other atherosclerotic heart diesase; and a death certificate review system to identify all arteriosclerotic heart disease, chronic heart disease, and cardiovascular disease deaths with a follow-back procedure including a review of hosptial records, letters to physicians, medical examiner's and coroner's record and perhaps follow-back interviews.

Special sub-studies of the elderly in these communities might also be considered. Many of the previous studies suggested excess mortality related to pollution is usually associated with cardiovascular disease among the elderly population. Thus, monitoring of the elderly population may be useful to determine the relationhsip between

changes in inhalable particles, hospitalization, and death among the susceptible sub-population.

e. *Strategy and management.* The proposal envisioned that a group of collaborating institutions would be selected plus a data coordinating (parent) institution and an EPA group. The institution and EPA staff would form a steering committee for the project which would have the responsibility of monitoring the project as well as developing the specific protocols. Within the steering committee a special air monitoring group would be established, a medical data group which could then be sub-classified into pulmonary and cardiovascular measurement. Furthermore, a national advisory board be established to review the activities of the steering committee periodically, report to the EPA project officers on the status of the study. The steering committee will have the basic responsibility of writing the protocol, deciding on the sample sizes and based on funding, specific sub-projects within each of the areas. It is important to realize that the study should be of relatively long duration, that the institutions that are selected become a resource for environmental problems. Thus, long-term funding for the study should be assured prior to its implementation.

A proposed time frame was then suggested. This included in phase one (1–2 years), the selection first, of the coordinating and data managing (parent) institution and, secondarily selection of the clinical institutions based on the criteria previously presented. The selection of the areas to be included in the study will require considerable amount of work for the EPA staff and perhaps outside consultants. Second, the coordinating (parent) institution and collaborating clinical institutions plus EPA staff would then spend a good part of the first phase developing a specific protocol which would then be reviewed by the national advisory committee. During this first phase, there would also be extensive training of the staff in the measurement of pulmonary function, the evaluation of cardiovascular diseases, and the standardization of other questionnaires. A critical point of the study is the comparability of data over time both among staff and between communities. During the first phase, there would also be pilot testing of a detailed air monitoring system and the testing of the forms to be used in the clinical evaluation of pulmonary function measurement and the review of hospital records. Finally, during the end of the first phase, there should be a refinement of the protocol based on the pilot evaluation and the final decisions on the selection of samples to be included in the specific studies. Samples that might be considered within each of the groups, as mentioned previously, would include pulmonary function studies, symptoms and acute morbidity and mortality could be utilized. Studies of children would be useful especially prior to the age of cigarette smoking with more detailed studies of pulmonary function and changes in pulmonary function in relationship to changes in inhalable particles within and between communities. Certain high risk groups could be followed such as asthmatics, those with hyperactive airways, and perhaps individuals with chronic obstructive pulmonary disease identified both by pulmonary function and by clinical measurement. As noted, the design will include initial, detailed cross-sectional studies followed by yearly and bi-yearly pulmonary function and syumptom surveys and continued long-term morbidity evaluation. More detailed pulmonary function studies could be done on specific sub-groups of the population based on the accuracy and reliability of the test and on the specific types of measurements that would be available. The decision as to the specific, more detailed pulmonary function studies would have to be left to the judgment of the steering committee, the advisory board, and the availability of funds.

In order for this study to be successful, it was clearly agreed that very detailed and careful air monitoring must be done within all the communities. This needs to be standardized and carefully evaluated by the research investigators. The measurement techniques for pulmonary function, questionnaires, and morbidity studies must be carefully monitored and there must be a high degree of comparability of the measurement within institution and between institutions. There must be a long-term commitment to the program both of the Environmental Protection Agency and of the investigators within each of the communities of the study protocol.

The studies will be reasonably costly and turnover of staff, especially of senior investigators, could lead to a serious weakening of the study design. The population should be selected carefully so that the levels of inhalable particles can be quantified with the individuals' specific exposures. The population should be relatively stable so there will not be a substantial loss to follow-up, since this would have the potential of invalidating the results. Other pollutants within the community should be carefully evaluated and where the levels of other pollutants are changing rapidly or have a high complex relationship with inhalable particles, should probably be avoided, if possible. Careful pilot testing of the program including both the air pollution monitoring and clinical evaluation should be done prior to embarking on a major study. The national advisory committee should carefully review the study protocol. This advisory committee should meet at frequent intervals.

Most of the committee members were relatively convinced that a variety of single isolated studies to look at the problem of inhalable particles, not clearly integrated, would have relatively little chance of success and that a more standardized collaborative community study has the best potential for answering the problems that are being proposed.

f. *Particle size range to be examined.* A wide range of particle sizes should be studied; less than 2.5 μm, between 2.5 and 15 μm, and particles larger than 15 μm. It was felt that specific effects on the upper and lower respiratory tract and other physiologic effects are dependent on the whole range of the particle size spectrum. For this reason, monitoring should be designed for each study depending on the endpoint, but because it may be difficult to predict the endpoint anticipated, the size range should not be limited. Characterization of particles physically and chemically is of scientific interest. However, it does not appear realistic to do community studies relating specific disease endpoints to the thousands of possible constituents in the particulate phase. It seems more realistic to measure specific endpoints in relation to particular chemical composition of the particles of ambient air. In any case, simplicity and reliability of the measurements of particle size distribution is important in study design. Because the EPA dichotomous samplers are already in place, they may form the primary base for some current measurements.

g. *Sampling.* A determination of the monitoring needs of each study community should be done before the study is initiated; these should conform to the study design which should be established by the hypothesis being tested. Although these points are generally acknowledged, there has been little or no documentation to show that monitoring is being done adequately, i.e., if the numbers of monitors being used in communities are justified, if the measurements are a true indicator of the

community exposure, if the measurements are being taken adequately to measure the variability in levels with space and time. The need to sample at a certain frequency and for a given duration should also be well documented. Any design should be backed by quality assurance/control. We recommended that EPA and the investigators spend more time in planning monitoring strategies in any future studies.

h. *Quality assurance/control.* Aerometic monitoring in epidemiology should provide accurate estimates of individual and population exposures to pollution. The criteria for site selection, frequency of sampling, instrumentation and filter media, subsequent chemical analysis, and data management must be considered in establishing a comprehensive air monitoring system. Precision and accuracy of measurements must be documented in a quality assurance program. The elements of a quality assurance program include tracking instrument and employee performance, replicate measurements and analysis, and independent certification by calibration and system audits. It may include interlaboratory comparison of analysis techniques by similar or different analytic methods. About 10–30% of the direct monitoring cost should be allocated to quality assurance. Detailed quality assurance procedures for standards (direct and equivalent reference methods) monitoring have been developed by the Quality Assurance Division of EPA and other groups involved in air monitoring. Independent calibration and performance audits for experimental instruments and methods are not readily available. In future epidemiologic studies, sampling and analyzing particles in selected size ranges will have to develop protocols for quality assurance. This applies to instrumentation as well as laboratory analysis.

Equally important is the quality assurance/control program for other measurements in the study, to include health data.

i. *Personal sampling.* To determine the relationship between stationary monitors and personal exposures, additional studies will have to be designed. Indoor and personal exposures to particles and gases must be taken into account. Determining personal exposure from direct measurements and/or associations with home characteristics, personal habits and activity patterns may be important in defining exposure groups or absolute exposure-effect relationships.

To undertake personal particulate exposure monitoring as part of epidemiological investigations will be expensive. Limited field experience has indicated that personal monitoring studies are labor intensive, limited in full representation of population and restrained by the quality of available instrumentation. To improve personal monitoring suitable for full scale epidemiologic studies, sampling equipment should be improved to make it lightweight and collect particulate mass in sufficient quantities for precise and accurate mass, chemical, and element determinations.

One could establish a quantitative basis for estimating the mean and variance in exposures to a pollutant within the study population. With these estimates and knowledge of how the measurements relate to a central monitoring site, we may learn whether there are significant differences in exposure across populations, while we might be less interested in the reasons for the variance. We would have a quantitative measure of exposure differences. It would seem that this information could be determined prior to study design and would be useful in establishing sample size needed to see an incremented effect.

Once health parameters are determined on individuals, personal monitoring could be used selectively on the high and low responding individuals. This approach may reveal environmental/behavioral explanatory factors.

j. *Statistical methodology.* For any of the study designs mentioned above, statistical techniques are available in theory for the proper testing of the null hypothesis. Selection and adaptation of an existing method to a practical situation need a few points of caution listed below:

1. *Conformity to Underlying Assumptions.* In recent years, the availability of statistical computer package programs has made the application of different statistical techniques to practical problems much easier with a risk of being misused by people with little or no knowledge of statistical theory. Conformity of the data to underlying assumptions of a selected statistical technique is absolutely necessary before the data are subjected to that analysis. In case some robust procedures are selected, conditions for robustness and also degree of robustness should be properly addressed.

2. *Limitations of Regression Analysis.* When many determinants are present, not only is inference difficult, but spurious association is likely to occur. This is due to the fact that the correct determinants are rarely identified fully and accurately and the hypothetical determinants that are examined serve only as surrogates for the correct ones. It is for this reason that associations drawn from regression analysis should not be considered as demonstrations of causality. Rather they are useful only in he context of a larger body of information.

3. *Problems with Weak Effects.* The difficulties of regression and correlation analysis are exacerbated in dealing with a hypothetical determinant such as particles which account for a minor portion of a health measure. The presence of certain systematic associations between air pollution levels and strong forces affecting mortality and morbidity will cause positive associations between air pollution and adverse health measures. The association will persist regardless of the absolute pollution level.

4. *Problems with Multiple Comparisons.* When a large number of tests of significance are performed in a statistical analysis, a number of significant results can occur solely due to change. Awareness of the problem arising from multiple comparisons is needed in evaluating any significant finding.

5. *Importance of Covariate Controls in Area Studies.* Because area studies are specially vulnerable to covariate influences, it is extremely important to control properly the strong factors affecting the health measures being examined.

6. *Problems with Collinear Variables.* A review of literature of epidemiologic studies of health effects of atmospheric pollution shows us the limitations of epidemiologic studies in separating the effects of a particular compound from the effects of other pollutants and smoking. Future research should give careful attention to the complication arising from correlated variables.

Dated: January 23, 1981.

F. Gordon Hueter,

Director, Health Effects Research Laboratory.

[FR Doc. 81-3323 Filed 1-28-81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-12 and 81-13; File Nos. BPCT-790914KE and 800516KJ]

Alabama Orion, Inc., and Providence Journal Broadcasting Corp.

Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 16, 1981.
Released: January 23, 1981.

By the Chief, Broadcast Bureau.

In re Applications of Alabama Orion, Inc., Mobile, Alabama, BC Docket No. 81-12, File No. BPCT-790914KE; and Providence Journal Broadcasting Corp., Mobile, Alabama, BC Docket No. 81-13; File No. BPCT 800516KJ, for a Construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applictions of Alabama Orion, Inc. [1] (AOI) and Providence Journal Broadcasting Corp. [2] (PJBC) for a new commercial television station to operate on Channel 21, Mobile, Alabama.

2. *Providence Journal Broadcasting Corp.* PJBC is a wholly-owned subsidiary of Providence Journal Company (PJC). There are presently two pending civil antitrust actions against PJC.[3] Accordingly, any grant of PJBC's application will be made without prejudice to such action as the Commission may deem appropriate as a result of the outcome of the above mentioned antitrust proceedings against PJC.

3. The Commission finds that the applicants are qualified to construct and operate as proposed. However, since the applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of them will serve the public interest, convenience, and necessity. Therefore, the applictions must be designated for hearing in a consolidated proceeding on he issues set out below.

4. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, that, in the event if a grant of Providence Journal Broadcasting Corp.'s appliction, it shall be made without prejudice to such action as the Commission may deem appropriate as a result of the outcome of the civil antitrust suits filed against Providence Journal Company.

6. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, written appearances stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2)of the Communictions Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

DLary D.Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-3339 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

[1] On May 16, 1980, Mobile Dispatch Service, licensee of Domestic Public Land Mobile Radio Service Station KIF658, Mobile, Alabama, filed a "Petition to Condition Construction Permit" against AOI's application, alleging that the proximity of AOI's proposed transmitter to Mobile Dispatch Service's anenna could create interference on certain authorized frequencies. AOI and Mobile Dispach Service subsequently negotiated a settlement in which AOI assumed full responsibility for any interference to Mobile Dispatch Service's signals caused by AOI'S proposed transmitter. Therefore, Mobile Dispatch Service withdrew its petition.

[2] Providence Journal Broadcasting Corp. is awaiting FAA clearance for its antenna proposal. If during the hearing, the FAA advises that this proposal constitutes an air hazard, the Administrative Law Judge is authorized to specify an air hazard issue with respect to Providence Journal Broadcasting Corp. In the unlikely event that the FAA study is not completed by the end of the hearing process, and it should be determined that Providence Journal Broadcasting Corp.'s application would better serve the public interest, the construction permit shall be conditioned to require FAA approval prior to construction.

[3] Home Placement Service, Inc. filed an antitrust action against PJC on April 6, 1977 in the United States District Court for the District of Rhode Island, Case No. D-77-0158. Southern Rhode Island Publications, Inc. and Beacon Press Corp. also filed an antitrust action against PJC on November 6, 1978 in the United States District Court for the District of Rhode Island, Case No. D-78-0119.

[FCC 80-777; CC Docket No. 80-765; Transmittal No. 13555]

American Telephone and Telegraph Co.; Revisions to Tariff F.C.C. No. 259, Wide Area Telecommunications Service (WATS)

Memorandum Opinion and Order Instituting Investigation

Adopted: December 19, 1980.

Released: December 29, 1980.

By the Commission: Commissioner Quello concurring in the result; Commissioner Fogarty concurring in part and issuing a statement; Commissioner Jones absent.

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1. Before the Commission are proposed revisions to the American Telephone and Telegraph Company's (AT&T) Tariff F.C.C. No. 259, Wide Area Telecommunications Service (WATS). For reasons explained below, we suspend for the maximum statutory period of five months, and institute an investigation.

Background

2. *History of WATS Service.* AT&T first offered Outward WATS in 1961. From its inception, the Outward WATS tariff has contained restrictions against resale and sharing of the service.[1]

[1] On October 21, 1980, the Commission adopted an order in Docket No. 80-54 requiring AT&T to eliminate its tariff restrictions on resale and sharing of the domestic public switched network. FCC 80-

Outward WATS enabled customers to make what were essentially interstate long distance telephone calls to designated geographical areas at rates that were substantially lower on a per call basis and much less usage-sensitive than rates for regular long distance telephone service (Message Telecommunications Service, Tariff F.C.C. No. 263, MTS). AT&T justified the lower effective rates for WATS on the ground that WATS used advanced equipment that avoided the need for operator handling of calls and because WATS largely eliminated the need to keep track of calls on an individual basis. While AT&T characterized WATS as a new form of inter-state communication, the Commission perceived WATS to be basically a rate classification designed to attact those customers who ordinarily originated large volumes of person-to-person message toll telephone calls. *American Telephone and Telegraph Company*, 37 F.C.C. 688, 700 (1964) (recommended decision of the Chief, Common Carrier Bureau), *adopted*, 38 FCC 475 (1965). The Commission expressed concern over the possibility that the WATS rate structure would stimulate additional usage of telephone company plant during times of peak usage. 37 FCC at 701. The Commission also questioned whether the economic benefits of the automatic billing devices which purportedly enabled AT&T to charge a WATS customer a lower effective rate vis-a-vis MTS users should be spread over all users of the interstate telephone network. 37 FCC at 701.

3. In 1967, AT&T introduced Inward WATS (now called "800 Service"), a service which had a rate structure similar to that of Outward WATS. Instead of being able to originate interstate telephone calls, the Inward WATS customer could receive interstate telephone calls at a flat rate for the full time or measured time periods from callers located anywhere in the country or in a designated geographic area. In essence, it functioned as an automatic collect calling service. Typically, the caller would dial the digits "800" and a seven digit number to access the Inward WATS customer at no charge to the caller. The rates and rate structure for Inward WATS were the same as those for Outward WATS. As in the case of Outward WATS, the Inward WATS tariff provisions incorporated restrictions against resale and sharing of the service.

4. In 1974, AT&T proposed significant changes to the rate structure for Inward and Outward WATS. The most important of these changes involved a conversion of full time WATS to full business day (FBD)—*i.e.*, 240 hours a month rather than 24 hours a day, 7 days a week—and the imposition of additional charges on short distance mileage and low volume users of the service. A number of users petitioned to have the tariff revisions rejected or suspended and investigated. In ruling on the petitions, the Commission observed that while the changes appeared to be a step in the right direction away from flat-rate pricing toward usage sensitive pricing, the filing raised numerous questions of lawfulness. *American Telephone and Telegraph Company*, 46 FCC 2d 81, 84 (1974). Accordingly, the Commission suspended the proposed revisions and entered an accounting order pursuant to Section 204 of the Communications Act, 47 U.S.C. § 204, requiring AT&T to keep accurate records as to the increased charges so that refunds could later be ordered by the Commission if necessary. It also opened Docket No. 19989 to investigate the tariff revisions before an Administrative Law Judge.

5. In its decision in Docket No. 19989, *American Telephone and Telegraph Company*, 59 FCC 2d 671 (1976) (hereinafter Docket No. 19989), the Commission found that AT&T's 1973 through 1976 WATS tariff filings were unlawful for reasons relating primarily to utilization of an alignment method [2] in determining WATS charges and inadequacies in cost support data. The Commission further found that the record was insufficient to enable it to prescribe WATS rates.[3] Finally, although the Commission found the tariff provisions to be unlawful, it found that the public interest required that they remain in effect subject to accounting orders during the interim period while AT&T proposed a new tariff filing consistent with the concerns of its decision. 59 FCC 2d at 709.

6. In April, 1977, AT&T filed WATS tariff revisions in purported compliance with this decision. Briefly, the most important changes were:

(a) Establishment of separate rates for Inward and Outward WATS;

(b) Combining of Full Business Day and Measured Time WATS offerings into a tapered offering which was distinctly structured for Inward and Outward WATS;

(c) Establishment of tapered rates with progressively lower hourly rates as usage increased;

(d) Reduction of the number of WATS service areas from 5 to 3; and

(e) Extension of WATS to Alaska and Hawaii.

AT&T claimed that the restructured WATS offering would result in rate decreases for 89 percent of the Inward WATS customers and 56 percent of the Outward WATS customers. AT&T also claimed that the tariff filing was designed so that each WATS category would earn at least a 9.5 percent rate of return as required by the Commission's decision in Docket No. 18128, *American Telephone and Telegraph Company*, 61 FCC 2d 587 (1976), *recon.* 64 FCC 2d 971 (1977), *further recon.* 67 FCC 2d 1441 (1978), *aff'd in relevant part sub nom, Aeronautical Radio, Inc. v. FCC*, Case No. 71-1333 (D.C. Cir., filed Nov. 5, 1980).

7. In response to this filing, a number of users contended that the proposed WATS restructuring resulted in unreasonably high rates, in violation of Section 201(b) of the Act, 47 U.S.C. § 201(b). On the other hand, a number of competing common carriers argued that the proposed rates were too low and improperly justified, thereby giving rise to undue discrimination within the meaning of Section 202(a) of the Act, 47 U.S.C. § 202(a). In *American Telephone*

607, released December 18, 1980. The Commission ordered AT&T to file—within 60 days of the release date—tariff revisions removing all resale and shared use restrictions in its WATS and Message Telecommunications Service (MTS) tariffs. Although we anticipate that those revisions would not become effective until after we obtain a new WATS rate structure, we are prepared if necessary to allow AT&T to extend the notice period of that filing to avoid a result which would have resale implemented shortly before a revised WATS tariff becomes effective. We do, however, expect AT&T to file tariff revisions removing resale restrictions on MTS and WATS within that 60-day period.

[2] AT&T's alignment ratemaking method was based on the theory that charges for WATS may be justified solely on the basis of maintaining consistent rate relationships over distance between WATS and MTS rates and that therefore independent cost of service studies are not required to support or explain WATS charges resulting from said alignment. *See* 59 FCC 2d at 676. Among the Commission's other expressed concerns were the following: a distinct implication existed that Outward WATS was no more than a bulk-rate offering of MTS (at 683); and Bell's practice of similarly pricing Inward and Outward WATS raised questions of lawfulness, particularly since the way in which Inward WATS was provided strongly implied that Inward WATS cost more to provide than Outward WATS (at 685 n.21, 689).

[3] Although the Commission lacked sufficient information to prescribe WATS rates, it made the following observations: AT&T's cost justificaion and projections for traffic and revenue were of questionable validity (at 696); certain installation, move, and other non-recurring charges raised substantial questions (at 690-694); in light of the desirability of usage sensitive pricing, the need for a full time class of WATS service, such as FBD, was questionable (at 696); and the two line termination requirement for Inward WATS service, as well as WATS' encouragement of efficient network utilization through off-peak time incentives were questioned (at 704-705, 701).

and Telegraph Company, 66 FCC 2d 9 (1977) ("WATS Rejection Order"), the Commission ruled that AT&T's April 1977 tariff filing was unlawful on its face and should be rejected. It again voiced its concern that WATS was nothing more than bulk-rate MTS, and stated that it would soon begin a proceeding to determine whether MTS and WATS were "like" communications services within the meaning of Section 202(a).[4] Moreover, the Commission rejected the proposed tariff revisions on nineteen independent grounds, each of which fell into one of two broad categories-failure to comply with Docket No. 19989 or failure to comply with Docket No. 18128.[5] 66 FCC 2d at 60–62. The Commission than ordered AT&T to submit a fully-justified and lawful WATS tariff, and to submit certain WATS studies. 66 FCC 2d at 63. The Commission also ordered its decision in Docket No. 19989, which declared the WATS tariff null and void, to be deferred pending further order. *Id.*

8. Subsequently, in September of 1977, the Commission instituted Docket No. 21402 to determine whether MTS and WATS were "like" communication services within the meaning of Section 202(a). *American Telephone and Telegraph Company*, 66 FCC 2d 224 (1977) One year later, the Commission found, based on the comments sumbitted and its own expertise, that MTS and WATS were in fact like communication services, *American Telephone and Telegraph Company*, 70 FCC 2d 593 (1978) (hereafter Docket NO. 21402 or *Like Services.*)[6] As a consequence, AT&T was ordered to justify as reasonable any discrimination it sought to retain between WATS and MTS rates or, on the other hand, to eliminate all discriminations. 70 FCC 2d at 614–615.

9. At the same time the Commission found MTS and WATS to be like services, it also ruled on petitions for reconsideration of its August 1977 order rejecting the proposed WATS tariff revisions. Included among the petitions were requests by MCI Telecommunications Corporation (MCI) and the Consolidate Rail Corporation to "roll back" WATS rates to pre-1974 levels—*i.e.*, to the tariff in effect prior to the revisions which had been found unlawful in Docket No. 19889. Reconsideration was generally denied by the Commission in *American Telephone and Telegraph Company*, 69 FCC 2d 1672 (1978), but the Commission ordered AT&T to provide certain specific types of studies to justify the discriminations and preferences it had created in its rate structures. 69 FCC 2d at 1687. The Commission also stated that its belief that any cost savings which resulted from heavy usage of the public switched network should be spread over the greatest number of users possible. 69 FCC 2d at 690 n. 19. Finally, the Commission established March 1, 1979, as the date by which AT&T was to submit a proposal for a restructured WATS tariff that was responsive to the Commission's concerns. 69 FCC 2d at 1694. AT&T submitted its proposal on March 1 and May 1, 1979. The Commission then instituted Docket No. 79–154 to consider that proposal and invited public comment.[7]

10. Following the denial of reconsideration, MCI appealed the Commission's 1977 and 1978 WATS decisions. Specifically, MCI argued that the Commission's refusal to find that the existing WATS rates were "predatory," or too low, and to order them "rolled back" to pre-1974 levels should be reversed. Reserving judicial action on MCI's appeal pending further disposition by the Commission, the court ordered the commission to establish a schedule for establishment of a just and reasonable WATS tariff. *MCI Telecommunications, v. FCC*, 627 F.2d 322 (D.C. Cir. 1980). The schedule proposed by the Commission to the court called for AT&T's submission of a revised WATS tariff by August, 1980. The revised WATS tariff, which is the subject of the instant proceeding, was filed September 15, 1980. It is scheduled to become effective December 31, 1980.[8]

11. One other significant Commission action involving WATS bears noting in connection with the ensuing discussion of the WTS filing before us. Based on the record established in Docket No. 80–54, the Commission has determined that tariff restictions on resale and shared use of WATS are unlawful and has prescribed unlimited resale and sharing of both WATS and MTS. *Matter of Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services*, FCC 80–607, released December 18, 1980. *See* n. 1, *supra.* [hereinafter FCC 80–607 or Docket No. 80–54].

12. *Descriptions of the Proposed WATS Tariff.* The proposed tariff revisions would make a number of changes to existing rates and rate structures for WATS, the most important of which are summarized below. Before doing so, however, a brief description of the current structure is helpful.

13. Outward and Inward WATS currently afford the customer the choice of full business day (FBD) WATS or measured time (MT) WATS. As noted above, the full business day offering allows the Inward or Outward WATS customer to make or receive as many as 14,400 one minute telephone calls or 240 hours of use over the WATS line period each month. Usage in excess of 240 hours per month is billed on an hourly basis.[9] The measured time offering functions in the same way as the full business day offering, except that the initial period of usage is ten hours per month or 600 one minute calls with monthly usage in excess of the minimum billed on an hourly basis.

14. AT&T now proposes to eliminate the full business day and measured time categories of service for both Inward and Outward WATS. It would replace them with a single rate structure predicated on charges decreasing as usage increases by blocks of time, measured separately for Outward and Inward WATS. The blocks of Outward WATS usage are 0–15 hours, 15.1–40 hours, 40.1–80 hours, 80.1–140 hours, 140.1–220 hours, and over 220 hours. The blocks of usage for Inward WATS are 0–15 hours, 15.1–40 hours, 40.1–80 hours, 80.1–140 hours, 140.1–240 hours and over 240 hours. Thus, the first 15 hours of WATS use would be charged at a given hourly rate, hours 15.1–40 would be charged at a lesser hourly rate, hours 40.1–80 at a still lesser rate, and so forth. AT&T also proposes to average the total

[4] That section provides, in pertinent part, that:

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or servies for or in connection with like communication service * * * 47 U.S.C. 202(a).

[5] The Commission decided, however, not to reject the portion of the tariff revisions whereby AT&T would provide WATS service to and from Alaska and Hawaii for the first time. 66 FCC 2d at 59.

[6] *Recon. denied*, FCC 80–385, released July 15, 1980, *review pending sub nom.* Aeronautical Radio, Inc., *et al.* v. FCC, Case No. 80–1876, filed July 31 1980.

[7] Comments were filed by MCI, Satellite Business Systems, Aeronautical Radio, Inc. & Air Transport Association of America, Ad Hoc Telecommunications Users Committee, United States Transmission Systems, Inc., and Southern Pacific Communications Company.

[8] The WATS tariff proposal was originally scheduled to take effect December 14, 1980. However, pursuant to the Commission staff's request, AT&T has voluntarily deferred the effective date to December 31, 1980. See letter of W. E. Albert to Chief, Common Carrier Bureau, November 25, 1980.

[9] By way of example, an Inward or Outward FBD WATS customer located in Washington, D.C. wishing to access or be accessed by the entire continental United States now pays $1761 for the first 240 hours of use per month or 14,400 calls and $4.89 for each additional hour of use. By way of further example, the Washington, D.C. MT WATS customer wishing to access or be accessed by the entire continental United States now pays $258 for the first ten hours of use or 600 calls and $19.32 for each additional hour of use.

hours of WATS usage over the number of WATS access lines within a single service group[10] and would continue to require that InWATS customer subscribe to a minimum of two access lines. This would tend to spread the customer's usage over the low-usage, higher cost rate blocks.

15. While AT&T's revisions would retain the ratemaking principle which sizes the WATS bands on the basis of geographic area and telephone density, it proposes, to charge different rates for Inward and Outward WATS within the single tapered rate structure. Rates for Inward WATS would be slightly higher than rates for Outward WATS. Because the new, tapered rate structure is more usage sensitive than the existing rate structure, the extent to which individual customers would experience rate increases or decreases depends mainly on their calling volumes per access line.

16. By way of illustration, the hypothetical customer above using FBD Inward or Outward WATS for 240 hours a month under the existing full business day WATS tariff now pays $1761 per month, which includes two access lines. Under the proposed Inward WATS tariff, the customer with two access lines, the minimum number required, would pay $3,587.30 plus $64.00 for two access lines per month, a substantial increase. Under the proposed Outward WATS tariff, the hypothetical customer with a single access line would pay $3,135.20 plus $27.50 for one access line per month, again a substantial increase.[11] For ten hours of use, however, the hypothetical customer now pays $258 for either Inward or Outward MT WATS (including access lines) but would under the proposed tariff pay $179.00 per month for Inward WATS (plus $64 for access lines) and $199.10 per month (plus $27.50 for an access line) for Outward WATS,[12] a substantial decrease.

17. There would also be a monthly recurring charge of $32.00 and $27.50, respectively, for InWATS and OutWATS access lines. Such access lines had previously been provided as part of the overall WATS offerings. In addition, the proposed revisions establish new and increased nonrecurring charges for various types of installations, moves (*e.g.*, when a customer moves a WATS access line from one building to another), and conversion charges (as when a customer changes the service area or band previously chosen). Again, different nonrecurring charges apply for Inward and Outward WATS.

18. Notwithstanding these changes, AT&T expects that its overall interstate earnings would remain at current levels. Moreover, it estimates that approximately 92 percent of WATS customers would receive decreases under the proposed rates, while eight percent will receive increases. AT&T Economic Cost Support Material, Vol. 1 at 4–3.

19. *Contentions of the Parties.* Forty-one interested parties have filed formal petitions seeking rejection or suspension and investigation of AT&T's tariff filing. The petitioners raise a wide range of arguments in support of their position.[13] Generally, large volume users of WATS whose rates will increase under the proposed tapered schedule argue that the WATS tariff, if accepted, will cause a serious economic impact which will impede their business operations. On the other hand, some common carriers whose offerings compete with WATS argue that the proposed rates for small volume users are unreasonably low. These petitioners further contend that the WATS proposal is anticompetitive, designed to thwart resale, and, because it is based on a cost manual which has not been approved by the Commission, tantamount to an unlawful prescription. Moreover, although they complain that there has been inadequate time to fully analyze the 17,000-page justification for this filing, these petitioners also focus on certain technical aspects of the tariff proposal. For example, they contend that AT&T has not complied with prior Commission orders in that its proposed rate structure fails to adequately encourage off-peak usage of WATS. It is also argued that the proposed WATS rates would yield an excessive rate of return, and, moreover, are based on questionable costing methodologies and incomplete cost support data.

20. AT&T's Reply, summarized in Appendix B below, responds to most of the allegations. Its view generally is that the Commission must look at this WATS proposal in the context of the long history of unsuccessful attempts by AT&T and the Commission to find a WATS tariff containing rate elements more directly based on usage sensitivity and costs of service. Not only should the Commission accept this proposal because it is a substantive improvement over past efforts, AT&T states, but the Commission should also be mindful of the Court's admonition in *MCI v. FCC, supra,* that just and reasonable rates may be contained in a less than perfect tariff. AT&T adds that significant and irreparable harm to the public and AT&T will result if the Commission, by rejecting or ordering a lengthy suspension, causes resale and sharing of WATS to commence prior to the effectiveness of a restructured WATS tariff.

21. *Procedural Matters.* We note finally that the Commission has received several late or unauthorized pleadings challenging the WATS proposal. For example, Greyhound Corporation has requested a waiver of the October 20, 1980 deadline for filing petitions to reject or suspend and investigate. Greyhound's petition to suspend or reject reached the Commission on October 21, 1980. Its waiver request demonstrates that it sent its petition by express mail, and that in the ordinary course, express mail has proved a timely method for filing. There appears to be no reason for express mail's instant failure. Since Greyhound's request does not appear to prejudice any other participants in this matter, we grant the request and accept Greyhound's petition. The Commission also accepts *sua sponte* Midwestern Distribution's October 21, 1980 protest against the WATS proposal.

22. The Datapoint Corporation and Air Couriers International, filing jointly (Datapoint), the American Hotel and Motel Association (AHMA), the Aerospace Industries Association of America, Inc. (AIA), and National Data Corporation have filed motions in which they request that the Commission consider pleadings other than those authorized under § 1.773 of the Commission's Rules, 47 CFR 1.773, as recently promulgated. AT&T, in separate pleadings, opposes the acceptance of Datapoint's and AIA's pleadings. The new § 1.773, effective as of September

[10] *See* paras. 68 to 71, *infra.*

[11] Under the proposed tariff, 240 hours of usage would be calculated as follows:

(a) *Inward WATS* (2 access lines) The total usage figure of 240 hours is divided by two because the InWATS subscriber is required to have two access lines, meaning that the usage-sensitive charge for 240 hours of InWATS is equivalent to twice the charge for 120 hours of usage on a single access line:

1st 15 hours each $17.90 = $268.50
Next 25 hours each $16.35 = 408.75
Next 40 hours each $14.80 = 592.00
Next 40 hours each $13.11 = 524.40
Total 120 hours = $1793.65
Two access lines (120 hours each) = $3587.30

(b) *Outward WATS* (1 access line)

1st 15 hours each $19.91 = $298.65
Next 25 hours each $17.71 = 442.75
Next 40 hours each $15.53 = 621.20
Next 60 hours each $13.13 = 787.80
Next 80 hours each $10.58 = 846.40
Next 20 hours each $6.92 = 136.40
Total 240 hours = $3135.20

[12] Under the proposed tariff:

(a) Inward WATS: 1st 10 hours each, $17.90 = $179.00

(b) Outward WATS: 1st 10 hours each, $19.90 = $199.00

[13] The substance of each is fully set forth at Appendix A to our order.

29, 1980, 45 FR 64189 (1980) provides that the only pleadings permitted in tariff review proceedings are petitions for suspension or rejection, and replies to those petitions. *Amendment of Part 1 and 61 of the Commission's Rules*, Memorandum Opinion and Order, FCC 80-526, released September 22, 1980. This rule is, of course, subject to waiver where good cause has been shown.

23. In this instance, Datapoint makes no attempt to show good cause why its self-styled replies should be accepted, but merely criticizes generally the new § 1.773. As an alternative, Datapoint asks that its pleadings be considered "late filed Petitions to Reject Tariff in Part", but again Datapoint offers no justification to support its request. Accordingly, both petitions must be denied.

24. The AHMA requests that the Commission accept its Supplemental Petition filed on November 18, in part because it contains the preliminary results of a study received by AHMA on November 17 which illustrates the economic impact the new 800 Service rates will have on the hotel industry. AHMA also thinks that specific responses to AT&T's reply should be helpful to the Commission. National Data Corporation wishes to put before the Commission information obtained from AT&T regarding AT&T's posture on various regulatory options available to the Commission in this matter. AIA, in its motion of October 31, 1980 states that the Commission should accept its Petition for Procedures in Light of Alternative Rate Proposal because it may be AIA's last chance to make its views on the alternative rate proposal, initially presented by the Ad Hoc Telecommunications Users Committee, known to the Commission. The Executive Agencies have filed a motion in support of AIA's petition.

25. Although the Commission is sympathetic to the fact that the study was not provided to AHMA until November 17, 1980, and the information not obtained by National Data until November 24, if these filings were accepted, it would only be appropriate to allow AT&T time to respond. This would leave the Commission no time to consider these matters given its statutory directive to act on tariffs within 90 days of theri filing. We must therefore reluctantly deny both requests. For the same reason, AIA's motion must be denied.

26. Southern Pacific Communications Company, Empire Paging Corporation, Satellite Business Systems, United States Transmission Systems, Inc., National Data Corporation, the Committee of Corporate Telephone Users, Comdata Network, Inc. and Charles Keath, Limited have also filed supplemental pleadings not authorized by § 1.773 of the Rules. AT&T has filed a petition to strike SPCC's, Empire's, SBS's and USTS's pleadings. These pleadings have also generated responsive pleadings. None of these parties has requested permission to file a pleading not otherwise authorized. Because good cause has not been shown here, these pleadings are also not accepted for filing.

Discussion

A. Introduction

27. *Summary of Our Decision.* Although in some respects the proposed tariff revisions appear to improve the existing WATS tariff, we have determined that AT&T's failure to adequately address our concerns over peak/off-peak pricing for WATS requires that these revisions be suspended for the maximum statutory period of five months. During that time, we will seek to implement a time-of-day peak load price structure for WATS, either by accepting an AT&T proposal for WATS time-of-day pricing or by prescribing a time-of-day rate structure ourselves. We recognize the *MCI* court's requirement that the Commission act expeditiously to remove the current unjustified WATS tariff provisions. However, we believe that our chosen course of action, although involving some additional delay, is preferable to allowing the proposed rates to became effective before we investigate the question of peak/off-peak pricing. We recognize that other problems with the tariff exist, the most significant of which is AT&T's failure to fully explain the rate differentials between MTS and WATS. However, we also recognize that there is virtually no chance of bringing to resolution all of these complex issues within the five-month suspension period due to limitations on the Commission's resources and the sheer magnitude of the task. By conducting our investigation on a piecemeal basis, we see a real possibility that a major defect in the WATS rate structure can be cured before these revisions take effect. We therefore will focus our investigation exclusively on the time-of-day, peak load WATS price structure issue for the time being. Once we have made progress in this area, we shall address other issues, all the while testing and hopefully improving the WATS tariff to a point that we can pronounce it just and reasonable.

28. *Rejection Standards.* Many petitioners have asked us to reject the proposed tariff revisions as unlawful on their face. They contend, *inter alia*, that the revisions, if allowed to become effective, would be inflationary, would adversely affect their business operations, would result in an excessive rate of return on WATS, are not cost-justified, and fail to comply with prior Commission orders.

29. The Commission's authority to reject a tariff filing, however, is limited. *American Broadcasting Companies, et al.* v. *FCC*, No. 79-1261, D.C. Cir., decided October 9, 1980. Thus, a clear violation of the Act, a prior Commission order, or our Rules must be found in the tariff before this authority may be invoked. *Associated Press* v. *FCC*, 448 F.2d 1095 (D.C. Cir. 1971). Even then, rejection may not be the most prudent course from the standpoint of the public interest. As our discussion of petitioners' arguments demonstrates, rejection of AT&T's proposed tariff is not warranted in this case.

30. Moreover, we are of the view that rejection would put us no closer to a lawful WATS tariff than we were in 1974. Notwithstanding its major shortcomings, the proposed tariff does contain a few features that make it an improvement over the existing tariff. For example, the new rate structure is more usage sensitive than the old, apparently because AT&T anticipated the elimination of resale restrictions on WATS.[14] It also appears that the prospect of resale has forced AT&T to propose rates for WATS users which are more closely aligned with cost. In our opinion, the proposed tariff provides a suitable starting point for establishment of a lawful WATS tariff. Thus, our initial investigation into the feasibility of a time-of-day, peak load rate structure for WATS can build upon aspects of the proposed tariff.

31. We recognize that our 1977 WATS Rejection Order found AT&T's last WATS filing to be unlawful for nineteen independent and self-sufficient reasons. At that time, we belived that by identifying all of the filing's problem areas and rejecting the tariff for each of those reasons, just and reasonable WATS rates could quickly be established. That approach clearly has

[14] At the outset, we take issue with those petitioners, *e.g.* ADC and AMS, who seem to assume *a priori* that heavy use of the public switched network under a rate structure that provides little or no incentive to call or be called at off-peak time is somehow an efficient use of the network. The Commission at one time thought that the WATS rate structure might spread peak usage more evenly over the day. 37 FCC at 68. However, it now seems clear, judging from AT&T's own information, that this is not so because the public switched network busy hour peaks appear to be driven by WATS. AT&T Economic Cost Support Material, Vol. 3-10 at 2-11, 2-12, 2-15.

not worked. As noted above, rejection has done little to move us closer towards lawful WATS rates. This is so in part because we tried to do too much at once in the past.[15] It now seems clear that if we are to have lawful WATS rates within a reasonable time as mandated by the court in *MCI* v. FCC, supra, we must do so on a piecemeal basis by first correcting the major shortcomings in what is a large and very complex tariff filing. *See Nader v.* FCC, 520 F.2d 182 (D.C. Cir. 1975).

32. *Cost Issues.* Some general discussion of the criticisms made of AT&T's cost support material and of the use of costs in arriving at lawful rates for AT&T's many offerings is also warranted. As we pointed out in Docket No. 80–54, the Commission has long favored cost-based rates as the measure of compliance by AT&T with the statutory mandate that its rates be just and reasonable.[16] This goal has often eluded us. At one time, we believed that our proceedings in Docket No. 18128 would enable us to assert effective regulatory control over all of AT&T's many offerings. After years of proceedings, however, we are little closer to arriving at accurate costs for any AT&T offering than we were at the beginning. As we observed in our Notice of Proposed Rulemaking in Docket No. 79–245, *American Telephone and Telegraph Company, Manual and Procedures for the Allocation of Costs,* Docket No. 79–245, FCC 80–371, released June 26, 1980 [hereinafter Docket No. 79–245].

The frequent introduction of new and modified studies and techniques by AT&T, while both necessary and desirable in theory, has contributed to our growing concern that the existing cost allocation procedures are beyond our reasonable control. With the passage of time, it is becoming ever clearer that, notwithstanding our additional experience, we simply do not possess the resources to confidently oversee this mammoth process and to review and evaluate with sufficient dispatch numerous volumes of cost data which are submitted to us as its yearly product.[17]

33. The Commission has therefore had to rely heavily upon other kinds of regulatory devices to fulfill its statutory mandate.[18] These have included structural devices such as resale and shared use proceedings looking towards the elimination of potential barriers to arbitrage contained in tariffs,[19] proceedings seeking to eliminate other types of tariff restrictions that may pose barriers to arbitrage or otherwise disadvantage the public without good reason,[20] and proceedings designed to make AT&T's tariffs more readily comprehensible as well as to make any price discrimination more visible.[21]

34. Indeed, as we pointed out in our Notice of Proposed Rulemaking in Docket No. 79–245, our efforts in the costing area are considerably less ambitious than what we envisioned when we began to implement our decision in Docket No. 18128.[22] Our interim cost manual, adopted today, is designed to allocate costs to three broad categories rather than to each individual AT&T service offering. We have followed this road since we are, at present, unable to conclude that the resources necessary to refine the costing process with respect to AT&T to the point where we can rely solely on costing to ensure that rates for any given AT&T offering are just and reasonable, are or will be available.[23] It is our expectation, however, that the structural approach to regulation, in combination with the cost approach, will prove successful in the future.

35. Petitioners have raised a host of objections to AT&T's economic cost support material. We are sympathetic to the many petitioners who complain that they were overwhelmed by or lacked the resources to analyze the massive amount of data provided by AT&T that had to be analyzed within a short period of time, or that AT&T had not provided the type of data necessary for an intelligent analysis of its tariff.[24] the Commission likewise does not possess sufficient resources to investigate and audit every apparent shortcoming in the cost support material for a major AT&T tariff filing, or, for that matter, even every significant shortcoming in that material. Nevertheless, the Communications Act as adopted in 1934 struck a balance between the interests to be served by regulatory oversight and the interests of carriers seeking to implement price changes. *American Telephone and Telegraph Company* v. *FCC,* 487 F. 2d 864. (2d Cir. 1973). Thus, we are required to make a decision on the lawfulness of all protested carrier filings, regardless of their scope or complexity, within 90 days of their filing.

36. As discussed above, we believe that AT&T's continued failure to adopt a time-of-day, peak load price structure for WATS is a problem that demands immediate and serious attention. Therefore, in recognition both that the five-month suspension period will not afford us time to examine all of the proposal's shortcomings and because we seek to implement a lawful WATS tariff as soon as possible, we have decided to address the time-of-day issue first.

37. Other serious issues in the filing which we may turn to after or during the time we address the time-of-day issue are the Docket No. 21402 issues discussed later and the issue of AT&T's distribution of non-traffic sensitive costs. Still other issues, while not as important as those discussed above, but which still may warrant our attention if they are relevant after we finish our initial investigation, include those relating to the proposed group average billing requirements and the majority of the cost allocation issues raised by the proposed tariff revisions.

38. Nonetheless, if we can indeed implement a time-of-day peak load price structure for WATS within the five-month suspension period, we will have come a long way—certainly far enough to allow such a WATS tariff to become effective.

39. That AT&T may in fact have been underpricing service to certain users, thereby causing an artificial expansion of quantity of service demanded, was noted in Docket No. 80–54. AT&T's admission in that proceeding that there would be large losses if resale were allowed under the existing WATS tariff stands in contrast to its repeated contentions in the past that the WATS rates are cost-justified. Thus, the direction of the change in rates

[15] *See also* AT&T Private Line Rate Structure and Volume Discounts, 74 FCC 2d 226, 227–28 (1979) where we noted that "[v]irtually all of Bell's major filings since the introduction of substantial competition into interstate telecommunications, have fallen into a pattern. The filing invariably raises controversy and often is set for hearing. Ultimately the hearing results in a finding of unlawfulness in one respect or another. Other tariff filings have been found to be clearly unlawful on their face and have been rejected. In either case, we have attempted to detail the deficiencies that led to determination of unlawfulness and have directed AT&T to refile the rates and/or terms and conditions for the service in question. However, when such tariffs have been refilled (usually following requested reconsideration or appeal), they generally have engendered as much controversy and raised as many questions as the tariffs they were intended to replace." (footnotes omitted).

[16] FCC 80–607, at para. 19: "* * * cost of providing service is at the heart of the statutory requirements under Sections 201–205 of the Act for just, reasonable and non-discriminatory rates."

[17] Notice of Proposed Rulemaking, Docket No. 79–245, at para. 34.

[18] *Cf.* Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[19] *See, e.g.,* FCC 80–607.

[20] *See, e.g.,* American Telephone and Telegraph Company—Restrictions on Interconnection of Private Line Services, 80 FCC2d 939 (1978).

[21] American Telephone and Telegraph Company—Private Line Rate Structure and Volume Discount Practices, 74 FCC 2d 226 (1979).

[22] Notice of Proposed Rulemaking, Docket No. 79–245, at para. 116.

[23] As we note later in this order, is our hope that the cost manual will detect cross-subsidization between broad categories of AT&T offerings.

[24] *See, e.g.,* AmTel at 18, AIA at 2–3, AHMA at 24–25.

proposed by AT&T in this filing appears to be directly related to the economic forces of the marketplace driving WATS rates toward costs. At least a part of what some large users claim are unjustifiable increases simply results, in our view, from movement away from discriminatory pricing.[25]

40. Further, a more general principle illustrated by Docket No. 80-54 is that elements of a rate structure established through tariffs filed with this Commission may be used to achieve inefficient use of plant.[26] It is our belief that the current filing may offer another example of such rate structure elements.

B. Time-of-Day Pricing

41. *Introduction.* AT&T's failure to incorporate a time-of-day, peak/off-peak price structure into the WATS tariff drew extensive comment.[27] MCI, SPCC, and Ad Hoc, among others, claim that the proposed WATS rates would contribute to greater utilization of the service offering at the point during the day when it is already most in demand, and therefore increase inefficient utilization of the network.[28] SBS, WUTC, SPCC, and MCI also note that the proposed structure, even though it may reflect a form of peak/off-peak pricing, does nothing to discourage peak use or provide an incentive to substitute off-peak for peak use. American Marketing and WUTC claim that the proposed rates unreasonably discriminate against the MTS user, who must pay peak rates from 8 AM to 5 PM, even though WATS users during the same period benefit from discounts which increase with increasing monthly use. They especially highlight this discrimination because of our finding that MTS and WATS are "like services" within the meaning of Section 202(a) of the Act, 47 U.S.C. 202(a). Thus, any differences in rates or practices between the services must be explicitly justified. *See Like Services.* Nader additionally cites enhanced consumer choice, increased competition, and the elimination or reduction of cross-subsidies and cost barriers as benefits which would flow from time-of-day pricing. All parties refer to our previous decisions (*see* below) favoring such a structure in their arguments.

42. AT&T, for its part, claims that, although the rate structure is not time-of-day sensitive, "peak usage is a factor in allocating costs within the service category." AT&T Economic Cost Support Material, Vol. I at 3-6. Thus, the carrier argues, the proposed tariff revisions will offer "significant incentives" to encourage more off-peak calling. AT&T Reply at 58. Additionally, it maintains that time constraints have precluded development of alternative rate structures such as time-of-day pricing for this filing (Vol. I at 3-9, 3-10), that technical constraints prevent time-of-day pricing of 800 Service at this time (AT&T Reply at 56), and that time-of-day pricing of OutWATS cannot be developed until the effects of resale on peak periods is known. Vol. I at 3-10, Reply at 57 and n. *.

43. There are other issues raised by the proposed revisions which merit investigation, but this issue alone mandates a full five-month suspension and investigation. Our concern with the effect WATS usage has on network efficiency and peak loads is a matter of record, as we discuss below. Further, we have determined that the proposed revisions fail to adequately address those long-standing concerns. Therefore, we will suspend the proposed tariff revisions for the full five months and initiate an investigation under Section 204(a) of the Act, 47 U.S.C. 204(a). This investigation will provide a basis for prescription of such a rate structure, if necessary. *See* Section 205, 47 U.S.C. 205.[29]

44. We will begin our discussion of time-of-day and peak/off-peak pricing by reviewing the history of this Commission's concern with the effect of WATS service on network efficiency, and our attempts to obtain alternative rate structures which would increase efficiency.[30] We will then briefly discuss the theory underlying our concerns, and why this filing does not satisfy them. Finally, we will set specific aspects of the filing for investigation and comment.

45. *History of the Commission's Concern Over Effects of WATS.* From the inception of WATS, this Commission has been concerned with its impact on network efficiency and peak-load use. In Docket No. 13914, where we investigated the initial WATS filing, one of the benefits which we hoped would result from WATS was a flattening of peak loads as MTS traffic was shifted to WATS and customers spread their usage more evenly over the business day. 37 FCC at 696. However, we also noted that information on the new service was only then being generated. Therefore, we directed AT&T to make further studies using actual data to determine whether these predicted effects were occurring in practice. 37 FCC at 697.

46. Although we continued to emphasize our interest in network efficiency and peakload pricing in other proceedings,[31] we next focused on this aspect of the WATS tariff structure in our 1977 WATS Rejection Order. There we expressed our main concerns:

> We seek to determine the manner in which WATS usage affects the costs of the public switched network as a whole. In terms of network utilization two concerns are paramount, the short run objective of efficient utilization of existing network facilities (including both switching and transmission facilities) and the long run objective of assuring that facilities investment and other costs are no greater than necessary.

66 FCC 2d at 46.

We also expressed our dissatisfaction with the cost support material which AT&T had provided for its 1977 proposed WATS rate structure, since it still did not answer the question we had raised in 1964: how did WATS affect peak use? *Id.* As a result, we again ordered AT&T to undertake studies of WATS usage and costs at the peak. 66 FCC 2d at 48.[32] Further, we expressly made the failure to provide cost studies of the effects of WATS on peak usage of the network, or to show that the proposed structure encourage efficient

[25] *See* FCC 80-607 at para. 18.

[26] *Id.* at para. 4 n. 8, para. 9, para. 30.

[27] Time-of-day pricing is a form of peak/off-peak pricing involving direct price discounts for use of a service at designated off-peak hours. The current MTS rates are one example. On the other hand, any rate structure which reflects differing costs for differing time of use in any manner is a peak/off-peak pricing scheme. We will make this difference clear in our discussion of AT&T's comments, *infra.*

[28] When we use the term "WATS" in this Order, we refer to both 800 Service or InWATS, and to OutWATS.

[29] We explain the rationale for a five month suspension more fully below.

[30] Generally, a network must be designed not for the average usage level but for the peak level of use, since this peak determines the amount of traffic the network should accommodate within given performance specifications. There are, however, many different "peaks" which occur within the telephone network (*e.g.*, "fixed busy hour"; "bouncing busy hour") and the proper definition of peak for determinations of, for example, quality of service in terms of blocked calls is, in large part, a matter of judgment. *See Engineering and Operations in the Bell System.* Bell Telephone Laboratories, (Indiana: Indiana Publication Center, 1960) at p. 475.

[31] *See, e.g.*, Docket No. 19989, 59 FCC 2d at 701 ("We believe that sound regulatory policy should encourage the development of rate structures which promote efficiency in the use of the public switched network, by allowing and encouraging subscribers to shift usage out of peak periods. (footnote omitted). The WATS rate structure before us does not provide for alternatives such as off-peak pricing incentives.") *See also* American Telephone and Telegraph Co., Docket No. 19129 (Phase II), 64 FCC 2d 1, 50-52 (1977); our comments in Like Services, 66 FCC 2d 224 (1977), 67 FCC 2d 246, 249 (1977), 70 FCC 2d 593, 613 (1978).

[32] However, we did not order AT&T to file a WATS tariff with a time-of-day sensitive structure. Further, AT&T has provided some information on peak/off-peak effects of WATS in this filing (*see* Cost Support Material, Vol. 3-11) and claims that the proposed revisions do encourage efficient use of the network. Under these circumstances, we feel that suspension, not rejection, as urged by some parties, (*see, e.g.*, MCI Petition at 18), is the more appropriate course of action.

use of the network, one of the grounds for rejection of that tariff. *Id.* at 61.[33]

47. On reconsideration, we reinforced our opinion that, in order to fulfill our regulatory obligations under the Act, we were obliged to ensure that "AT&T employs rate structures which allow and encourage efficient use of the public switched network and which help to assure that additions to public switched network plant are justified." 69 FCC 2d at 1686. We also suggested that further WATS tariff filings which failed to be responsive to these concerns would be unacceptable:

> It was these central concerns and goals which we expected the WATS filing to incorporate or, in the alternative, to at least demonstrate a major effort towards developing studies and proposals to achieve our regulatory ends. This it did not do. Therefore, the next tariff filing must rectify these omissions.

69 FCC 2d at 1686.

48. In response, AT&T filed proposals for WATS studies and analyses on March 1, 1979. Extensive public comment on the carrier's proposals followed in Docket No. 79-154. There, the carrier summarily rejected an actual time-of-day schedule, stating that, because "WATS is primarily a business day service, there is little likelihood of shifting significant volumes of WATS traffic outside of, or generating new traffic in, the 8 AM to 5 PM period via a lower price/unit incentive". AT&T Reply in Docket No. 79-154 at 1-24, 1-25. This conclusory statement was unsupported by additional analysis. Further, AT&T asserted that peak/off-peak usage could be reflected in other ways. *Id.* Although the carrier's March proposal may have been less than satisfactory on the issue of time-of-day pricing, it did provide a forum for discussion of the subject by interested parties.[34]

49. Thus, we approach this filing with concerns dating from WATS' inception about its peak/off-peak effects. Those concerns have not been satisfied by the proposed tariff revisions before us. In spite of our numerous previous exhortations, no real attempt made in this filing to move toward time-of-day pricing. We can no longer ignore the inefficiency which we believe non-time-of-day sensitive rates may be imposing on the network. As a result of our previous proceedings, especially Docket No. 79-154, and the investigation we initiate today, we expect to have enough information to prescribe a time-of-day sensitive tariff. Thus, we will briefly review the current situation and our reasons for initiating this investigation.

50. *Theory Underlying Encouragement of Off-Peak Usage.* A growing recognition of the importance of rate structure and service classification issues to effective regulatory control has prompted the Commission to devote increasing attention to this fundamental area.[35] It makes little sense for the regulator to became immersed in the fine points of cost allocation and forecasting if the carrier is left total freedom to selectively classify, average, bundle, and otherwise design the infrastructure of its service offerings. Consistent with the public interest in efficient communication service (*see* 47 U.S.C. § 151), we are here attempting to improve efficiency in the use of telephone plant by looking at the relationship between pricing strategies and peak demand on the network.[36]

51. There is considerable economic literature on the subject of peak/off-peak and time-of-day sensitive pricing.[37] According to one generally accepted model, efficient time-of-day rate structures should ideally have off-peak prices which recover variable (operating) costs, and on-peak prices which recover both variable and capacity (capital) costs.[38] The result of such a rate structure is decreased demand during peak hours and increased demand during off peak hours so that demand is evened as much as possible throughout the day. Thus, the traffic load is leveled across the entire day, making maximum use of the capacity and reducing the need for unnecessary plant expansion. Even if peaking still occurs (the so-called "firm-peak" case), the marginal costs of capacity investment are recovered from the subscribers who cause the need for construction of additional capacity. The result is that both efficiency and equity objectives are met.

52. We are not faced with a textbook situation, however. For example, there is a considerable range of telecommunications technologies. Each may have different marginal costs at peak, and some way only be used at peak.[39] Many facilities, such as switches, are used in tandem. Each of these may be used in common with other services and other customers, and may have a different time-of-day demand profile. In other words, peak demand for one unit of plant may not correspond to peak demand for another. Further, in determining the appropriate peak period and off-peak period charges, it has been suggested that variable costs may be overstated and capacity costs understated as a result of the Jurisdictional Separations process.[40] Additional departures from underlying theoretical assumptions undoubtedly

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[33] We also indicated our belief that peak/off-peak rates might eventually be called for. However, we declined further action until we had an opportunity to analyze AT&T's studies. *Id.* at 48. We reiterated this point on reconsideration: "The time has arrived for AT&T to make a major effort in the area of peak/off-peak rate structure and cost analysis * * *." 69 FCC 2d 1673 at 1685 n. 14.

[34] *See* n. 7, *supra.*

[35] *See, e.g.*, Docket No. 79-246, American Telephone And Telegraph Co. Private Line Rate Structure and Volume Discount Practices, 74 FCC 2d 226 (1979); American Telephone and Telegraph Co. and Associated Bell System Companies, Offer of Facilities for Use by Other Common Carriers, Docket No. 21499, 69 FCC 2d 724 (1978), *review pending sub nom.* Western Union Telegrgrah Company v. FCC, Case No. 78-1955, (D.C. Cir. filed September 27, 1978. *See also* 70 FCC 2d 1294 (1978), 70 FCC 2d 1905 (1979); American Telephone and Telegraph Co.—Charges for Private Line Services, Docket No. 20814 (MPL), 59 FCC 2d 428 (1976), 62 FCC 2d 35 (1976), 65 FCC 2d 295 (1977), 67 FCC 2d 693 (1978), 68 FCC 2d 759 (1978), 74 FCC 2d 1 (1979); Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities, 47 FCC 2d 644 (1974), 48 FCC 2d 1077 (1974), 60 FCC 2d 261 (1976), *recon.* 62 FCC 2d 588 (1977), *aff'd sub nom.* AT&T v. FCC, 572 F.2d 17 (2nd Cir. 1978), *cert. denied*, 439 U.S. 875 (1978); Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services, (Docket No. 80-54) 77 FCC 2d 274 (1980), FCC 80-607, released December 18, 1980; Regulatory Policies Concerning Resale and Shared Use of Common Carrier International Communications Services, 77 FCC 2d 831 (1980); Interface of the International Telex Service with the Domestic Telex and TWX Services, Docket No. 21005, 62 FCC 2d 414 (1976), 76 FCC 2d 61 (1980), *appeal pending sub nom.* Western Union Telegraph Co. v. FCC, Case No. 79-2494 (D.C. Cir., filed December 14, 1979) (consolidated with FCC Docket No. 19660).

[36] The problem of defining "peak" has been mentioned previously. *See* n. 30, *supra.* Our analysis of peaks in this case has basically involved Volume 3-11 of AT&T's Economic Cost Support Material, which is itself composed of seven books containing information on 1519 network clusters. These are defined as final trunk groups and the high usage trunk groups which overflow to it. A final trunk group is one which acts as a final route for traffic. Inspection of this data demonstrates that in metropolitan areas, MTS predominates in total volume, but that OutWATS InWATS peaks often define the network cluster peak. Thus, the effect of WATS on peak use is evident from the filing itself. *See also* Vol. 3-10 at 2-11, 2-12, 2-15.

[37] Boiteau, M. "La Tarification des demandes en point: Application de la theorie de la vente au cout marginal," in *Revue Generale de L'electricite*, at 321-240 (No. 58, August 1949), translated as "Peak Load Pricing," in *Journal of Business* No. 33 at 157-198 (April 1960); Houthhakker, H.S., "Electricity Tariffs in Theory and Practice," in *Economic Journal* at 1-25 (No. 61, March 1951).

[38] *See, e.g.*, Steiner, P.O., "Peak Loads and Efficiency-Pricing," in *Quarterly Journal of Economics* at 585-610 (No. 71, November, 1957).

[39] *See, e.g.*, AT&T Comments in Docket No. 79-245, at p. 34.

[40] Fahlhaber argues that the Jurisdictional Separations process seems to assign certain state jurisdiction costs to interstate operations, primarily on the basis of total usage. Since these separations costs appear as variable costs, such costs may be overstated. *See* Fahlhaber, G.R., "Peak-Load Pricing and Regulatory Account-ability," in *Problems in Public Utility Economics and Regulation*, at 136 (Lexington Books, 1979).

occur, and would have to be considered.[41]

53. Accordingly, we are aware of the fact that a socially optimal, perfectly efficient, time-of-day sensitive, peak/off-peak WATS rate structure is not immediately, if ever, obtainable. Indeed, that is not our goal here.[42] Rather, we recognize that it may be very difficult and time consuming for AT&T and this Commission to develop a near-optimal peak/off-peak pricing structure using time-of-day sensitive rates and other devices.[43] Nonetheless, we believe it possible to begin to move towards this goal expeditiously, and obtain at least a viable time-of-day sensitive rate structure within five months. We believe the prescription, if required, of such a rate structure will alter the demand for telephone network capacity in such a way as to increase the total efficiency with which the network is employed.

54. *The Present Filing.* We now analyze AT&T's present filing in light of our comments above. We consider the current proposal in some detail since the carrier argues that the suggested rate structure, while not time-of-day sensitive, recognizes peak usage as a factor in allocating costs. Specifically, it argues that the declining hourly rates, the group average billing requirement, and the two-access line requirement for InWATS encourage usage outside the peak and efficient use of the network.[44]

55. We cannot accept these facets of the filing as satisfying our concerns with network efficiency. It may be true that declining per-hour rates reflect increasing off-peak usage. Simple logic dictates that, after a certain number of hours of use, any further use must fall outside the peak period. However, while this circumstance may justify declining hourly rates to some extent, it does not encourage off peak use. Standing alone, the mere fact that WATS rates decline as usage increases does not guarantee, in our judgment, that peak users pay the full costs of service nor does it provide sufficient incentives to shift usage to off-peak time periods.[45] In short, this aspect of the rate structure neither discourages peak period use nor encourages non-peak period use. Even when considered in conjunction with the service group billing device discussed in more detail below, tapered rates recognize the existence of peaks only in an indirect manner.

56. AT&T's argument that the tariff reflects peak load pricing is further undermined by the declining per-hour rates which the revisions would make available to low volume users for the first time. As many petitioners have pointed out, this will result in increased usage as many of these customers, for whom WATS was uneconomical before, migrate from MTS or competing services offered by the other common carriers (OCCs).[46] There is a strong incentive for these new users to make WATS calls during peak load periods, since it is the peak period rates in the schedules of MTS and other service offerings with which WATS rates compare favorably. Indeed, AT&T has structured its rates under the explicit assumption that all their use for at least the first 15 hours occurs at peak.

57. There may be more subtle inefficiencies in network use introduced by this migration of small users. Since MTS, as well as the two largest OCC public switched network offerings, Execunet and Sprint, already have a peak/off-peak rate structure, use of those services during the 8 am to 5 pm peak period is discouraged.[47] However, when such users migrate to WATS which, under the proposed structure, is not time-of-day sensitive, they will face no such incentives. Thus, these users, who may have responded previously to price signals encouraging network use at off-peak times, will have no reason not to use WATS during peak hours. This can only result in increasing peak usage.[48]

58. In our view, this will have two effects. In the short run, it will increase network congestion at peak, as well as the size of the peak. Greater variation between the peak usage levels and average use levels of the network—a sharper, higher peak—means less efficient use of the network.[49] In the long run, a greater peak means more plant construction which, if the peak can be reduced, is an unnecessary expenditure. As we have found in similar circumstances, neither of these effects is in the public interest. *See* Docket No. 19129 (Phase II), 64 FCC 2d at 50–53.

59. It also does not appear that the group average billing requirements, even when combined with the declining rate structure, constitute an effective means of peak/off-peak pricing. This requirement appears to suffer from the same infirmity as the declining rate mechanism. It provides no direct incentives to use the network at off-peak times, and no disincentives to on-peak use. Indeed, small volume OutWATS users who have only one access line are completely unaffected by service group average billing, and therefore are arguably not even affected by this device. In practice, this group would include most, if not all, MTS and OCC migrants, since, if their usage were sufficient to justify two or more access lines, they would probably already be WATS users. This device thus appears to have no effect in limiting peak load use among what may be the most substantial part of demand stimulated by the new tariff structure.

60. Thus, both mechanisms in the proposed tariff which AT&T claims meet our long-standing concern about network utilization and over-building appear, on closer examination, to be ineffectual. AT&T has recognized the existence of peaks in this filing, but it has not, in our estimation, provided sufficient incentives to reduce them.

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[41] We note that, ironically, Fahlhaber expressed a fear that the Commission might prevent AT&T from adopting a peak load rate structure as a result of our Docket No. 18128 proceeding. He argues that such a result would not only result in efficiency losses, but leave the company vulnerable to entry by inefficient competitors. Naturally, we hope the avoidance of this latter effect is a result of a time-of-day sensitive rate structure for WATS. Fahlhaber, *op. cit.*, at 137.

[42] *See* MCI v. FCC, 627 F.2d at 341–342: ("The best must not become the enemy of the good, as it does when the FCC delays making any determination while pursuing the perfect tariff.").

[43] Indeed, a number of theoretical difficulties remain unresolved in the literature. Among these are appropriate definitions of variable and capacity costs, the relationship between accounting and economic costs, and general uncertainty as to the consumer decision-making process. *See, e.g.*, Electric Utility Rate Design Study, "Ratemaking: Topic 5 and Illustrative Rates for Five Utilities" (Palo Alto, Calif.: EPRI, June 6, 1977).

[44] AT&T Reply at 56–58. We treat the two access line requirement for InWATS at paras. 74, 75, *infra.*

[45] While this may constitute a form, albeit inefficient, of peak/off-peak pricing, it most certainly is not time-of-day pricing.

[46] As we have noted before, the cross elasticity between MTS and OutWATS is "pronounced." 66 FCC 2d at 31. Indeed, there is a high degree of elasticity between MTS, WATS, AT&T's private line offerings, and the OCCs' public switched network services such as Sprint and Execunet. *See generally* AT&T's Comments in Docket No. 80–54 at 49, D–5. Shifts between these services will therefore, occur based mainly on price alone. Thus, as the price of WATS in relation to these other services has fallen for small users, a migration to WATS may certainly be anticipated. AT&T, in fact, apparently contemplates such shifts. *See* AT&T economic cost support material, Vol. 4 at 2–12.

[47] *See* MCI Tariff FCC No. 1, Sec. C 3.01, p. 19; SPCC Tariff FCC No. 6, Sec. 4.1 (2), p. 20.

[48] Although SPCC and MCI own some of their own facilities, they also lease facilities from AT&T and interconnect with AT&T's network. Thus, given resale of WATS, their off-peak price structures will have an effect on AT&T's network congestion.

[49] As Bell Laboratories has stated:

> Extreme variability costs money, because equipment that must be provided to handle the peaks is underutilized most of the time. This problem can be alleviated to some extent through properly chosen rate structures. Customers can be encouraged to call at less congested times in order to spread the load more equally over the week. This is done by setting the price of telephone service (for interstate toll calls, for example) at its highest for normal business hours (8 a.m. to 5 p.m.) on weekdays and at it lowest for the hours when little calling occurs (11 p.m. to 8 a.m.) with intermediate rates at other times.

Op. cit., Engineering and Operations in the Bell System, p. 476.

61. AT&T offers several explanations for this failure. First, it alleges that technical constraints make a time-of-day schedule for InWATS impossible at the present time. AT&T Reply at 56. We find nothing whatsoever in the record before us to support this assertion. Further, it may well be that our investigation will reveal that the benefits of time-of-day pricing are significant enough to warrant a concerted effort on the carrier's part to implement that pricing structure. Thus, we cannot accept generalized claims of technical infeasibility as justification for AT&T's failure to implement time-of-day pricing. We expect AT&T to detail the costs and problems involved as a part of its comments in our investigation. (*See* our discussion of InWATS below).

62. Additionally, AT&T claims that time constraints have prevented development of alternate rate structures, such as time-of-day sensitive pricing, for this filing. *See* AT&T Economic Cost Support, Vol. I at 3–9, 3–10. Given the extent of our concern since the inception of the service with network efficiency and the explicit language of our 1977 WATS Rejection and WATS Rejection Reconsideration Orders, this explanation is not acceptable. Since at least 1977 the carrier has been on notice that we are not satisfied with reliance on tapered rate structures, group average billing, since these devices fail to provide actual incentives for off-peak usage. *See, e.g.*, 66 FCC 2d at 46, 48, 61; 69 FCC 2d at 1673, 1685 n. 14, 1686.

63. AT&T also asserts that information on the effects of resale and sharing is "vital" before it can propose time-of-day pricing. AT&T Reply at 56–57 and n. *. The carrier notes that resale and sharing activities could shift peaks, and that time-of-day schedules that do not reflect this fact would not be "appropriate." While this argument is appealing at first blush, we find it unconvincing upon more care scrutiny.[50] A WATS time-of-day tariff similar to that of MTS, for example, would have only three different rate classes within the varying mileage zones. These would be broad enough so that any minor shifts in peak occurring as a result of resale or sharing activities would not affect the viability of the rate structure.[51]

64. We are involved in a process designed to lead rapidly to a lawful WATS tariff. In an environment where many changes are being implemented—the cost manual, resale and sharing, time-of-day pricing—and the market itself is in flux, attainment of this end is not simple. Therefore, we are attempting to achieve our basic goals as rapidly as possible, and anticipate that some fine-tuning may be necessary after the tariff resulting from this investigation is in place. As we said in our 1977 WATS Rejection Order Reconsideration, 69 FCC 2d at 1686, "Once more certainty is obtained in the area of peak-off-peak cost and usage analysis further tariff modifications, if necessary, can then be made." *See MCI* v. *FCC, supra; cf. AT&T* v. *FCC*, 572 F.2d 17, 24 (2nd Cir. 1978), *cert. denied*, 439 U.S. 875 (1978) ("the FCC may institute broad policy changes while leaving for future proceedings the fine tuning of the rate structure required to adjust for the economic impact of those changes").

65. In short, the history of our concerns, the theoretical and proven benefits of time-of-day pricing, and the inadequacy of the mechanisms in the present filing which AT&T claims will aid network efficiency all support the need for this investigation. As we stated above, we discuss the outlines of our investigation at the end of this order.

C. Other Rate Structure Issues

66. *Introduction.* It is by now apparent that many of the problems which we have had with WATs over the years can be traced to the WATS rate structure. [52] As we pointed out above, the Commission has already found MTS and WATS to be like communication services within the meaning of Section 202(a) of the Communications Act. It seems clear from the standpoint of the using public that MTS and WATS are also comparable services—*i.e.* they maybe used as replacements for one another and are characterized by a relatively high cross-elasticity of demand.[53] Thus, MTS and OutWATS are comparable because of the ease with which OutWATS may be substituted for MTS. Likewise, MTS, particularly with the Remote Call Forwarding Option or with operator assistance for a collect call, is comparable to InWATS.[54]

67. In addition to the problems already discussed regarding AT&T's failure to incorporate adequate peak/off/peak pricing, there are a number of other questionable features about the WATS rate structure. While we do not propose to investigate these matters immediately, we do think they merit concern.

68. *Group Average Billing Problems.* A large number of petitioners object to AT&T's proposal to average usage for billing purposes over the number of access lines in a WATS service group.[55] When AT&T first proposed this billing device in 1977, we indicated tht such a practice appeared to be discriminatory and questioned whether such discrimination was reasonable.[56] AT&T again proposes this same device in the present tariff. Many petitioners have complained that this practice would result in increased network congestion as users attempts to drive usage on each access line up to the high hour—*i.e.* low-rate-blocks of usage.[57] Further, they complain that group average billing will

[50] Our comments in the WATS Rejection Reconsideration, 69 FCC 2d at 1696, with regard to the MTS and WATS Market Structure Inquiry which was pending at that time are pertinent to AT&T's assertion that one reason for its failure to even consider time-of-day pricing is uncertainty about the effects of resale of WATS on peak usage: "While we realize the area of peak-off-peak analysis and network efficiency may be filled with complexities, as noted above, AT&T must make a substantial effort before the next filing to ameliorate our concerns and further our regulatory goals in this area." Further, we note that AT&T attempted to analyze the effects of resale of WATS on its revenues in great detail in Docket No. 80–54. *See* AT&T Comments in Docket No. 80–54 at 22–31, Appendix A, Appendix B, and Appendix C. It is somewhat anomalous, therefore, for the carrier to say it is unable to make some effort to determine the effects of resale on WATS peaks.

[51] For example, the MTS tariff has peak rates in effect from 8 a.m. to 5 p.m. Any shifts in the peak as a result of WATS usage could be expected to occur within this period, especially if, as AT&T claims, WATS is mainly a business offering.

[52] As we explained in AT&T-Private Line Rate Structure and Volume Discounts, *supra*, a rate structure is used to indicat the manner in which rates are organized within a given tariff schedule. The pricing mechanisms employed to determine rates and changes as well as any interelationships which exist among rate elements are part of rate structures. Rate elements are the basic building blocks of rate structures. Thus, each rate element represents one or more service fuctions for which a rate is applies.

[53] 74 FCC 2d at 235.

[54] We view an InWATS call as simply a station-to-station MTS call for which the normal billing procedure is reversed; *i.e* rather than registering the call for billing purposes on the orginating end, which is the standard modus operandi of the message telephone network, the call is registered at the receiving end through the use of a separate metering device. Althought this reverse billing device is not available with MTS, if it were, it is evident that the regular station-to-station rate rather than the operator-assisted rate rather than the operator-assisted rate would apply. For camparison with other networks where such devices are available, see Teletypewriter Exchange (TWX) service, which was purchased by the Western Union Telegraph Company from AT&T and other telephone companies in 1971. TWX has included such an arrangement for a one-time charge of approximately $90.00. *See* Western Union Telegraph Company Tariff FCC No. 258, Section 6.8.

[55] AT&T proposed to divide the monthly hours of usage of WATS by the number of access lines in a single WATS service group. AT&T's proposed tariff at Section 2.5 defines a service group when used in connection with OutWATS as denoting one or more OutWATS access lines for the same service area, terminated in the same multiline terminating system at the same premises. When used in conjunction with InWATS, it denotes the access lines for the same service area arranged in central office equipment furnished by the Telephone Company as part of a given hunting arrangement. As noted earlier, group average billing tends to spread the WATS subscriber's usage over the low-usage, higher cost rate blocks. *See* para. 14, *supra*.

[56] 66 FCC 2d at 45.

[57] *See, e.g.*, AHMA at 34.

give rise to unjust discrimination against off-peak users or would result in excess revenues to AT&T.[58] Others wish to be able to specify their service groupings, presumably to avoid the effect of group average billing.[59] AT&T, in turn, asserts that the practice of group average billing is justified since it effectively imposes a surcharge for peak period usage of WATS. It says that its studies demonstrate that peak usage increases whenever access lines are added.[60]

69. As noted in our discussion of peak/off-peak pricing *supra*, if AT&T wishes to implement peak/off-peak pricing for WATS, a time of day rate structure appears to be a direct, simple and reasonable way for accomplishing this end. Since we anticipate the implementation of a time-of-day WATS tariff, there may be no need, aside from alleged technical reasons, for AT&T to use this group average billing requirement.[61]

70. The proposed average billing requirement raises questions of a practical nature as well: it is difficult for customers and this Commission to calculate expected charges based upon anticipated usage.[62] Section 3.2.1 of AT&T's proposed tariff requires a customer to go through nine separate steps in order to arrive at the applicable charge for service. This process is a complicated one, and our experience with AT&T customers who have requested help from the staff in calculating expected charges under the proposed tariff makes clear that our concern is not an idle one. It seems to us that use of the group average billing requirement unecessarily complicates the already complex.

71. We nevertheless allow for the possibility that AT&T may be able to justify the group average billing requirement even with a time-of-day rate structure. Thus, if AT&T should elect to continue this requirement, we think that it is an appropriate matter for investigation at a later time.

72. *Minimum Average Time Requirement.* The tariff provision requiring that WATS calls average a minimum of one minute of holding time has been in effect since mid-1974. It is challenged here by a number of parties.[63] It is not possible, either on the basis of the record presently before us or on the basis of historical supporting data, to make any determination as to whether the one-minute minimum average time requirement (MATR) is supported by specific related costs. This results in part from the fact that WATS, unlike MTS, is not a message-rated service. WATS rates, both historically and as proposed, are principally based upon a combination of flat and measured-time pricing, rather than having a discrete price associated with each individual message. Thus, attribution of costs related to message transactions in the WATS schedule can only be achieved on an indirect, representational basis. In reviewing the historical background of the one-minute MATR, we find certain close similarities with the minimum two access line requirement for InWATS as well.[64]

73. Each of these rate adjustments appears to represent an attempt to remedy, through rate structure controls, network engineering and traffic control problems which have emerged as a result of the initial WATS offering. On one hand, the one-minute MATR was invoked in order to discourage the use of WATS where the nature of calls would be inherently of very short duration, such as in the case of certain types of computer polling. Since WATS employed the network in essentially the same manner as MTS, logic dictates that the per-message set up costs would also be essentially the same. These costs are incurred, for example, as the result of the need to use network switching machines in order to set up a call initially. Once the call is established, no additional set up switching costs are incurred regardless of the call duration. These set up costs, however, must be recovered by each individual message in the case of a message-rated service such as MTS.[65] Since WATS rates are inherently insensitive to individual telephone message characteristics, AT&T imposed in January of 1974 the requirement in its tariff that WATS calls, in the aggregate, must average no less than one minute per call.

74. In the case of the two-line minimum InWATS requirement, the perceived need was to devise some representative means of discouraging InWATS subscribers from causing a far greater number of incoming calls to be made than could possibly be handled over a given number of lines. Some attempt, therefore, had to be made to contain WATS-induced inefficiencies in network usage. AT&T attempted to accomplish this by first requiring a minimum of two InWATS access lines, and second, by means of a tariff provision authorizing AT&T to compel a subscriber to add more lines or face service termination.[66]

75. Therefore, although the imposition of minimum time and minimum access line requirements cannot be related directly to WATS costs under the present WATS rate structure, there can be little doubt that a logical basis does exist for applying charges which avoid the buildup of costs associated with inefficient plant utilization. These costs, furthermore, would otherwise be borne by all users of the nationwide, public switched direct dialed network,[67] justifying reasonable means to contain them. This is not to say, however, that other methods of controlling inefficient network utilization, such as a time-of-day, peak load WATS rate structure, could not be more effective. Indeed, a time-of-day sensitive WATS rate structure could diminish or obviate the need for the two-access line minimum as well.

76. *Allegations of Anticompetitive Conduct by AT&T.* Many parties call for rejection or suspension on the ground that the proposed WATS revisions are anticompetitive and will reduce competition in the provision of domestic public switched network service and ancillary services and facilities. The Executive Agencies, SBS, and MCI, among others, claim that the proposed new tariff structure is designed to thwart resale activities. Commander alleges that terminal equipment competition will be harmed by the elimination of the MT–FBD WATS rate structure. Finally, many petitioners (*e.g.*, Western Union, Ad Hoc, AHMA, AIA, MCI, SBS) argue that the proposed tariff structure is designed to have a detrimental impact on competing services such as MCI's Execunet, SPCC's Sprint, or Western Union's domestic Telex, TWX, and Metro I services.

77. We have never held that tariff revisions are subject to suspension or rejection solely because they establish a rate structure which makes resale infeasible. On the contrary, earlier this

[58] *See, e.g.*, AmTel at 21–23.

[59] *See, e.g.*, Commander at 3.

[60] AT&T Reply at 65 n. 3.

[61] These alleged technical reasons are not convincing. As we pointed out in Docket No. 21402, AT&T routinely captures detailed billing information from OutWATS users and provides this information to customers at extra cost. 70 FCC 2d at 611 n. 24. And, as we also pointed out, the meters used for InWATS are equipped to register time and number of calls. *Id.* at 611.

[62] *Cf.* Section 61.55(f) of our Rules, 47 CFR 61.55(f), which requires that tariffs contain "such explanatory statements in clear and explicit terms regarding the rates and regulatios contained in the tariff as maybe necessary to remove all doubt as to their proper application."

[63] *See, e.g.*, Empire at 3–6.

[64] The two-access line minimum requirement has been criticized by some petitioners as well. *See, e.g.*, ARINC at 28–30.

[65] MTS has variously been subject to three-minute and one-minute minimums per call.

[66] This requirement is continued in the proposed tariff as well at Section 2.4.9(B).

[67] Although no charge is made to the MTS and WATS users for incomplete calls, such calls traverse the network in much the same way as completed ones, thus adding to network costs.

year we permitted MCI to make tariff adjustments which allegedly would have forced resellers of its discounted service out of the market. *MCI Telecommunications Corporation*, FCC 80-524, released October 1, 1980. Our reasoning there is equally applicable here. We stated that the original *Resale and Shared Use Decision* in Docket No. 20097 [68] should not be interpreted as giving resellers any protection against cost-based rate increases by the underlying carrier which might affect resale opportunities:

> We did not, however, take any measures, or in any way seek, to ensure the success of resellers as viable business entities. In fact, we envisioned that carriers would discontinue non-cost-based volume discounts soon after resellers come into the market. We viewed this expected phenomenon favorably because underlying carriers would have aligned their rates more closely with costs, a result we deemed to be in the public interest. FCC 80-524 at 67.[69]

78. Similarly, in our recent decision in Docket No. 80-54, we also expressed the opinion that carriers would discontinue non-cost-based volume discounts soon after the introduction of resale and sharing, thus limiting the potential for arbitrage by resellers. FCC 80-607 at para. 18. We view an absence or limitation of economic incentives for resale under the proposed tariff,[70] inasmuch as it indicates that WATS rates have been more closely aligned with costs, to be desirable, and not a basis for rejection or suspension.[71]

79. Commander argues that the proposed revisions are unlawful in that the elimination of the MT-FBD WATS rate structure coupled with the proposed group average billing of access lines is a violation of § 68.110(b) of our Rules, 47 CFR 68.110(b).[72] However, this section of our rules, dealing with technical conditions relating to attachment of customer-supplied terminal equipment to the network, is not applicable to these tariff revisions, which merely restructure rates but do not affect the engineering compatibility of the network and customer-supplied terminal equipment. Commander's real complaint appears to be that the tapered rate structure limits the opportunity for arbitrage available with the existing FBD and MT WATS categories and is therefore predatory. Thus, Commander contends, the proposed revisions are unreasonable because large volume users employing Commander's least cost routing equipment could no longer load as much of their traffic as possible onto their FBD lines, and use their MT lines to the same service area for overflow. This practice minimizes the users' costs since it allows the maximum amount of traffic to be routed over the lines at the lowest rates. Our response, however, to this manufacturer of terminal equipment which mechanically arbitrates between the differences in the rates for FBD and MT WATS, is the same as that to the other resellers. To the extent that resale has forced the elimination of non-cost-based discounts and the concomitant elimination of rate structures which embody such discounts, we find the public interest is better served.

80. Additionally, several petitioners (*e.g.* Western Union, Ad Hoc, AIA, SBS, USTS) allege that the tariff is anticompetitive since the proposed reduction in small volume user rates would adversely affect the OCCs' ability to compete. Not only does the proposed tapered schedule directly affect one of the OCCs' major markets, the small business user, but, the argument runs, the reduction indirectly hampers the OCCs' ability to expand by thus limiting their access to capital. As a result, it is alleged, the development of competition in these markets will be slowed considerably. *See, e.g.*, Ad Hoc at 14-17, Western Union at 41.

81. The basic contention here, as above, is that the proposed rates are not cost-based. Our response is the same. The record is insufficient to reject the proposed revisions on this ground. However, we expect to consider question involving the tapered WATS rate structure and internal cost allocation procedures in a later stage of our investigation of these tariff revisions.[73]

82 AHMA and HoJo, among others, argue that the rate increases proposed for InWATS, for which there is allegedly no competition, means that InWATS users will subsidize the competitive OutWATS offering. However, the differences between InWATS and OutWATS, when compared on a rate element-by-rate element basis, are in almost all cases relatively small. An OutWATS access line is $27.50 per month, for example, while an InWATS access line is tariffed at $32.00 per month. However, although there may be differences in InWATS and OutWATS costs, they are not as yet explained to our satisfaction. At some point in the future, it may be appropriate to direct AT&T to itemize and quantify all of these relative costs. However, given the small size of these differences, focusing on this aspect of the filing in our investigation would not be the most productive use of our limited resources at the present. *See, MCI* v. *FCC*, 627 F. 2d at 340-341.

83. Finally, some petitioners argue that the higher proposed rates are designed to force large volume InWATS users, such as hotels, to purchase unregulated enhanced services to be offered by AT&T in the future. *See, e.g.*, HoJo at 35-36; AHMA at 17-18. Under this scenario, AT&T is seen as providing enhanced services, such as reservation centers, which inturn will compete directly with private concerns, such as hotels chains purchasing 800 Service, in the performance of the same service function. Thus, the arguments runs, higher 800 Service rates for large users will force such users to purchase AT&T's enchanced services. AHMA at 18-19. This highly speculative argument is unsupported by any evidence and the filing thus has not been related to any violation of the Communication Act. *See American Telephone and Telegraph Co. (Dataphone II)* 77 FCC 2d 851, 856-857 (1980). Our principal concern in evaluating this filing is that InWATS rates are cost-based, just, reasonable,

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[68] 69 FCC 2d 261 (1976), *recon.* 62 FCC 2d 588, *aff'd sub nom.* AT&T v. FCC, 572 F. 2d 17 (2d Cir. 1978), *cert. denied* 439 U.S. 875 (1978).

[69] *Cf.* our Specialized Common Carrier Decision, 29 FCC 2d 870, 928 (1971), *recon. denied* 31 FCC 2d 1106 (1971), *aff'd sub nom.* Washington Utilities and Transportation Commission v. FCC, 513 F. 2d 1142 (9th Cir. 1975), *cert. denied* 423 U.S. 836 (1975), where we noted that we did not plan to erect a "protective umbrella" over any of the new entrants into the market for specialized communications services.

[70] Furthermore, there appears to be some question whether resale is indeed infeasible under the proposed tariff. The Commission has received a number of informal inquiries from the public requesting information concerning resale under the new tariff.

[71] We have often held that the alignment of rates with costs was in the public interest. *See* FCC 80-607 at para. 19; *see also* Docket No. 19989, 59 FCC 2d at 678 ("Well-established Commission policy holds that cost of providing service is at the heart of the statutory requirements under Sections 201-205 of the Act for just, reasonable and non-discriminatory rates and that costs are to be directly controlling in the fixing of rates, or are to be considered as reference points or benchmarks, from which to measure the extent of any departures therefrom.") and cases cited there.

[72] That section of our Rules states:

> Changes in telephone company facilities equipment, operations or procedures. The telephone company may make changes in its communication facilities, equipment, operations, or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this part. If such changes can be reasonably expected to render any customer's terminal equipment incompatiable or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to allow the customer an adequate opportunity to maintain uninterrupted service.

[73] Additionally, USTS argues that the WATS filing is a violation of the Sherman Act, 15 U.S.C. 2, because it is predatory, and AT&T is attempting to foreclose and destroy competition. We do not reach this claim since none of the underlying assumptions—that the tariff is predatory, or that AT&T is foreclosing or destroying competition—is apparent on the face of the tariff.

and otherwise lawful. Allegations concerning AT&T's future marketing strategies do not address this issue.[74]

D. Rate of Return

84. Many petitioners have argued that the tariff revisions should be rejected because they would result in WATS earning more than the 10.5 percent interim rate of return that was last prescribed for AT&T[75] pending our decidion in Docket No. 79–63.[76] In its Economic Cost Support Material, Vol. 1 at 4–9, figure 43, AT&T states that the proposed WATS tariff would be expected to earn the following rates of return with costs determined in accordance with the proposed cost manual issued in Docket No. 79–245:

1980: 12.7% (had the proposed rates been in effect)
1981: 13.0%
1982: 13.3%
1983: 12.4%

While the Commission has in the past rejected tariff revisions as unlawful on their face for various reasons,[77] and did in fact reject AT&T's 1977 WATS tariff revisions in part because their projected rate of return exceeded the authorized overall interstate rate of return, we do not believe that rejection of the proposed revisions is warranted.[78]

85. The rate of return for a given service is dependent on the revenues, expenses, and investment allocated to it. If less expenses and investment are allocated to the service while revenues remain unchanged, the rate of return must increase by the application of simple mathematics. It appears to us that the increase in rate of return for WATS is due mainly to the implementation of the proposed interim cost manual. The impact of the proposed cost manual has been to reduce WATS expenses and investment, and since revenues do not change, the rate of return must increase. As indicated in its support material, ATT&T showed a WATS rate of return of 11.7 percent for 1979 using the proposed cost manual. *See* AT&T Economic Cost Support Material, Vol. 1 at 4–9. In contrast to this, the WATS rate of return for 1979 using the FDC–7 methodology, as reported to the Commission, was 8.5 percent. *See* 1979 Annual FDC Report, June 30, 1980. Thus, the cost manual appears to have increased the WATS rate of return by 3.2 percent. This difference must be considered when comparing the various other rates of return presented by AT&T. For example, it appears, as alleged by AT&T, that the 1979 "base case" rate of return of 12.5 percent is mainly attributable to the implementation of the proposed cost manual. *See* AT&T Economic Cost Support Material, Vol. 1, at 4–4, 5. AT&T computes the impact of the proposed cost manual as accounting for 80 percent of the increase in the WATS rate of return. [(11.7–8.5)/(12.5–8.5)]. It is apparent, therefore, that application of the proposed cost manual may have had a substantial impact on the earnings for WATS.

86. Additionally, the rate of return figures which AT&T has provided are not completely reliable, given the fact that the new rates will not become effective until the suspension period ends in May, 1981. Furthermore, the changes in cost results necessitated by the interim cost manual we adopt today should cause a lowering of the projected rates of return over the relevant period.

87. In addition to these general considerations which contribute to the imprecise nature of the cost allocation process, because certain adjustments will have to be made by AT&T to the WATS support data it is far from clear that the WATS rates of return under these revisions will be unlawfully high. Some examples of cost changes likely to effect the WATS rate of return illustrate why rejection does not lie.

88. The proposed cost manual, as a number of the peitioners have pointed out, states that federal, state and local income taxes should be allocated among services bsed on net reporting category revenues. AmTel, for example, argues that AT&T's percentage distribution of revenues for its various service categories did not correspond to the percentage by which it allocated its income tax. AT&T impliedly admits that its distribution of federal income taxes was not in compliance with the proposed cost manual and our own analysis confirms this. However, AT&T also references its comments in Docket No. 79–245, where it argued that there are good reasons why the treatment of taxes under the proposed cost manual is inappropriate. After reviewing these comments in Docket No. 79–245, we have concluded that AT&T's position has merit. The interim cost manual which we adopt today allows AT&T to allocate taxes as it has in the present tariff filing. The result of AT&T's decision to allocate taxes, according to AT&T, is to increace the allocation of taxes to WATS by 36 million dollars, which in turn lowers the WATS earning ratio by approximately 0.8 percent.

89. On the other hand, we note that AT&T has not allocated the entire interstate rate base in accordance with the proposed cost manual for purposes of the WATS filing; rather, it appears to have allocated certain investment accounts, such as switching equipment, in accordance with its suggested modifications to the manual. We have incorporated several, but not all of these modifications in the manual we are adopting today. However, we estimate that under the final manual roughly $200 million more investment would be allocated to WATS than is shown in the material supporting the WATS filing. Assuming constant revenues, this reallocation of investment would cause the projected WATS rates of return to decrease. Because many of the WATS expense allocations are determined by investment-related factors, this would in turn mean a further reduction in the WATS rate of return. We are ordering AT&T to resubmit cost data developed in accordance with the interim cost manual adopted today in Docket No. 79–245. Since it now appears that the resubmitted data may cause a significant downward shift in the rates of return which AT&T shows for WATS, we have no basis for concluding that WATS earnings will be excessive under the proposed rates.

E. Cost And Cost Allocation Problems

90. *General Allegations.* A number of petitioners have alleged that AT&T has not complied with the proposed ICM or has otherwise engaged in unreasonable cost practices. AT&T's allocation of income taxes, for example, was challenged.[79] AT&T has not allocated federal, state and local income taxes in accordance with the proposed ICM, and has explained why it believed that its allocation of income taxes was more appropriate than that proposed by the Commission. To repeat, we find that AT&T's explanations, both here and in its comments in Docket No. 79–245, have some merit, and our final order in Docket No. 79–245, which is being adopted today, affords AT&T a measure of discretion in its allocation of income taxes. *See* para. 88, *supra*

91. Some petitioners have made general allegations that AT&T's costing procedures are unreasonable, but fail to

[74] Further, arguments involving services which AT&T does not even offer at this time obviously cannot be adequately considered on the record before us. *See* American Telephone and Telegraph Co. (CCSA), Tr. No. 13533, Mimeo No. 04135, released November 21, 1980 at 11.

[75] American Telephone and Telegraph Company—Charges for Interstte Service (GRI), 77 FCC 2d 661 (1980), *review pending sub nom.* MCI Telecommunications Corp. v. FCC, Case No. 80–1624, D.C. Circuit.

[76] American Telephone and Telegraph Company, 73 FCC 2d 690 (1979).

[77] AT&T—GRI, *supra.*

[78] *See* Associated Press v. FCC, 448 F.2d 1095 (D.C. Cir. 1971).

[79] *See, e.g.,* AmTel at 30.

buttress their claims with detailed criticism. Among these are broad assertions that AT&T has failed to document the cost factors underlying the tariff changes it proposes,[80] broad contentions that AT&T has miscalculated rates for non-recurring costs,[81] and arguments as to unstated "threshold costs of the system."[82] None of the petitions, however, adequately documents these charges. Accordingly, we find no reason either to reject or investigate the proposed revisions on these bases either.

92. Some petitioners voice concern over certain potential AT&T practices which might be unlawful in particular circumstances. However, the tariff revisions are neutral with respect to these matters and rejection is not supported by speculation over AT&T's behavior in the future. Illustratively, it is possible that the tariff section allowing AT&T to provide WATS to resellers and OCCs from distant central offices could conceivably become a vehicle for discriminating against resellers and OCCs.[83] In our view, however, this aspect of the filing does not appear to be inherently unreasonable or otherwise at odds with established Commission policy. Should MCI or other petitioners believe that AT&T is making WATS available in a manner which is unreasonably discriminatory, they are, of course, free to file a complaint with the Commission.

93. In our judgment a number of other controversial areas have been adequately addressed by AT&T and neither rejection nor investigation is called for on these grounds. These arguments include Ad Hoc's contention that exclusion of Alaska and Hawaii from the WATS rate development process may be unreasonably discriminatory,[84] and several petitioners' contention that customers who do not have acoustic couplers will be forced to bear costs for acoustic coupler maintenance.[85] Also in this group are the arguments that the capitalization of disconnect charges results in unreasonable cross-subsidization of some WATS users;[86] that the two-wire access charge covers the cost of AT&T-selected four-wire arrangements;[87] and that differences in rates for WATS interexchange channels and AT&T's Series 5000, Telpak Type 5021 channels have not been justified on a cost basis.[88] Still other contentions that appear to have been adequately explained by AT&T at this time include questions over differences in the nonrecurring charges for WATS and for private line,[89] and differences in connection charges for InWATS and OutWATS access lines.[90] Also in this category are questions raised concerning differences in costs shown by AT&T for InWATS connection and ordering and the rate for these functions,[91] objections to AT&T's twice rounding up to the next higher dollar,[92] objections to AT&T's allocation of the cost of overseas calls to WATS,[93] and objections to the allocation of directory expenses between WATS and MTS.[94] Still other additions to this category include Western Union's contention that AT&T erred in increasing MTS and WATS investment due to the application of the Subscriber Plant Factor (SPF) allocation to ENFIA and OCC facilities,[95] allegations that the cost of terminal equipment is included as part of the proposed access line charge,[96] allegations that InWATS access line charges should also be tapered—*i.e.* the per-line charge should decrease as the number of access lines provided at a single location increases,[97] and contentions that WATS access lines charges were unexplainedly lower than those proposed in the Bell System Operating Company Tariff F.C.C. No. 6 which AT&T filed and then withdrew in 1979.[98]

94. There are still other matters which might merit investigation if the Commission had sufficient resources to do so. An example is AT&T's Disaggregated Embedded Cost (DEC) system. A complete investigation of that system alone would be an undertaking of such magnitude that few staff resources would be left for other regulatory efforts. Such an evaluation would also require significant expertise in computer programming which we do not currently possess.

95. We propose to use our limited resources as efficiently as possible. As we noted earlier, we think it is important to correct the most obvious shortcomings in this filing first. If we were to attempt to correct each and every shortcoming in this tariff proposal immediately, this search for the perfect tariff would take an extended period of time, a course which we do not and indeed cannot follow. *MCI v. FCC, supra.* Rather, by undertaking to correct the shortcomings in the tariff *seriatim*, we think we have a significantly greater opportunity to have lawful WATS rate levels and rate structure within a reasonable time. *Nader v. FCC, supra.*

96. *Use of Traffic Sensitive Factors in Developing Rates.* At this juncture we review the procedures used by AT&T to develop its proposed usage sensitive rates and tapered rate structure for 800 Service and Outward WATS. The proposed usage rates consist of two 6 x 22 matrices, one for each service, with one axis consisting of rate steps (essentially, mileage bands) and the other axis entailing monthly hours-of-use quantities. The matrices were developed from a complex series of computations that utilized various cost models and assumptions. The purpose of the modeling effort was to derive traffic sensitive cost relationships among the various elements of the matrices from which rates would be determined.

97. AT&T used the Disaggregated Embedded Cost (DEC) System to develop traffic sensitive (TS) costs. TS costs are defined by AT&T as those relating to the trunking and switching[99] functions within the public switched network (PSN). According to AT&T, the PSN is comprised of approximately 23,000 switches and 900,000 intertoll trunks. For the implementation of the DEC System, a two-month sample of messages was theoretically routed through the PSN to synthesize operating and traffic characteristics. The simulation process encompassed 60,000 trunk groups and 1100 switches. It was assumed that the simulation represented what would occur within the PSN during normal operation. Thus, the derived characteristics were assumed valid for the purpose of developing representative cost data.

98. From the various characteristics obtained from AT&T records, costs were assigned to the two WATS offerings depending on their use of the PSN. The two traffic sensitive cost functions developed for each WATS offering are represented by models using the least squares method to produce monotonic functions (*i.e.*, increasing or decreasing

[80] *See, e.g.*, Home Transportation Company, Ryder, and Midwestern Distribution.

[81] *See, e.g.*, Ad Hoc at 79, NDC at 27, AmTel at 37–38.

[82] *See, e.g.*, CCTU at 25.

[83] *See, e.g.*, MCI at 55–56.

[84] Ad Hoc at 78–79.

[85] *See, e.g.*, NDC at 28, AHMA at 49, Hojo at 25, AmTel at 36–37.

[86] AHMA at 45–46.

[87] *See, e.g.*, Western Union at Attachment C.

[88] MCI at 53.

[89] *See, e.g.*, AHMA at 47.

[90] *See, e.g.*, AmTel at 35.

[91] AHMA at 48.

[92] Executive Agencies at 19–20. The effect of such rounding up is, in any event, *de minimus*.

[93] AHMA at 29–30.

[94] AHMA at 29–30. Here again, the effect of this alleged error is *de minimus* by comparison with all interstate WATS revenues.

[95] Western Union at 23–24.

[96] *See, e.g.*, AmTel at 41–42.

[97] *See, e.g.*, AHMA at 40–41.

[98] *See, e.g.*, Western Union at 27. Again, this appears to be a rate structure problem.

[99] In addition to direct costs, various indirect costs such as land, buildings, revenue accounting, return, etc. are included.

changes in the dependent variable of the model). The two cost functions were based on data derived from the DEC system and reflect peak usage and traffic sensitive costs that are non-peak related.

99. The peak hour cost assignments were made by allocating costs to a particular service based on its relative use at the peak hour. Thus, for example, if InWATS were responsible for 30 percent of the peak load on a facility, it would receive a 30 percent allocation of the cost of that facility.

100. Total message data were used to allocate non-peak related traffic sensitive costs. Thus, for example, relative operator-handled call attempts were used to allocate switchboard investment and all traffic operator expense. The allocation of traffic sensitive plant lead to the development of four matrices (two each for both WATS offerings) wherein the elements represent cost per-minute based on 1978 FDC–7 data.[100] One set of matrices represents length of haul (LOH) by time of day (TOD). The LOH axis was reformatted into the WATS rate steps and the TOD elements were combined across the TOD axis resulting in a single cost per minute figure for each rate step. Thus, the matrix was transformed into an array having 18 rate steps (LOH) and an average cost per minute. From this data one of the above mentioned cost models was computed. The second cost model, relating hours of use (HOU) per line to cost per minute, was developed in a similar manner.

101. The HOU cost model was transformed into an additional hours of use cost curve by applying differential calculus techniques and taking the partial derivative of the HOU cost curve. The purpose of this step in the rate development process was to develop the HOU usage blocks. The particular points on the HOU continuum where the usage blocks were defined are called taper points. AT&T's analysis indicated that there should be six usage blocks for each of the WATS services. AT&T claims that the taper points were computed to minimize the variation between adjoining usage blocks. From the data presented it is not clear that six taper points is the optimal number, since the methodology for choosing them was somewhat arbitrary.

102. The combination of the two derived TS cost curves, *i.e.*, the compressed LOH and HOU models, produced the TS cost matrices (rate step by HOU) that reflected FDC–7 data for 800 Service and Outward WATS. Unit cost data from the two models were weighted to derive the elements of the matrices. The results indicate increased costs as distance increases the reduced costs as HOU increases.

103. The next step in the process was relatively straightforward but is the subject of substantial controversy.[101] Since the matrices discussed above reflect only TS costs, a mechanism was required that would enable AT&T to recover the rest of the WATS costs not accounted for by the TS matrices or other rate elements such as access charges. AT&T indicated it would recover "non-traffic sensitive" (NTS) and other costs not casually related to any of the other WATS rate elements by "marking up" each TS cost matrix by a constant scalar. This adjustment, which would permit the recovery of all WATS costs, is discussed more fully below.

104. The marked-up TS matrices thus were equivalent to the 1978 FDC–7 costs for WATS and were used as the first approximation of a revised WATS rate structure. This first approximation was combined with marketing data to determine price elasticity effects and the process was iterated until stability between rate levels was obtained. AT&T indicated that it took two iterations to obtain the final cost matrices. The final base and benchmark rates were developed by marking up the TS cost matrices by the appropriate factors. 1979 WATS demand was used in the development of the base rates so as to achieve the stated objective of maintaining the company's 1979 earnings ratio as reflected by the interim cost manual. Associated with the final base rates are mark-up factors of 2.52 for InWATS and 2.64 for Outward WATS. Thus, according to AT&T, about 60 percent of WATS usage costs are not traffic sensitive. The proposed WATS rates were computed by simply multiplying the base rates by 1.051 to reflect AT&T's June, 1980 general rate increase.

105. At this point some discussion relating to AT&T's use of mark up factors is appropriate. Stated simply, the mark up factors are applied to the TS cost matrix to make certain that the WATS rates recover all costs allocated to WATS. The factor accounts for all NTS costs and other costs not recovered via different rate elements. Thus, for example, the proposed rates for WATS access lines do not recover their associated costs as derived from the separations process. Rather, these charges are based on a costing out of the access lines in accordance with embedded costs as shown in accounting records. The difference between the higher, separations-based cost amounts and embedded costs is allocated to the usage rate schedule via mark-up factors. Therefore, since the mark-up factors were applied uniformly to all the elements in the cost matrices (which ultimately become the rate matrices), the subscribers with the highest usage will be charged the greatest amounts for these cost differentials. This method of recovering NTS costs is not the only way such costs might be recovered.

106. Furthermore, in recent private line filings, *e.g.*, CCSA, *supra*, at n. 73, AT&T has adjusted costed out exchange plant items in a manner fully reflecting the separations effect resulting from the operative costing methodology. Quite clearly, AT&T's choice of a method by which to allocate the often substantial costs attributable to the separations effect is a matter of Commission concern.

107. As stated, the allocation of NTS and other costs in AT&T's WATS filing has been made in accordance with a constant mark-up factor wherein each usage rate element is increased by a constant ratio. To illustrate one of several possible alternatives to AT&T's chosen method, a larger share of the alleged non-traffic related costs could be allocated to the first minute of use of each message, resulting in an MTS-type usage structure whereby rates are higher for the initial minute of use than for additional minutes. Alternatively, these costs might be allocated on a per message basis rather than on a per-minute basis. Another possibility might be to increase access line rates in some equitable manner to recover these costs. In any case, there is reason to examine this allocation process further the context of other AT&T services as well in order to determine whether the chosen method is reasonable.

108. AT&T's procedure for allocating costs not found to be traffic-sensitive raises other important questions as well. We are not satisfied with the residual method AT&T uses to derive NTS and "other" costs. Furthermore, AT&T's filing fails to itemize and quantify the "other" costs. Thus we are not in a position to determine whether AT&T's uniform allocation of NTS and "other" costs to the TS cost matrices produced by the DEC system is reasonable. Therefore, we instruct the Common Carrier Bureau to direct a detailed inquiry to AT&T which will affirmatively determine what specific costs are included in the NTS and "other" category. Once we have obtained that information, we will

[100] AT&T alleges that 1979 data was not available for this phase of the analysis. However, 1979 data was used in subsequent steps.

[101] *See, e.g.*, Ad Hoc at 68–71, AmTel at 20–21.

determine what further action regarding AT&T's allocation of such costs is warranted.

109. *Use of the Proposed Cost Manual.* Closely related to the petitioners' contentions on rate of return are objections that the Commission has acted unlawfully by: (1) mandating use of the proposed interim cost manual in the present filing, (2) abandoning or altering the principles established in Docket No. 18128 without proper procedures, and (3) unlawfully prescribing a ratemaking practice.[102]

110. The primary reason for our instruction that AT&T use the proposed cost manual was to achieve a reasonably reliable assignment of costs to three broad categories of AT&T interstate offerings—*ie.* MTS, WATS, and private line service. In this manner we hoped to promote ratemaking accountability on the part of AT&T as envisioned in Docket No. 18128 and thereby move closer toward our objective of establishing just and reasonable WATS rates. *See* Notice of Proposed Rulemaking, Docket No. 79-245, para. 24.

111. Such broad allocations would prove helpful to the Commission primarily for the purpose of determining whether the entire WATS rate classification, for example, was compensatory. This would be accomplished by comparing WATS revenues with costs allocated to WATS in arriving at an overall rate of return for WATS. Because the cost manual only makes broad cost allocations, AT&T was required to provide additional justification for allocation of its costs within the WATS, MTS or private line categories.

112. The Commission is today adopting an interim cost manual which has been the subject of extensive notice and comment proceedings. It reflects a number of changes to the proposed interim cost manual. Prior to the effectiveness of the WATS tariff revisions, which we are today suspending, AT&T will be expected to provide economic cost support data for WATS recalculated in accordance with the interim manual as adopted. When the recalculated data become available, the Commission will be better able to ascertain whether the overall WATS rate classification will earn a reasonable rate of return. The important point for present purposes, however, is that the revised cost support material will be submitted in conformance with a cost manual that has been the subject of public notice and comment.

113. Inasmuch as we should plan to review the resubmitted cost support material before the expiration of the five month suspension period to determine whether WATS is earning a proper rate of return, no harm will come to petitioners as a result of AT&T's use of the proposed cost manual in developing the economic cost support for its September filing.

114. The related claims of ARINC/ATA, Firestone and MCI that the Commission has unlawfully abandoned or altered its findings in Docket No. 18128 are made moot by our adoption of the interim cost manual. Since the petitioners' substantive objections to the proposed cost manual and Docket No. 18128 are discussed in the order adopting the interim manual, we need not treat them here.

F. Docket No. 21402 Issues

115. In setting forth our rationale for the Docket No. 21402 finding that MTS and WATS were like services within the meaning of Section 202(a) of the Communications Act, the Commission observed that AT&T apparently had created distinctions between MTS and WATS through various devices, including the establishment of different service features, the adoption of separate rate levels and rate structures for MTS and WATS, and the use of certain equipment that controlled entry and exit to and from the switched network in order to engage in market segmentation.[103] 70 FCC 2d at 605–606. We made our determination of likeness under the "functional equivalency" test established by the courts [104] and emphasized that the commenters had not disputed that essentially identical communications functions were performed for both the MTS and WATS customer. *Id.* Moreover, we noted that the WATS traffic and usage patterns were irrelevant to the determination of likeness since the patterns could be created or altered simply by changing the rate structure and rate levels of the service. *Id.* at 607. In addition, we observed that traffic patterns could also be changed by the customer's decision to save money by means of "queuing"—*i.e.*, waiting to use a temporarily busy OutWATS line rather than using MTS. *Id.* We further stated that other features of WATS, such as the one-way access line to OutWATS, the screening and blocking and automated message accounting equipment designed to recognize or meter WATS calls, and the lack of per-message billing under Outward and Inward WATS, were insufficient to distinguish WATS from MTS for purposes of Section 202(a). *Id.* at 608–609. Having concluded that WATS and MTS were like communication service, we ordered AT&T to justify any rate discriminations it sought to retain on the basis of costs or other considerations, or to eliminate the discriminations. *Id.* at 613–615. Thus, we required AT&T to submit "a documented showing of cost differences (itemized and quantified, as well as logically related to any rate differentials filed) to justify any differences in rates or service features between, or among, various user classes of the public switched networks." [105] As part of its economic cost support material in this filing, AT&T has included one volume (3–10) in purported compliance with this requirement.[106]

116. We find the data submitted to be incomplete. Specifically, AT&T has failed to provide sufficient information for us to determine whether the per-minute cost differences it attempts to demonstrate between MTS and WATS are accurately reflected in the rate differences between MTS and WATS. The difficulty of this task is compounded by the fact that the differences in the ratemaking techniques and rate structures used in the WATS and MTS rate classifications seriously hamper comparisons between the two categories. The most pronounced dissimilarities which have either been pointed by petitioners out or discerned by us are described as follows:

(1) WATS ratemaking uses the concept of service areas or bands; the "like" or comparable MTS rate classification uses rates based on point-to-point usage.

(2) The proposed WATS tariff utilizes volume discounts; MTS does not.

(3) MTS incorporates explicit time-of-day discounts; WATS does not.

(4) WATS ratemaking utilizes the density of telephones as one factor in determining the size of a given "service

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[102] *See, e.g.* Ad Hoc, ARINC/ATA, Firestone, and MCI.

[103] The Commission explained in its Docket No. 21402 decision that the term "price discrimination" meant selling identical products or services having similar costs to different customers at different prices. The term was not used in the sense of the statutory language of Section 202(a) of the Act. 70 FCC 2d at 605 n. 16.

[104] *See, e.g.*, American Trucking Association, Inc. v. FCC, 377 F. 2d 121 (D.C. Cir.), *cert. denied* 386 U.S. 943 (1967).

[105] 70 FCC 2d at 613. We also emphasized this point in our order denying reconsideration of the 1977 WATS Rejection Order. 69 FCC 2d at 1690.

[106] Volume 3–10, entitled "MTS/WATS Cost Comparison", includes a report by two AT&T consultants, Professor Gordon Shillinglaw of Columbia University and the Management Analysis Center, Inc. of Cambridge, Massachusetts which evaluates cost data by service category and compares MTS and WATS costs on a per-minute basis. The volume also includes representative traffic profiles and numerous pages of cost support material and computer printouts.

area;" interstate MTS ratemaking does not utilize the service area concept.

(5) Access line charges are bundled in the per-minute charges for MTS but are would be unbundled for WATS.

(6) MTS utilizes a ratemaking scheme whereby each discrete conversation or message is individually priced whereas WATS does not.

117. These and other ratemaking differences make it exceedingly difficult or impossible to compare the costs and charges for equivalent units of service under MTS and WATS. In addition, these disparities effectively preclude Commission prescription of actual WATS rates in the event AT&T should fail to justify the differentials. If AT&T does not meet its justification burden in the investigation we plan to conduct, it may become necessary to order changes to the WATS rate structure which may for the first time would achieve the service comparability necessary for us to prescribed WATS rates.

118. As stated, although AT&T has supplied material purporting to justify the cost differences between WATS and MTS and WATS on a per-minute basis, it has nevertheless failed to relate the alleged cost differences to the rate differences. *See* 69 FCC 2d at 1690. Lacking this essential information, we have been forced to construct our own rough comparison between MTS rates in order to gauge the size of the rate discount available under the WATS rate classification. This process was a difficult and inexact one at best.[107]

119. The table below shows the discount from the MTS rate, expressed as a percentage of peak or Day Rate MTS rates, that an OutWATS user would receive under the proposed rates at various levels of usage and mileages.[108]

OutWATS Discount From MTS as a Percent of MTS Rates

Mileage	Hours of usage				
	15	40	80	140	220
(1) 71 to 124	24.2	29.4	35.1	41.5	48.1
(2) 197 to 292	26.1	31.2	36.7	43.0	49.4
(3) 293 to 450	27.1	32.1	37.6	43.7	50.1
(4) 431 to 925	25.1	30.2	35.9	42.2	48.7
(5) 926 to 1910	23.2	28.4	34.3	40.7	47.4

120. It thus appears that the proposed OutWATS revisions would offer a discount from peak-period MTS rates of about 25 percent for 15 hours of use, 30 percent for 40 hours of use, 35 percent for 80 hours of use, 40 percent for 140 hours of use and 50 percent for 220 hours of use. Overall discounts of more than 50 percent are possible for very high volume users since all hours above 220 per-line per-month would be billed at rates that are about 75 percent lower than MTS rates for similar calls.

121. The cost data AT&T has provided suggests that the difference in rates for MTS and OutWATS should be, at most, 16 percent of the MTS rate. AT&T's filing indicates that per-minute MTS expenses are $.1667 and the per-minute WATS expenses are $.1404, (*see* AT&T economic cost support material, Vol. 3–10 at 1–2). These figures translate into a difference in per-minute expenses of about 16 percent. AT&T goes on to state that "In the case of investments there was little difference in costs between WATS and the comparable MTS subcategory"—*i.e.* Day Rate MTS or Business DDD. *Id.* at 1–2.

122. The proposed OutWATS rates which so many petitioners allege to be not cost-justified and grossly excessive incorporate substantial discounts vis-a-vis the functionally equivalent MTS rate classification. They also appear to exceed the cost differentials between MTS and WATS which AT&T has quantified in Volume 3–10 of its filing. This discrepancy appears to be most pronounced at the very high levels of WATS usage. SPCC has conducted a rate analysis somewhat similar to ours.[109] Although SPCC has employed a different methodology, the results of its comparison independently support our conclusion that OutWATS users pay substantially lower rates than MTS users for equivalent service.[110]

123. We also question whether the proposed 800 Service rates reflect the cost differences alleged to exist between that rate classification and MTS. AT&T has chosen to compare the expense per-minute of 800 Service with Operator Assisted Station-to-Station Collect MTS calls. AT&T claims that 800 Service expenses are 14.58 cents per minute while Operator Assisted Station-to-Station Collect calls incur expenses of 27.43 cents per minute. *See* Vol. 3–10 at 1–2. Based on this comparison, we might conclude that expenses for 800 Service are almost 50 percent lower than for MTS. However, in deciding whether AT&T has made the proper comparison, we cannot ignore the fact that 800 Service is an automatic reverse billing service while Operator Assisted Station-to-Station Collect MTS calls are not automated.

124. Significantly, a comparison with AT&T's other automatic billing offerings such as regular, direct dial Day Rate MTS leads to a considerably different result. Cost comparisons of 800 Service and Business—*i.e.* Day Rate—MTS (both of which are automatically billed) shows that 800 Service is about 13 percent less expensive than Day Rate MTS. 800 Service expenses are shown as 14.58 cents per minute while Business MTS expenses are shown as 16.67 cents per minute. *See* AT&T economic cost support material, Vol. 3–10 at 1–2. Comparing 800 Service with MTS overall shows that 800 Service expenses are about 2 percent lower than MTS—14.58 cents per minute as compared to 14.83 cents per minute. *Id.* at 4–97.[111]

125. Another interesting comparison reveals that the rates proposed for 800 Service since the rates for InWATS are considerably lower than rates applicable to an MTS option which also features automatic reverse charge

[107] The steps which were necessary and the assumptions which were made in arriving at the rate comparison between MTS and WATS are set forth at Appendix C to our order.

[108] Despite the dissimilarities in rate structures and ratemaking practices a WATS line, like an MTS line, can originate or terminate only one call at a time, and each call must be addressed to a specific telephone station on a point-to-point basis. Moreover, a WATS subscriber can place calls outside the subscriber's service area or areas by using MTS. These calculations also do not include the cost of access lines because there is no theoretically accurate means of spreading the fixed recurring charge of $27.50 per month per access line for OutWATS across varying amounts of usage. Therefore, any method of amortizing this charge is inherently arbitrary, and for this reason we do not include it in our calculations here or in our comparison of InWATS to MTS with Remote Call Forwarding.

[109] *See* SPCC at Appendix A.

[110] SPCC attempted to compare the rates for various WATS bands with a Business DDD MTS weighted average price per minute. This type of analysis is hampered by the fact that the average distance of a call within a particular WATS band depends on the location of the customer since WATS bands are determined relative to a customer's home state. Our analysis compares WATS rate steps with MTS rate steps by aggregating WATS rate steps to cover approximately the same mileage as an MTS rate step. The studies also differ in that SPCC uses 4.0 minutes as the average time of a call while we use 4.5 minutes based on the data AT&T submitted in Volume 3–10 of its Economic Cost Support Material. Moreover, SPCC includes the monthly recurring charge while excluding installation charges, whereas we exclude both of these charges in our analysis. Even with these methodological and computational differences, the price per-hour is very close in both studies. SPCC computes an MTS equivalent price of $19.50 per-hour for Band 1 and $22.05 per-hour for Band 5, while we compute an MTS equivalent price of $19.95 per-hour for MTS calls of 71–124 miles and $25.01 per-hour for MTS calls of 926–1910 miles. *See* SPCC at Appendix A, Exhibit 2.

[111] AT&T asserts that InWATS investment on a cost per minute basis is $.5160 per minute, while Business DDD investment is said to be $.4986 per minute. AT&T Economic Cost Support Material, Vol. 3–10, Exhibit 18 at 4–20, 4–50.

(collect calling) service, Remote Call Forwarding (RCF).[112]

126. RCF allows a call placed to a telephone number in one exchange to be automatically forwarded by telephone company central office equipment to a telephone station designated by the customer in another exchange. For example, a local call to a Washington, D.C. telephone number of an RCF customer could automatically be switched to the customer's terminating station in New York City. The telephone company's charge would be composed of three parts: (1) the relatively minor cost of a local telephone call to the calling party, (2) the MTS charge from Washington, D.C. to New York City (which are the Dial Station-to-Station charges found in AT&T Tariff FCC No. 263) paid by the RCF subscriber in New York City and (3) the monthly recurring and non-recurring charges for RCF from the applicable local tariffs, also paid by the subscriber in New York City. Since the cost of a local telephone call is insignificant, the RCF subscriber pays virtually all of the charges associated with the call. By using the RCF option of MTS, a customer can construct an InWATS equivalent network priced on the basis of MTS rates, in certain areas.

127. However, while 800 Service offers the same service capability is RCF plus greater coverage, its rates are far more attractive to the high volume customer. Illustratively, a subscriber to RCF who wishes calls to be forwarded from Washington, D.C. to New York City will pay an amount for the call equal to the applicable usage charge in the MTS tariff. Since Washington, D.C. and New York City are 205 rate miles apart, that amount would be $.48 for the first minute and $.34 for each additional minute. This charge would be $2.18 for a six-minute call during the Day Rate Period. An InWATS subscriber located in New York City and desiring coverage of the Washington, D.C. area would subscribe to Service Area 1 and pay a rate of $15.11 per hour for the first 15 hours of usage. Since InWATS is billed in one-tenth of an hour (6 minute) increments, the same six minute call to an InWATS subscriber would cost one-tenth of the hourly rate, or $1.51, if the six minute call came during the first fifteen hours of usage. The call could cost as little as $.72 if it came after 240 hours of use had been accumulated on the InWATS line. Hence, the InWATS rates represent a discount of 31 to 67 percent from the rates equivalent to MTS with call forwarding.[113] However, InWATS offers another feature as well. The InWATS Service Area 1 subscriber has the ability to receive calls from Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, eastern Pennsylvania, Rhode Island, and Vermont in addition to calls from Washington, D.C. Clearly the additional coverage could be valuable to a subscriber. An RCF subscriber wishing the same coverage would be required to pay as many monthly recurring and non-recurring charges as there were locations. Even so, the RCF feature is not available in all exchanges.

128. Some petitioners, such as USTS, maintain that AT&T's comparison of WATS to nondiscounted MTS is inappropriate because AT&T should have compared WATS costs to all MTS costs. These comments prove our point that AT&T's use of different pricing techniques and the lack of a reliable common basis for comparison of equivalent units of service pose a difficult regulatory problem. For example, an InWATS call, as noted above, comprehends volume discounted, automatic collect calling priced on a service area basis; it is available on a nationwide basis. Remote Call Forwarding (RCF), on the other hand, is only selectively available with MTS—*i.e.*, is not available on a natonwide basis, and is priced on a point-to-point basis. As a result of these differences in pricing structures, we have no common functional reference points upon which to make meaningful cost comparisons; only rough estimates are possible.

129. Assuming, for the moment, that AT&T's cost comparisons are accurate, we are troubled that AT&T has made no effort to relate these alleged cost differences to rational rate differences. In response to SPCC's analysis of WATS and MTS rates, AT&T maintains only that such contentions "overlook the fundamental objective underlying 'like services' determination: to bring the rates of the like services in line with their costs."[114] It seems, therefore, that the second stage of our investigation should focus on the existence of undue or unreasonable discrimination between MTS and WATS users.

G. Other Considerations

130. Large volume WATS users argue in their petitions that when evaluating the WATS proposal the Commission may not ignore its public interest obligations. In this regard, petitioners contend that the Commission must consider certain non-cost factors relating to the impact of the proposed rate increases upon users, each of which warrants suspension and investigation, and when taken in the aggregate, require the Commission to reject the filing.

131. The Commission is aware that in determining the lawfulness of tariff revisions not only must it examine issues which relate to costing and possible cross-subsidization between services, but that the practical effects of carrier actions both upon customers and the public interest generally are also valid considerations.[115] It is nevertheless clear, contrary to what appears to be the petitioners' perception, that the sheer size of a rate increase does not create a presumption of unlawfulness.[116] Moreover, to the extent that the proposed WATS tariff is more usage sensitive than the existing tariff, it is likely that the rate increases of which large volumes users complain represent the reduction of non cost-based discounts.[117] Those users of WATS who have benefited from unjustified discounts cannot expect to remain immune from rate increases resulting from a generally more cost-based rate structure.[118] While rejection of the proposed tariff revisions is not warranted on these grounds, some discussion of arguments relating to customer impact is in order.

132. We recognize that many businesses have grown dependent upon WATS as a tool for internal management and a means to tap the flow of relevant market information. In this regard, we note that petitioners

[112] RCF is similar to Foreign Exchange service available in FCC Tariff No. 260, except that it is a one way service—the customer may receive calls from a foreign exchange but cannot originate calls in the foreign exchange as if they were local calls.

[113] Here again, access line charges are not included in our calculations for the same reason they were not included in or MTS/OutWATS comparison. We also recognize that the effective discount is lowered somewhat by the proposed group average billing and two access line minimum for InWATS. However, the discount is still sustantial.

[114] AT&T Reply at 75. AT&T contends that resale and sharing of WATS will also contribute to the goal of cost-based rates. Many parties, however, point out that elimination of resale restrictions tends to inhibit pricing practices only in very broad terms. *See, e.g.*, SBS at 26.

[115] *See, e.g.*, Like Services, 70 FCC 2d at 613; American Telephone and Telegraph Company, 65 FCC 2d 295, 302 (1977).

[116] *See, e.g.*, The Western Union Telegraph Company, Docket No. 78-99, 76 FCC 2d 372, 381 (1980); American Telephone and Telegraph Company, 69 FCC 2d 724, 735 (1978).

[117] One indication that AT&T may currently be providing WATS at rates which are not fully cost-based, especially to very heavy users, is its statement that in a resale environment it would lose more than a billion dollars if it were unable to align WATS rates for large volume users more precisely with costs. AT&T's Comments at 26 in Docket No. 80-54, filed May 9, 1980. Moreover, we believe that even the revised tariff would continue to provide to large volume WATS users significant discounts below the functionally equivalent MTS service. *See* discussion *supra*, at paras. 117 to 132.

[118] Docket No. 80-54, FCC 80-607 at para. 18.

from a wide variety of industries maintain that they have predicated major business decisions and strategies upon the assumption that a low-cost integrated national communications network will be available. Petitioners contend that the rate increases proposed would not only contribute to the problems of inflation which they already face, but would be inconsistent with inflation-curbing guidelines of the Council on Wage and Price Stability (COWPS).[119] Emphasizing that no alternatives to WATS exist, petitioners also argue that these rate increase will require employee lay-offs and in some instances termination of business altogether.

133. The impact upon customers of the proposed rate increases may be mitigated by several factors. For example, speculation about the impact of rate increases could prove to be exaggerated in the event AT&T incorporates a time-of-day feature into its WATS rate schedule at the end of the suspension period. Large volume WATS users could take advantage of such a rate structure by shifting traffic to off-peak periods, thereby adjusting usage patterns to minimize their communications bills. Moreover, the introduction of resale will create the opportunity for large volume users of WATS primarily during peak hours to earn new revenues by reselling off-peak capacity. Beyond this, we expect that large users will find other ways to adjust their usage patterns so as to better absorb WATS rate increases.

134. Petitioners further argue that the tariff proposal's 90-day notice period is insufficient time to prepare for the serious economic dislocations which the increased rates will cause.[120] The five month suspension period will provide additional time for large volume WATS customers to take whatever measures may be necessary to lessen the impact of rate increases on their business operations. We note further that, as a practical matter, WATS customers have been on notice of AT&T's intention to propose WATS revisions, involving rate increases for a considerahble period of time. For example, on March 1, 1979 AT&T submitted to the Commission a WATS Study Proposal in which the carrier discussed its plan to file such increases. Later, on August 2, 1979, AT&T stated in its reply comments in Docket No. 80–54 that it intended to file a tapered schedule in the event the Commission ordered resale of WATS. Finally, we note that on August 28, 1980 the New York Times printed a CCTU advertisement describing the revisions that AT&T was soon to file.

135. Regarding petitioners' claim that the WATS proposal would have an inflationary effect on the economy as a whole, we emphasize that the Commission is without authority to enforce the COWPS guidelines. Nevertheless, it is probable that a review of this contention by the Council would result in a finding that the proposed revisions are not inflationary. It is our understanding that the Council's price guidelines make reference to the impact which price increases will have on the producer of a good, not on the purchaser. In this regard, AT&T firmly maintains that the restructured WATS tariff will not cause the company's overall revenues to increase significantly. AT&T transmittal letter at 2.

136. As a final matter, it is important to place in perspective the argument that businesses who cannot withstand the anticipated rate increases will be precluded from obtaining their needed communication services because no alternatives to WATS exist. The Commission has found that users perceive MTS and WATS as essentially the same service. *Like Services*, 70 FCC 2d 593.[121] Thus, petitioners who complain that staggering rate increases will leave them with no substitutes for a service which has become central to their business operations have grown to depend more precisely upon discounts not presently available to MTS users.

H. The Investigation

137. *Suspension Period.* In initiating this investigation, we have determined for serveal reasons that a suspension for the full five month period allowed by statute is necessary. Initially, we believe that suspension for the full statutory period is warranted because of the potential impact of these rates on many users. As discussed above, large volume users face greatly increased charges.[122] In many instances, these firms may be quite small even though they use WATS extensively. *See, e.g.*, petition of AmTel. The impact of the rate increases on such firms is pronounced: in fact, several have expressly mentioned the possibility that they might have to terminate operation. *See, e.g.*, Commander at 7; AmTel at 8. Thus, we believe it would impose an unnecesary and unwarranted hardship if we permitted the proposed revisions to become effective without also providing for the rate structure changes which could permit large volume users to partially mitigate the effect of the increases.

138. The first structural change which would permit large volume users to mitigate the higher rates is time-of-day sensitive pricing. In cases where large column WATS customers is already off-peak (*see* petition of AmTel), time-of-day sensitive pricing may lessen theimpact of the increase. all large users, to the extent they can shift usage to Off-peak times, should benefit from this change.

139. The second structural alteration is the removal of existing resale restrictions in the WATS tariff. This will allow large volume users to maximize their discounts by reselling any excess capacity they may not be able to use. Thus, a WATS customer who uses that service primarily during off-peak periods could resell its peak capacity to other users during peak hours, and both parties could benefit from the lower marginal rate resulting from higher usage per line.

140. Both structural changes should be in effect at the end of the five-month suspension period. Tariff restrictions against resale of WATS, according to the present schedule, will be filed within sixty days of Decmeber 18, 1980, the release date of our Decision in Docket No. 80–54. (*But see* n. 1, *supra*) The Investigation leading to time-of-day sensitive pricing, which requires notice and comment procedures, cannot be concluded in much less than five months. We, therefore, shall exercise our suspension power to prevent the proposed revisions from taking effect before we have in place two important structural devices which, in turn, will allow large volume customers to make adjustments in their usage, at least partially mitigating the effects of the increase.

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[119] *See, e.g.*, Home Transportation at 3; Dateline at 2.

[120] We point out in this regard that AT&T also notified customers individually by letter when it filed its tariff proposal with the Commission, as required by section 61.58 of the Commission's Rules. 47 C.F.R. § 61.58. We are aware of some claims that the Section 61.58 notice was inadequate because AT&T sales representatives were unable to explain how the revised schedule would affect certain customers' rates. The Chief, Common Carrier Bureau has received, pursuant to this request, information from AT&T regarding the procedures it utilized to comply with Section 61.58. We are satisifed at this time that AT&T reasonably met its Section 61.58 responsibilities. *See* letter to Philip Verveer, Chief, Common Carrier Bureau from William R. Stump, Assistant Vice President, AT&T Long Lines, December 4, 1980.

[121] Petitioners who have described their use of call routing equipment which prioritizes routing among FBD, MT and MTS in order to mimimize the communication bill implicitly confirm this finding. *See, e.g.*, Commander at 4.

[122] *See, e.g.*, petitions of NDC, Dateline, Home Transporation Co., Avis Rent-a-Car, Liqui-Box, AmTel, CCTU, ARINC, AMS, Midwestern Distribution, HoJo, Warren transport.

141. Our second major reason for suspending for the full five months is to avoid unnecessary market disruption. We are aware of the difficulty of planning telecommunications expenditures in a market where the rates and rate structure of a major business service, WATS, are in flux. This confusion is compounded where, as here, competitive services such as Sprint and Execunet are also affected by changes in WATS rates. In short, both competitive offerings and customers are impacted by unnecessary WATS rate churn. Further, the likely implementation of a time-of-day rate structure would require carrier, customers, and competitors to adjust to two major rate structure changes over a six-month period, were we to allow the present filing to become effective immediately. We shall make every effort to either approve a time-of-day, peak load filing proposed by AT&T or prescribe such a rate structure ourselves within the statutory period.

142. *Basis for Investigation.* There are several reasons why time-of-day pricing for OutWATS and 800 Service is particularly ripe for investigation at this time. First, network efficiency has been a concern of this Commission since the inception of the service, and as we have stated, time-of-day pricing is clearly the most direct way to encourage efficent use of the network.[123] More efficient use of the network benefits all customers, since less plant is required to provide the same grade of service. Further, large volume WATS users facing rate increases may be able to avoid these increases to some extent by shifting usage to off-peak periods if the incentive of lower rates is available. Indeed, we expect that all users would benefit from the increased flexibility and opportunity to reduce costs which time-of-day pricing will introduce. In fact, the carrier itself may realize increased profits as a result of stimulated demand. *See* Docket No. 19129, 64 FCC 2d at 467.

143. Second, we have found WATS and MTS to be like services and highly cross-elastic. However, we have been given no convincing reasons why time-of-day pricing should be successful in the case of MTS, yet not even attempted in the WATs market.[124] In the case of MTS, it is clear that the initiation of off-peak rates coincided with an acceleration in the rate of growth of numbers of messages. *See American Telephone and Telegraph Co.*, Docket Nos. 16258 and 15011, 9 FCC 2d 3, 112 (1967). It is also clear from Volume 3–11 of the cost justification submitted by AT&T with the present filing that interstate MTS use in the vast majority of network clusters coincides with the offering of offpeak rates. *See also* 64 FCC 2d at 459. Thus, the MTS experience clearly demonstrates the effectiveness of time-of-day pricing for domestic public switched telephone network services.[125]

144. Further, inspection of the data provided by AT&T in its Economic Cost Support Material, Vol. 3-11, indicates that both OutWATS and InWATS contribute to the peak in many network clusters, especially in metropolitan areas. *See* n. 36, *supra.* Thus, data provided by AT&T in this filing justifies our concern that WATS may contribute substantially to inefficient network utilization and overbuilding, although we are unable to quantify the effect at this time.

145. Accordingly, it is our preliminary conclusion that time-of-day pricing for OutWATS and INWATS would have beneficial effects on both network utilization and on future construction requirements. Further, we expect that users would benefit from the increased flexibility and opportunity to reduce costs which time-of-day pricing will surely introduce. Finally, up to this time AT&T has not shown any substantial detrimental effect flowing fromt he introduction of time-of-day pricing. Given this background, we now turn to the specific issues we set for investigation.

146. *Issues to be Investigated.* The initial issue for investigation is the lawfulness of AT&T's failure to incorporate any time-of-day pricing structure in its OutWATS and InWATS tariff. We particularly solicit comment in two areas.

147. First, given the history of Commission concern with network efficiency, usage peaks, and WATS, as well as our 1977 WATS Rejection Order and the record developed in Docket No. 79–154; we ask whether AT&T's failure to develop a satisfactory peak/off-peak time-of-day sensitive rate structure in its WATS tariff is unreasonable under Section 201 (b) of the Act.[126]

148. Second, we have referred to the *Like Services* decision throughout this order. We there determined that MTS and WATS were "like communications service" within the meaning of Section 202(a) of the Communications Act, 47 U.S.C. 202(a), which makes unlawful any unjust or unreasonable discrimination. In light of this finding, we seek comment on whether AT&T's failure to employ a time-of-day sensitive WATS tariff structure, at the same time as it offers such a structure to MTS customers, is a violation of Section 202(a). In other words, is this failure an unreasonable discrimination against WATS users?[127]

149. In the event these issues are resolved against AT&T, we wish to be in a position to prescribe a reasonable interim time-of-day rate structure before the five month suspension period ends. Therefore, as a third issue we shall turn to the task of determining what would constitute a just, fair and reasonable time-of-day precription under Section 205(a) of the Communications Act, 47 U.S.C. 205(a).

150. There are several possible time-of-day pricing structures which, at this preliminary point, would seem to be viable. One obvious possibility is the structuring of a time-of-day sensitive tariff along the lines of the virtually institutionalized time-of-day MTS rate structure, which has been in place for a number of years.

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[123] We are speaking here of economic efficiency, or the concept that customers should pay the full marginal costs of their use of the network. It is our belief that economic efficiency, in this case, will result in less peak period use of the network as well as the other benefits we have discussed.

[124] AT&T's argument that WATS is basically a business service and thus not responsive to time-of-day pricing is unsupported by any reasoned analysis. While WATS may be primarily a business service at this point, many businesses currently may and certainly could use the service during off-peak times. *See* Petition of American Marketing at 1: "American Marketing Services, Inc., (AMS) representing an informal association of small businesses engaged in substantial offpeak telecommunications use * * *." Further, as resale activities break down the artificial market segmentation between MTS and WATS, the new users may have different demand characteristics. Finally, assuming *arguendo*, that WATS is unresponsive to time-of-day pricing, the introduction of such a structure will not disrupt the service at all, but will allow those users who can shift to do so profitably. Based on the comments here and in Docket No. 79–154, however, we believe that WATS would be more sensitive to time-of-day pricing than AT&T has aknowledged.

[125] The major independent services competing with MTS and WATS at this time, Sprint and Execunet, also offer time-of-day sensitive pricing. This is notable since, unlike AT&T, these carriers realize no advantage, and in fact only raise their costs, if they are forced to build or lease unnecessary plant. Thus, they are under strong market pressure to minimize costs and maximize the efficiency of the usage of their network. Time-of-day sensitive pricing is clearly one mechanism they use to accomplish this goal.

[126] AT&T has made contentions concerning the feasibility of time-of-day pricing for 800 Service and the impact of resale on time-of-day pricing for WATS. To the extent possible we would like comment on the validity of these contentions; although we recognize that this may be difficult given the unsupported nature of the arguments. *See* our discussion *infra.*

[127] The burden or proof on the lawfulness of AT&T's failure to develop a time-of-day sensitive WATS rate structure will rest with the carrier and, inferentially, on other parties seeking to retain a non time-of-day sensitive tariff structure. *See* FCC 80-607 at 5, 6. We believe the petitions in this case, combined with the record established in Docket No. 79–154 and the 1979 WATS Rejection order, clearly justify this course. *See* TNT Tariff Agents, Inc, v. ICC, 525 F. 2d 1089 (2d Cir. 1975).

151. Thus, we tentatively consider prescribing a modified MTS tariff structure for WATS. According to this structure, WATS service from 8 AM to 5 PM would be billed at full rates, with usage at other time periods discounted to reflect the lower cost of providing service off-peak. Initially, we would overlay this structure on the proposed tapered OutWATS and InWATS tariffs before us, while permitting AT&T to make any necessary rate level adjustments in order to recover its revenue requirement for WATS. However, because the effects of time-of-day pricing are unknown, we would begin by prescribing only half the current percentage discounts available in the MTS tariff. The proposed time-of-day discounts would therefore be:

Time-of-Day WATS Rates [129]

[Percent]

Monday through Friday	Saturday	Sunday
8 am to 5 pm—full rate	30	30
5 pm to 11 pm—17.5% discount	30	17.5
11 pm to 8 am—30% discount	30	30

[129] See AT&T's Long Distance Message Telecommunications Service Tariff FCC No. 263, Sec. 3.1 (C) (7)(b).

152. In its comments in Docket No. 79–154, AT&T stated that a time-of-day rate structure could be implemented by using rate adjustments, either surcharges or discounts, to a tapered rate. See AT&T Proposals for WATS Studies and Analyses, Docket No. 79–154, at 2–18, 2–19. These surcharges or discounts would be based on the customer's time-of-day usage as compared to the average of all usage in the same hours-of-use category for that month. The advantages of this system as opposed to an MTS-like schedule are not clear. Our objective in establishing a time-of-day sensitive rate structure is to move all possible traffic to off-peak hours, to an extent consistent with economic efficiency. It would seem that a relatively simple structure would accomplish this more directly, would be cheaper to administer and bill, and would not subject customers to the obvious uncertainty that AT&T's proposal in Docket No. 79–154 would. This latter point is especially important because if WATS is mainly a business offering, customers need to be able to foresee with some accuracy their telecommunications expenses. Nonetheless, parties may comment on this suggested rate structure.

153. We also invite proposals for time-of-day sensitive WATS rate schedules from other parties. Such proposals, however, should include an evaluation of their effectiveness in achieving our goals of network efficiency. Additionally, reasons for preferring the proposal to the one we have discussed should be provided.[129]

154. AT&T, of course is also free to present new proposals. If it should propose a time-of-day peak load WATS price structure which appears just, fair and reasonable, we would consider accepting that proposal as an alternative to the prescription of such a rate structure, and allow the carrier to file tariff revisions incorporating the necessary changes. If the filing is structurally similar to the one presently before us, we may accord it expedited consideration. We feel this would be fair to all parties since they have already had an opportuinity to comment on the structure of the proposed tariff, and will have further opportunity to comment during the investigation we are commencing. Thus, if AT&T proposes a time-of-day rate structure which may be integrated with the current proposal, extensive new comments would be redundant.

155. This brings us to InWATS. We are aware of AT&T's argument that time-of-day pricing for InWATS is impossible at this time. AT&T states that:

> [i]t is necessary for billing purposes under a peak/off-peak structure to record and process time-of-day data for each message individually. This would normally be done using Automatic Message Accounting (AMA) equipment. For Outward WATS it would be possible to implement the necessary billing procedures within the time frame contemplated in Section 5 herein. For Inward WATS (now 800 Service) this is not the case as the usage on many Inward WATS access lines is measured in Electromechanical Central Offices using elasped time meters and call registers. The capability to economically implement a peak/off-peak usage rate schedule for Inward WATS will not be available until the early 1990's * * *. AT&T proposals for WATS studies and Analyses, Docket 79–154, at 2–19, 2–20.

156. Because AT&T has not provided us with adequate information to evaluate the relative costs of monitoring InWATS and weigh them against the benefits we might reasonably hope to obtain, we will require AT&T to provide a much more detailed explanation of the technological barriers it perceives to the implementation of time-of-day pricing for InWATS. We therefore instruct AT&T to explore and report its conclusions on alternative methods of performing the billing function under a time-of-day sensitive InWATs tariff. For example, it is possible that AT&T could determine InWATS usage simply through a manual reading of central office equipment at the end of each rate period.[130] Perhaps some form of sampling technique could be employed in order to reduce the workload attendant upon such a method. While it is not our intent to impose unnecessary billing costs on AT&T—and, thereby, on the consumer—the arguments raised by the carrier thus far do not convince us that time-of-day pricing for InWATS is economically infeasible.[131]

157. InWATS could utilize a time-of-day, peak load price structure even though callers are not charged for their calls and therefore are indifferent as to the time use occurs. Under a time-of-day sensitive tariff, callers would have no incentive to call the subscriber's "800" number during off-peak periods, unless the subscriber actively encouraged such behavior. A time-of-day, peak load price structure would, however, prompt the InWATS subscriber to influence the calling pattern of others. Clearly, if InWATS were time-of-day sensitive, the subscribers could save money by shifting incoming calls to off-peak periods. We have every reason to believe that subscribed could achieve the desired effect fairly easily by use of appropriate advertising techniques. This type of shift, especially when combined with the resale and sharing of excess capacity, would in our view promote efficient utilization of the network.

158. Additionally, it seems appropriate to place the responsibility to avoid peak period use of InWATS on the subscriber. In other words, the discount would be applied to calls on the basis of the time they are received at the subscriber's location. Since InWATS calls are presently metered at the subscriber's, and not the caller's location, this should simplify whatever nonitoring process is required to institute time-of-day pricing for InWATS.

159. We encourage comments from other parties, as well as AT&T, as to the

[129] We emphasize that proposals should only deal with the question of a reasonable time-of-day rate structure element. We do not intend to prescribe actual rates, merely the use of a time-of-day structure and percentage discounts applicable to certain time periods.

[130] If this is feasible, it may be more efficient to simply have a two-tier time-of-day rate structure for InWATS. For example, there could be one rate for the 8 am to 5 pm time period, and one discounted rate for all other times.

[131] InWATS, although it generates lower revenues than OutWATS or MTS, can have a substantial effect on network cluster peaks, especially in the Midwest. Thus, one of Denver's network cluster peaks is driven by 800 Service (29.4 percent of busy hour peak), as is Omaha's (29.1 percent of busy hour peak.) In both cases, the MTS peak alone is between 9 and 10 p.m. while the network cluster peak (MTS, WATS, and local), partially driven by InWATS, is 11 am to noon. *See* Cost Support Material, Vol. 3–11, Book 1 at 2–371, 2–372; Book 4 at 2–1, 627, 2–1, 628. Thus, encouraging off-peak use of this service could result in efficiency gains in at least some instances.

feasibility and cost of establishing a time-of-day sensitive rate structure for InWATS. While we seek more information on the technical feasibility and cost effectivieness of this proposed course of action, our tentative conclusion is that time-of-day pricing can be implemented for InWATS as well as for OutWATS without imposing undue costs upon the carrier.

160. Finally, we hope to complete this investigation promptly. To this end, we are fashioning a relatively expeditious schedule for comments and reply comments to which we shall strictly adhere. We believe this approach is reasonable because of the extensive record which has already been developed concerning peak/off-peak pricing in general and with regard to OutWATS and InWATS. Thus, the parties need not treat the fundamental arguments involved in great detail, and instead may concentrate their efforts on the more specific questions we have raised herein.[132]

Conclusion

161. We have determined that a serious shortcoming of AT&T's tariff proposal is its failure to incorporate a rate structure that more directly minimizes peak usage of the public switched network. We have therefore decided to suspend the effectiveness of the instant revisions for the maximum statutory period of five months. During that time, we will conduct an investigation looking towards implementation of a time-of-day sensitive WATS tariff. Other issues of lawfulness will be taken up once we have made progress in this fundamental area.

[132]Consistent with our intent to obtain a time-of-day sensitive tariff as rapidly as possible either by acceptance of an AT&T proposal or by prescription, we expect AT&T to begin any preparations which are necessary to implement a time-of-day rate structure for both OutWATS and InWATS. This could variously include analysis of historical network traffic distribution patterns, review of the impact of initial off-peak pricing changes of MTS in the mid-1960's, preliminary estimates of tariff and accounting changes which would be required, and a careful examination of alternative ways of implementing a time-of-day, peak load price structure vis-a-vis any billing changes which would be required, especially with respect to the reading of an InWATS meter.

Ordering Clauses

162. Accordingly, IT IS ORDERED That, pursuant to the provisions of Sections 4(i), 4(j), 201–205 and 403 of the Communications Act, 47 U.S.C. 154(i), (j), 201–205 and 403, an investigation is instituted into the lawfulness of the proposed revisions to American Telephone and Telegraph Company's Wide Area Telecommunications Service (WATS) Tariff F.C.C. No. 259 at issue here.

163. It is further ordered That AT&T, and other interested parties, shall file comments on the matters set for investigation in this Memorandum Opinion and Order on or before February 13, 1981. Reply comments shall be filed on or before March 6, 1980. An original and five copies of all pleadings shall be filed with the Commission. Parties are on notice that these comments may form the basis for further Commission action under Section 205, 47 U.S.C. 205.

164. It is further ordered That, pursuant to Section 204(a) of the Communications Act, 47 U.S.C. 204(a), the subject tariff revisions are suspended for five months, until June 1, 1981. (*See* para. 144, *supra*).

165. It is further ordered That, in the event the proposed tariff revisions become effective before termination of this investigation, the American Telephone and Telegraph Company shall, until further order of the Commission, keep accurate account of all amounts received by reason of such revisions.

166. It is further ordered That the petitions for rejection or suspension and investigation Are Granted to the extent indicated above, and are otherwise Denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—In an effort to reduce printing costs, Appendix A, "Contentions of Petitioners", and Appendix B, "AT&T's Reply to Contentions", have been omitted. However, they may be inspected on file in the Dockets Branch, Room 239, 1919 M St., NW Washington, D.C. 20554.

Appendix C

MTS/WATS Rate Comparison

1. While AT&T has not presented a rate comparison between MTS and WATS for different amounts of usage, such a comparison can be made with difficulty if certain assumptions regarding rate steps and rates are made. The MTS schedule for mainland service (AT&T Tariff FCC No. 263, 17th revised page 26) has sixteen rate steps while the proposed WATS schedule has eighteen different rate steps, thereby necessitating the matching of distances to allow comparison of rates between the services. For purposes of our MTS-OutWATS rate comparison, we will use:

(1) The 71–124 mile MTS rate zone and the 0–150 mile WATS rate step. This particular MTS rate zone was chosen because it contains the midpoint of the 0–150 mile WATS rate step. We have likewise attempted to match MTS rate zones with WATS rate steps in the higher mileage categories.

(2) The 197–292 mile MTS rate zone and the 201–300 mile WATS rate steps;

(3) The 293–430 mile MTS rate zone and the 301–500 mile WATS rate steps;

(4) The 431–925 mile MTS rate zone and the 401–900 mile WATS rate steps; and

(5) The 926–1910 mile MTS rate zone and the 901–2400 mile WATS rate steps.

2. Since many of the WATS rate steps must be aggregated to be somewhat comparable to MTS rate zones, the rates for WATS bands must be aggregated as well. The OutWATS rates we have chosen for our rate comparison are the average rates of the aggregated WATS rate steps. These rates are shown in Table 1 below.

Table 1.—*Average WATS Rates for Selected MTS Mileage Bands*

[Hourly "Average" WATS Rates][1][2]

MTS mileage	First 15	Next 25	Next 40	Next 60	Next 80
(1) 71–124	$15.13	$13.46	$11.79	$9.98	$8.03
(2) 197–292	16.42	14.62	12.82	10.83	8.73
(3) 293–430	17.07	15.20	13.32	11.26	9.08
(4) 431–925	17.83	15.88	13.92	11.77	9.48
(5) 926–1910	19.22	17.10	14.99	12.68	10.22

[1] When more than two WATS rate steps are aggregated to be equivalent to an MTS mile zone, the rates of the first and last WATS rate steps are averaged to produce the rate used in this table.

[2] No access line charges or non-recurring charges are included in calculating these figures.

3. The MTS rates are expressed as an initial one minute rate and an additional minute rate for station to station direct dialed MTS calls, while the WATS rates are expressed as a rate per hour. To compare MTS and WATS rates for comparable amounts of usage, the MTS rates can be expressed as a rate per hour by using information AT&T supplied showing that an average Business DDD—i.e. Day Rate MTS—call lasts 4.5 minutes.[3][4] An average hour would have 13 initial 1 minute rates and 47 additional minute rates. The hourly MTS rates are shown in Table 2 below.

Table 2

MTS rate step	first minute	add'l minute (A)	hour = 13(A)+(B) 47(B)
(1) 71-124	$.45	$.30	$19.95
(2) 197-292	.48	.34	22.22
(3) 293-430	.50	.36	23.42
(4) 431-925	.53	.36	23.81
(5) 926-1910	.55	.38	25.01

4. The MTS and WATS comparison involves computing the rates for MTS and WATS at different levels of usage. Since the MTS rate structure is not tapered, the MTS rate for any level of usage is the rate for the applicable distance times the number of hours of usage. The WATS rates cannot be so simply computed, however, because the rate is not constant for all levels of usage. Therefore, the applicable WATS rate is computed in pieces, each piece representing the applicable portion of the taper segment. For example, 60 hours of usage would be priced as 15 times the hourly rate for the first 15 hours of use plus 25 times the hourly rate for the next 25 hours of use plus 20 times the hourly rate for the next 40 hours of use. Table 3, below, shows what the charges would be, using the rates in Tables 1 and 2 above, for different levels of usage at different mileages.

Table 3.—*WATS/MTS Rate Comparison (Dollars)*

Mileage	Usage in Hours				
	15 hours	40 hours	80 hours	140 hours	220 hours
(1) 71-124	$226.95/299.25	$563.45/798.00	$1035.05/1596.00	$1633.85/2793.00	$2276.25/4389.00
(2) 197-292	246.30/333.30	611.80/888.80	1124.69/1777.60	1774.40/3110.80	2472.80/4888.40
(3) 293-430	256.05/351.30	636.05/936.80	1168.85/1873.80	1844.45/3278.80	2570.85/5152.40
(4) 431-925	267.45/357.15	664.45/952.40	1221.25/1904.80	1927.45/3333.40	2685.85/5238.20
(5) 926-1910	288.30/375.15	716.50/1000.40	1315.40/2090.80	2076.20/3501.40	2893.50/5502.20

5. Table 4 shows the WATS usage charges for different levels of use and distances compared to a dollar of MTS charges for an equivalent level of use and distance.

Table 4.—*WATS Rates as a Percentage of MTS Rates*

Mileage	Usage in hours				
	15	40	80	140	220
(1) 71-124	.758	.706	.649	.585	.519
(2) 197-292	.739	.688	.633	.570	.506
(3) 293-430	.729	.679	.624	.563	.499
(4) 431-925	.749	.696	.641	.578	.513
(5) 926-1910	.768	.716	.657	.593	.526

Statement of Commissioner Joseph R. Fogarty (Concurring in Part)

In Re: American Telephone and Telegraph Company—Revision to Tariff FCC No. 259, Wide Area Telecommunications Service (WATS)

I concur in this decision to suspend the WATS tariff for five months and to initiate an investigation which will focus on the establishment of a time-of-day sensitive rate structure for WATS. I believe that it is imperative in this age of rampant inflation that the Commission ensure that carriers' tariff rates reflect the most efficient pricing of their services. The concept of a time-of-day sensitive rate structure of WATS hopefully will be a step in the right direction based on the assumption that the public interest is not served by over-built capacity designed to meet WATS-driven usage peaks. It is therefore sound and proper for the Commission to suspend and investigate this tariff filing over a five-month period.

Looking ahead, I believe that the public interest would be ultimately better served by and eithteen month deferral of the effective date of any new WATS tariff. I am concerned that the immediate impact of a new WATS tariff will be devastating if it is permitted to become effective at the end of a short five-month period. I do not believe it is sufficient to argue that only "big users" will be affected. The major users, such as the Department of Defense and the airlines, will be forced to pass these vastly increased costs onto the American public as either taxpayers or customers. The ripple effects are certain to range far and wide.

In order to mitigate the harshness of this result, I recommend that the new tariff, including any time-of-day sensitive rate structure prescription, be phased-in over an eighteen-month period in a minimum of three stages. This will allow users more time to assess and determine their alternatives in order to reduce the impact of the new rates. I recognize that this may mean that the resale of MTS–WATS would have to be delayed at least through the first stage; however, I believe that the costs of such a delay would be more than offset by the benefits to be gained from deferring the effective date of the new tariff.

During the five-month suspension period, I will be working toward the development of a "phase-in" proposal for the Commission to consider at the same time that it considers the prescription of a time-of-day sensitive WATS rate structure. I would hope that all interested parties will address this alternative in their comments

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[3] We are aware that a 4.5 minute call would be billed as a five minute call under the current MTS tariff. An "average" hour would therefore be twelve five minute calls, or twelve initial 1 minute rates and 48 additional minute rates. This difference does not affect the conclusion of our analysis.

[4] AT&T compares OutWATS to Business DDD. *See* AT&T Economic Cost Support Material, Vol. 3-10 at 2-10. We will accept this comparison of services for purposes of comparing rates.

[PR Docket Nos. 81-3 and 81-4]

Joseph E. Fitzpatrick; Citizens Band Radio Service and Novice Class Amateur Operator and Station License

In the Matter of Joseph E. Fitzpatrick, 320 Vassar Ave., Stratford, New Jersey 08084, Licensee of Station KAAT-8761 in the Citizens Band Radio Service (PR Docket No. 81-3); Application of Joseph E. Fitzpatrick, 320 Vassar Ave., Stratford, New Jersey 08084, For Novice Class Amateur Operator and Station Licenses (PR Docket No. 81-4). Designation Order and Order to Show Cause; Designating Applications for Consolidated Hearing on Stated Issues.

Adopted: January 15, 1981.

Released: January 23, 1981.

The Chief, Private Radio Bureau, has under consideration the Citizens Band radio station (KAAT-8761) license of Joseph E. Fitzpatrick granted on July 26, 1976, for a five year term. Also under consideration is Fitzpatrick's application for Novice Class Amateur Operator and station licenses dated March 15, 1980.

1. On December 6, 1979 Commission personnel received a complaint alleging that Fitzpatrick's CB radio was causing interference to other CB radio operations.

2. Information before the Commission indicates that on January 15, 1980, Fitzpatrick made radio transmissions on the frequency 27.500 MHz. That frequency is assigned for use of Industrial Service Radio stations. Fitzpatrick does not possess a license

authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if the operation of January 15, 1980, was under the color of authority of Fitzpatrick's CB station license KAAT–8761, the operation was in violation of the following CB Rules: 17(a) (operation on unauthorized frequency: 27.500 MHz, assigned for use of Industrial Service Radio stations), 18(a)(2)(overheight antenna), 19(a)(non-type accepted transmitter), and/or 30(a)(no station identification).[1]

3. Commission personnel on January 15, 1980, attempted to inspect licensee's station. The licensee refused to allow inspection of his station in apparent violation of CB Rule 43.[2]

4. Commission personnel have received additional complaints stating that licensee was still causing interference to other CB radio operations, in January and June 1980.

5. Fitzpatrick's apparent conduct as described in preceding paragraphs raises questions as to his fundamental qualifications to remain a Commission licensee and also precludes the Commission from determining that a grant of his application would serve the public interest, convenience and necessity.

6. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Communications Act or Commission Rules. Section 312 (a)(2) of the Communications Act provides that station licenses may be revoked because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit in an original application. Section 309(e) of the Communications Act requires the Commission to designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience, and necessity.

7. Accordingly, it ordered, That Fitzpatrick show cause why the license for station KAAT–8761 should not be revoked.

8. It is further ordered, That Fitzatrick's application for an Novice Class Amateur Operator's and station license is designated for hearing.

9. It is further ordered, That if Fitzpatrick wants a hearing on the revocation, and/or application matters, he must file a written request for hearing within 30 days.[3] [4] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order.

10. It is further ordered, That if Fitzpatrick waives his right to a hearing on the revocation matter, it will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules. If Fitzpatrick does not request a hearing on his application it will be dismissed with prejudice for failure to prosecute, pursuant to § 1.221(c) of the Rules.

11. It is further ordered, That the matters in these proceedings will be resolved upon the following issues:

(a) To determine whether there were transmissions on January 15, 1980 in wilful violation of Section 301 of the Act or CB Rules: 17(a); 18(a)(2); 19(a) and/or 30(a).

(b) To determine whether Fitzpatrick on January 15, 1980, wilfully violated CB Rule 43.

(c) To determine whether Fitzpatrick has the necessary qualifications to be or remain a Commission licensee.

(d) To determine whether the license of Joseph E. Fitzpatrick, for station KAAT–8761 granted on July 26, 1976, should be revoked.

(e) To determine whether grant of Fitzpatrick's Amateur applications would serve the public interest, convenience and necessity.

12. It is further ordered, That pursuant to Section 1.227 of the Rules, the revocation and application proceedings ARE CONSOLIDATED for hearing.

13. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-3340 Filed 1-28-81; 8:45 am]

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[CC Docket No. 80–339; Transmittal No. 2258, et al.]

ITT World Communications, et al.

In the Matter ITT WORLD COMMUNICATIONS INC. (Transmittal Nos. 2258, 2259, 2260, 2280), RCA GLOBAL COMMUNICATIONS, INC. (Transmittal Nos. 4610, 4611, 4613, 4614, 4615, 4616, 4636), TRT TELECOMMUNICATIONS CORPORATION (Transmittal Nos. 909, 910, 911), WESTERN UNION INTERNATIONAL, INC. (Transmittal Nos. 1430, 1431, 1447), WESTERN UNION INTERNATIONAL CARIBBEAN, INC. (Transmittal No. 224), FTC COMMUNICATIONS, INC. (Transmittal Nos. 69, 77); Revisions to tariffs for establishing separate charges for terminals tielines, and transmission offered in connection with international telex service and implementing expanded gateways and additional domestic operating areas for international telecommunications service (See also 45 FR 3275, January 17, 1980).

Memorandum Opinion and Order

Adopted: January 16, 1981.

Released: January 22, 1981.

By the Deputy Chief, Common Carrier Bureau.

1. By order released August 8, 1980, the Commission, among other things, ordered ITT World Communications Inc. (ITT) to provide certain data as part of its direct case in the above-captioned investigation. *ITT World Communications, Inc.*, 79 F.C.C. 2d 173, 186–90 (1980), *issues modified*, Mimeo No. CC 34904, released August 18, 1980. On December 8, 1980, ITT filed what purports to be its entire direct case. After an initial review, we find that ITT's submission does not substantially comply with the Commission's order. Accordingly, for reasons which follow, we direct ITT to submit additional information.[1]

Discussion

2. By way of explanation for several of the omissions in its dircet case, ITT claims that much of the expense and investment associated with terminal equipment and supplies is simply not available.[2] Significantly, though, ITT has also submitted as part of its direct case the support material associated with ITT's Transmittal No. 2191 (July 11, 1979) dealing with the optional unbundling of terminals and access lines from international telex usage rates. Specifically, this transmittal provides some of the information, albeit outdated, that ITT claims is not available. Under these circumstances, we are at a loss to

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[1] The CB Rules are in § 95.401 of the Commission Rules.

[2] The January 15, 1980 operation and violations were the subject of an Official Notice of Violation mailed to Fitzpatrick on February 5, 1980.

[3] Any contrary provisions of § 1.221(c) of the Rules are waived.

[4] The attached forms should be used to request or waive hearing. It should be mailed to the Federal Communications Commission, Washington, D.C. 20554.

1 Also before the Bureau are requests by RCA Global Communications, Inc. (RCA) and Trans-Lux Corporation (Trans-Lux) seeking modification of the procedural dates in this proceeding. RCA asks us to defer the dates by 60 days or, in the alternative, for not less than 30 days from the date the full direct cases of all respondents are made available and served on all parties. Trans-Lux asks us to extend the deadline for filing comments on the direct cases of the IRCs until March 16, 1981.

understand why ITT cannot make a full and complete submission to this Commission. We turn now to the specifics of the additional information required.

Item I—Terminal Equipment

3. Item I calls for detailed data relating to the historical and projected investment and expense for each type of telex teleprinter provided by the IRCs, 79 F.C.C. 2d at 186–87. In this item as well as the others, the data is to be accompanied by specific information as to their source, basis of development, and derivation. (*See* preface of Appendix.) ITT relies on its submission with Transmittal No. 2191 as substantially meeting this request. We cannot agree. Our analysis of that submission shows that it is not clear whether the data there represents the 1979 embedded costs required by the Appendix. In view of the fact that the information was initially submitted in July, 1979, it is quite possible that it may be from 1978. We therefore expect ITT to clarify this matter with particularity.

4. Moreover, what information ITT provides in this regard as part of its direct case is inadequate. The Commission has requested the average number of units annually, yet ITT provides the gross figure for just one year. Forecasts for three years have also been requested, but ITT submits only "estimated unit costs installed" for three different types of terminal equipment for 1980 and 1981. Even this information is not submitted in the requested format. Thus, we will require ITT to furnish the forecasted data requested in Item I of the Appendix in the specified format.

Item II—Local Access Lines

5. Item II asks for detailed historical and projected investment and expense data related to local access lines. 79 F.C.C. 2d at 187–88. ITT has not provided this data. Instead, it has simply submitted one figure that purportedly represents 1979 expenses for leasing these lines. Absent, too, are the number of lines, minutes of use on the lines, or any forecasted data. Therefore, ITT will be required to submit these data as well.

Item III—Paper and Other Supplies

6. Item III requests the historical investment and expense for paper and other supplies. 79 F.C.C. 2d at 188. ITT claims that costs associated with this item are entwined with other similar expenses and, thus, cannot be shown separately. However, on page 8 of the support material for Transmittal No. 2191, paper costs have in fact been shown separately. Under these circumstances there seems to be no reason why ITT cannot furnish the information here. Therefore, we direct ITT to provide the data requested in Item III of the Appendix.

Item IV—Domestic Carrier Access to IRC Network

7. Item IV calls for historical and projected investment and expense associated with domestic carrier access to the IRC network for outbound traffic. 79 F.C.C. at 188–89. Although ITT has provided amounts paid to domestic carriers, it has failed to explain the derivation of such figures. In addition, the number of minutes associated with these facilities is not supplied. Thus, ITT must be directed to comply with this data request.

Item V—Domestic Landline Haul by IRCs with Expanded Gateways

8. Item V calls for the projected investment and expense for the domestic landline haul by each of the carriers with expanded gateways. 79 F.C.C. 2d at 189. Here, ITT has failed to explain the source of the data development. Additionally, it is not clear why there will not be any additional investment resulting from the expanded gateways, as ITT appears to contend. We expect ITT to clarify these deficiencies.

Item VI—Inbound Traffic

9. Item VI asks for projected savings, as well as investment and expense, for delivery of inbound traffic resulting from unbundling and expanded gateways. 79 F.C.C. at 189–90. ITT argues that no savings will accrue from expanded gateways because the same domestic carrier facilities will be used for inbound traffic as for outbound traffic. This is unresponsive. If ITT establishes expanded gateways and directly routes inbound traffic to them for telex delivery, it obviously will at least save a portion of its current payments to the Western Union Telegraph Company for domestic handling. These savings in turn must be compared with the additional costs of obtaining the expanded gateways.

Conclusions and Ordering Clauses

10. We consider these omissions by ITT to be significant and anticipate that they will be corrected expeditiously. If ITT believes that the data provided with Transmittal No. 2191 will satisfy at least in part this information request, we expect ITT to recast that data and include it in the response. Additionally, we expect ITT to provide an expanation of the methodologies, derivations, and sources of all the data as set out in this order. If allocative methods must be used to separate accounting data, as ITT apparently did in Transmittal No. 2191, a suitable explanation of the methods must also be provided.

11. Accordingly, IT IS ORDERED, pursuant to authority delegated in § 0.291 of the Commission's Rules, 47 CFR 0.291, that ITT World Communications, Inc. shall respond to the information requests discussed above within 10 days of the release date of this order.[3]

12. It is further ordered, that comments on the direct cases filed in this proceeding shall be filed within 30 days of ITT's response to this order. Replies shall be due 15 days thereafter.

13. It is further ordered, that the motions to extend procedural dates filed by RCA Global Communications, Inc. and Trans-Lux Corporation ARE GRANTED to the extent indicated above, and ARE DENIED in all other respects.

14. It is further ordered, That this order shall be published in the **Federal Register.**

Federal Communications Commission.

Thomas J. Casey,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 81-3342 Filed 1-28-81; 8:45 am]

BILLING CODE 6712-01-M

[3] Since we have already granted ITT two 30-day extensions of time, we believe it has already had more than ample opportunity to produce the requested responses. Any further prolonged extensions under the circumstances would be at cross purposes to the Commission's anticipation of an expedited resolution of this investigation.

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico.

Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 9, 1981. Anya person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos: T-3944 and T-3944-A.

Filing party: John W. Angus, Esquire, Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.

Summary: Agreements Nos. T-3944 and T-3944-A are between the Port of Vancouver, Washington (Port) and United Grain Corporation (UGC). Agreement No. T-3944 provides for the lease to UGC of certain grain loading and storage facilities within the Port of Vancouver, Washington. The port will improve and expand the facilities to meet the Port's and UGC's needs. UGC will pay Port "basic rent" as per an amortization schedule based on the amount the port expands if financing improvements of the facilities. UGC will pay additional rent of $570.35 per month until completion of the facility improvements. Upon completion, UGC will pay a monthly rental of $8,333.33. The term of the agreement is for 30 years with a renewal term of 20 years. Renewal of the lease will be on the same terms except the rent shall be $16,666.66 per month.

Agreement No. T-3944-A provides that the Port shall receive from UGC dockage revenue from the Port's dock space covered in Agreement No. T-3944 in the amount of $250,000 annually during the initial term of Agreement No. T-3944 and during the renewal term, the greater of (i) 200 percent of the dockage revenue actually received by the Port in the first full calendar year after the commencement date and (ii) 100 percent of the dockage revenue actually received in the last full calendar year of the initial term of T-3944.

Dated: January 26, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-3337 Filed 1-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10408]

Designation of Lorentzen Shipping Agency, Inc., as Agents for the Northern Pan America Line, A/S; Nopal Star Line, Ltd.; Nopal Venezuela Line, Ltd. and Rocargo, C.A.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on this agreement will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-3338 Filed 1-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-5]

International Association of NVOCC's et al. v. Atlantic Container Line et al. Filing of Complaint and Assignment

Notice is given that a complaint filed by International Association of NVOCC's et al. against Atlantic Container Line et al. was served January 22, 1981. Complainants allege that respondents, since on or about January 2, 1981, have implemented the so-called 50 mile container rules at East and Gulf Coast ports in violation of sections 14 Fourth, 16 First, 17 and 18(a) of the Shipping Act, 1916 and sections 2 and 4 of the Intercoastal Shipping Act, 1933.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion

of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-3440 Filed 1-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3941]

Port of Astoria, Oregon, and McCall Oil and Chemical Corp.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the Agreement No. T-3941 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required. This agreement between the Port of Astoria, Oregon, and the McCall Oil and Chemical Corporation involves the leasing of a portion of Pier 2 of the port terminal to provide facilities for bunkering oceangoing vessels.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-3396 Filed 1-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3943]

Unalaska Steverdoring and Terminal Services Agreement Between American President Lines, Ltd. and Foss Alaska Line, Ltd.; Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that Commission approval, disapproval or modification of this agreement will not significantly alter existing conditions and therefore will not significantly impact upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-3397 Filed 1-28-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Riggs National Corp.; Formation of Bank Holding Company

Riggs National Corporation, Washington, D.C., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Riggs National Bank of Washington, D.C., Washington, D.C. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 22, 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, January 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3421 Filed 1-28-81; 8:45 am]

BILLING CODE 6210-01-M

Seafirst Corp. Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice 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)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, 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 interest, or unsound banking practices." Any comment on the application that requests a hearing must include 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 that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 23, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Seafirst Corporation, Seattle, Washington (commercial finance, servicing, leasing and related credit insurance activities, Oklahoma, Texas and Washington): to engage through Seafirst Commercial Corporation in making or acquiring loans and other extensions of credit including commercial loans secured by a borrower's inventory, accounts receivable, capital equipment or other assets; servicing loans; leasing personal property; and acting as agent for the sale of credit life and accident and health insurance directly related to its extensions of credit. These activities would be conducted from offices in:

Oklahoma City, Oklahoma, serving the State of Oklahoma; Houston, Texas, serving the State of Texas; and in Seattle, Washington, serving the State of Washington.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3422 Filed 1-28-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorp.; Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Citizens Bank of Juneau, Juneau, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 22, 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, January 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3423 Filed 1-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 22, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information, the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC, ICC and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 17, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests an extension without change clearance of Form EM-5, Data Sheet for Sampled Carload. The Form EM-5 is submitted by line-haul railroads in place of waybills for movements of six or more carloads. Form EM-5 is submitted monthly and is a one percent sample of all carloads in multiple car shipments (shipments with six or more carloads). The ICC estimates that respondents number 28 and that burden for each report filed averages 5 minutes. The ICC states that Form EM-5 is a voluntary form.

Nuclear Regulatory Commission

The NRC requests an extension without change clearance of Form 7, Application for License to Export Nuclear Material and Equipment. Form 7 must be filed pursuant to the requirements in 10 CFR Part 110 of NRC's regulations. The NRC estimates that approximately 400 applications will be filed annually and that time to prepare each application will require 30 minutes.

Federal Trade Commission

The FTC requests clearance of a new, single-time, voluntary questionnaire that will be sent to members of Market Fact, Inc., Consumer Mail Panel, pursuant to the authority granted in the Magnuson-Moss Warranty Federal Trade Commission Improvement Act of 1975. The questionnaire will be a screening questionnaire, consisting of five questions, to identify panel members who have recently purchased funeral services. The FTC estimates that potential respondents will number approximately 60,000 and that 3 minutes will be required to complete the questionnaire.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-3346 Filed 1-28-81; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Receipt and Approval of Report Proposal

A request for emergency clearance of an IE Bulletin Re Surveillance of Mechanical Snubbers was received from the Nuclear Regulatory Commission by the Regulatory Reports Review Staff, GAO, on January 13, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

Nuclear Regulatory Commission

The Nuclear Regulatory Commission requested clearance of an IE Bullentin Re Surveillance of Mechanical Snubbers. This bulletin requires operating licensees of nuclear reactors and certain licensees of nuclear reactors and certain licensees holding construction permits to conduct certain visual examinations and operability tests of mechancial snubbers installed in plant systems and in storage, and to report the results of these tests and evaluations of effect to the Nuclear Regulatory Commission.

Emergency clearance was requested because several plants had experienced a number of failures of a type that could prevent the piping system to which the snubbers are attached, from moving freely during nomral heat-up and cool-down. As a result, additional stress is placed on the piping system which could cause a premature break or leak in the system and, accordingly, present a danger to the public health and safety.

The GAO agreed to accept the Nuclear Regulatory Commission's request for clearance due to these experienced failures. The Commission estimates that it will receive responses from 74 licensees, and that the average estimated response time will be 3,000 hours per respondent.

The GAO granted emergency clearance for the bulletin on January 19, 1981, under number B.180225 (S81003).

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 3347 Filed 1-28-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, December—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

Qualified Health Maintenance Organizations

Name, Address, Service Area, and Date of Qualification

(Transitionally Qualified Health Maintenance Organizations: 42 CFR 110.603(b))

1. Columbia Medical Plan, Inc., (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), 5999 Harpers Farm Road, Columbia, Maryland 21044. Service area: Zip codes or portions of zip codes in the following counties:

Anne Arundel

20701, 20755, 20794, 20863, 21077, 21090, 21108, 21113, 21144, 21240

21054 and 21061, west of State Route 3; 21122, north of State Route 177, east of State Route 173; and 21226, east of State Route 173.

Baltimore

21055, 21133, 21201, 21207, 21216, 21223, 21225, 21228–30, 21235

Carroll

21080, 21735, 21784

Howard

20759, 20777, 21029, 21036, 21043, 21044–6, 21076, 21083, 21104, 21150, 21163, 21227, 21723, 21737–8, 21794

Montgomery

20702, 20730, 20860, 20868, 20904, 20906, 20910

20729 and 20832, east of State Route 97; 20903, north of Interstate Route 495.

Prince Georges

20704–5, 20715–6, 20801, 20810–1, 20813, 21033

Date of qualification: December 3, 1980.

2. Greater Bridgeport Medical Foundation, Inc., (Individual Practice Association, see section 1310(b)(2)(A) of the Public Health Service Act), 43 Oakview Drive, Trumbull, Connecticut 06611. Service area: City of Bridgeport, and towns of Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull, Connecticut. Date of qualification: December 29, 1980.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: January 21, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-3427 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-85-M

Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of ultraviolet absorbing lenses for aphakic patients. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than March 30, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D.,M.P.H. Health Science Analyst National Center for Health Care Technology, Room 17A–29, Parklawn Building, Rockville, Maryland 20857, (301) 443–4990.

Dated: January 15, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-3331 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-85-M

Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of the human tumor stem cell drug sensitivity assay in the treatment of solid tumors.

Based on this evaluation, a recommendation will be fomulated to assist the Health Care Financing Administration (HCFA) in establishing a Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than March 30, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analysis of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

For further information contact: Stephen P. Heyse, M.D., M.P.H. Health Science Analyst National Center for Health Care Technology, Room 17A–29, Parklawn Building, Rockville, Maryland 20857, (301) 443–4990.

Dated: January 22, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-3326 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-85-M

Centers for Disease Control

Intraarterial Pressure Monitoring-Related Infections Work Group; Meeting

On February 23, 1981, the Centers for Disease Control will convene an open meeting of a work group to reevaluate guidelines for intraarterial pressure monitoring-related infections to provide the most reasonable and practical guidance to infection control committees in hospitals. The meeting is open to the public, limited only by space available.

The meeting is scheduled to convene from 8:30 a.m. to 5:00 p.m., in Conference Room B–19, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Bryan P. Simmons, M.D., Hospital Infections Branch, Bacterial Diseases Division, Center for Infectious

Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephones: FTS: 236-3408, Commercial: 404/329-3408.

Dated: January 22, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-3431 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-86-M

Office of the Secretary

Statement of Organization, Functions, and Delegation of Authority

Part A, Chapter AE (Office of the Assistant Secretary for Planning and Evaluation) of the statement of organization, functions, and delegations of authority of the Department of Health and Human Services (41 FR 47275, October 28, 1976, as amended most recently at 44 FR 41353, July 16, 1979) is amended to reflect the removal of the Women's Action Program from the Office of Special Concerns in the Office of the Assistant Secretary for Planning and Evaluation. The functions of the Women's Action Program will now be performed by the Women's Issues Council composed of staff from the Office of the Assistant Secretary for Planning and Evaluation. In addition, the Assistant Secretary for Planning and Evaluation will have operational responsibility for the Secretary's Advisory Committee on the Rights and Responsibilities of Women. These two committees will be responsible for improving the Department's understanding of and responsiveness to women's issues.

A. Part A., Chapter AE is hereby amended as follows:

1. Section AE.10, is amended by removing line F (5)4. "The Women's Action Program."

2. Section AE.20 is amended by removing the entire sub-section AE.20.5.d.

Dated: January 19, 1981.

Patricia Roberts Harris,

Secretary.

[FR Doc. 81-3435 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-638]

Delegation of Authority to General Deputy Assistant Secretary for Community Planning and Development

The General Deputy Assistant Secretary for Community Planning and Development is hereby delegated the same authority currently vested in the Assistant Secretary for Community Planning and Development. This delegation does not alter or impair the authority of the Assistant Secretary for Community Planning and Development.

(Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective Date: January 23, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 81-3363 Filed 1-28-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-639]

Revocation of Designation of Officials To Act as General Manager, New Community Development Corporation

The designation of officials authorized to act as General Manager of the New Community Development Corporation, 44 FR 15774 (1979), is hereby revoked.

Effective Date: January 23, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development

[FR Doc. 81-3362 Filed 1-28-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes the balance of its proposed negotiating positions for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and requests information and comments on them.

ADDRESSES: Information and comments on proposed negotiating positions should be sent to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Information and comments in writing received by the Service will be open to public inspection during normal business hours at the Federal Wildlife Permit Office, Room 616, 1000 N. Glebe Road, Arlington, Virginia.

DATES: The Service will consider information and comments concerning proposed negotiating positions received by February 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235-2418.

SUPPLEMENTARY INFORMATION:

Background

The Service published some of its proposed negotiating positions for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, (sometimes hereinafter referred to as CITES) in the Federal Register of December 8, 1980 (45 FR 80913). In that notice it was stated that certain proposed negotiating positions on the items of the meeting's provisional agenda were still in the process of being developed. That process has been completed. What follows is a summary of these proposed negotiating positions, a summary of the information and comments received in response to previous notices mentioned in the December 8 notice, and a summary of the bases of the proposed negotiating positions. The numbers and titles used here represent the numbers and titles of the items in the provisional agenda for the meeting.

III. Appointment of Credentials Committee

Proposed Negotiating Position: The United States should seek membership on the Credentials Committee.

Information and Comments: None received.

Basis of Proposed Negotiating Position: Although this committee's work is usually not controversial, it could be involved in challenges of a political nature to credentials of delegates. Such questions may have ramifications beyond the CITES system.

V. Report of the Credentials Committee

Proposed Negotiating Position: The United States normally supports the adoption of the report of the Credentials Committee, but would oppose the exclusion of representatives of states party to CITES whose credentials are in order.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Adoption of the report is usually pro forma. Exclusion of representatives whose credentials are in order could undermine cooperation among the parties which is essential to the effective implementation of CITES.

VIII. Report of the Standing Committee

Proposed Negotiating Position: The United States should accept both recommendations of the Standing Committee report (expansion of the mandate of the Standing Committee and retention of the Secretariat in Switzerland) and actively support their adoption by the Conference.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The U.S. has chaired the Standing Committee for the past 2 years. Our experience has shown that the Standing Committee in fact has functioned along the lines suggested in the draft recommendation: represent the Parties politically; guide the Secretariat on budget matters. These roles are beneficial to overall CITES objectives, and should be formally recognized.

The Standing Committee has carried out informal negotiations for 2 years regarding the headquarters of the Secretariat. The main purpose was to obtain an advantageous financial situation regarding taxation of Secretariat staff. Substantive benefits in each of three locations (Cambridge, Bonn and Geneva) were also considered strongly. Looking at all of the considerations and the positions of the three governments involved, the Standing Committee decided it was best to leave the Secretariat in place.

IX. Report of the Secretariat

Proposed Negotiating Position: The United States commends the work of the Secretariat which is evidenced by its annual report.

Information and Comments: Comment was made to the effect that more emphasis should be given to plants in the report.

Basis for Proposed Negotiating Position: The Service agrees that greater emphasis should be given to plants under CITES. However, the United States, as chair of the Standing Committee, has had a closer view of the Secretariat's work, and believes that it is carrying out its responsibilites in an admirable fashion. The report is available for inspection at the Federal Wildlife Permit Office.

XI. Relationship with other International Agreements and Organizations

(3) International Whaling Convention.

Proposed Negotiation Position: The United States supports continuation of the contacts established between IWC and CITES Secretariat in accordance with previous requests and recommendations of the Parties and in accordance with Article XV.2(b).

Information and Comments: None received.

Basis for Negotiating Position: Exchange of information and advice between IWC and CITES will be useful to both conventions in the accomplishment of their respective goals.

XII. Committee Reports and Recommendations

1. Technical Expert Committee on Harmonization of Permit Forms and Procedures.

a. TEC. Resolution 1. Standardization of Permits and Certificates Issued by Parties.

Proposed Negotiating Position: The United States supports the adoption of TEC Resolution 1 with certain amendments to the draft harmonized permit form and to the text of the resolution.

Information and Comments: Some comments expressed concern that this resolution recommended that Parties perform certain CITES obligations thereby derogating those obligations. Some comments suggested that additional requirements and information be associated with the harmonized forms.

Basis for Propsed Negotiating Position: Use of harmonized forms by all Parties should facilitate permit administration, enforcement activities and the compilation of trade data. The Service accepts some suggested modifications on the proposed form including providing numbered blocks for information, providing for its use for shipments including specimens from different appendices and countries of orgin, and inclusion of a space for country of orgin permit number.

The Service believes that CITES obligations should not be derogated and has suggested amendatory language to cure this.

b. TEC. Resolution 2. Acceptance of Comparable Documentation Issued by States not Party to the Convention.

Proposed Negotiating Position: The United States supports the adoption of TEC. Resolution 2 with certain amendments.

Information and Comments: One comment addressed the need to require more information (e.g. country of origin permit number) on re-export permits and one comment addressed the need to ensure that dead as well as living Appendix I specimens be specifically mentioned.

Basis for Proposed Negotiating Positing: Varying quality of permits issued by non-Party states has been a problem in implementing CITES and in providing data needed for compiling annual reports. Clearly defined document requirements will enhance the enforcement and implementation of the CITES and provide data needed to compile annual reports and make determinations of species status. The Service has suggested amendments to TEC. Resolution 2 which will address trade to as well as trade from non-Party states and specify that dead as well as living specimens be covered.

c. TEC. Resolution 3. Annual Reports by Parties.

Proposed Negotiating Position: The United States supports the adoption of TEC. Resolution 3 with certain amendments.

Information and Comments: Some comments expressed concern that this resolution recommend that Parties perform certain CITES obligations thereby derogating those obligations. One comment noted the need to expand the mandate of the Technical Expert Committee to include review of annual reports before each Conference of the Parties, and one comment suggested that the membership of the Committee be broadened to include more expertise in biological conservation, enforcement and permit forms and procedures.

Basis for Proposed Negotiating Position: Timely submission of annual reports containing complete information on trade in CITES species is necessary to the proper functioning of CITES. The Service believes that CITES obligations should not be derogated and has suggested amendatory language to cure this. Amendatory language also proposes expansion of the Committee mandate to review annual reports, and broadening of the expertise of its membership.

d. TEC. Resolution 4. Trade in African Elephant Ivory.

Proposed Negotiating Position: The United States supports the adoption of TEC Resolution 4, providing for stricter control of trade in African elephant ivory.

Information and Comments: Several comments recommended eliminating ivory trade with nonparty states.

Basis for Proposed Negotiating Position: African elephant populations in general are on a declining trend, and illegal ivory trade is a definite contributing factor. The Service believes that documentary requirements regarding country of origin and marking requirements will increase the reliability of statements regarding the trade history of these items. The question of trade with nonparty states is addressed in the December 8 notice under item XVI.2, Effects of Reservations.

e. TEC. Resolution 5. Trade in Whale Products.

Proposed Negotiating Position: The United States favors the adoption of TEC Resolution 5, but notes that it does not call for measures beyond those previously called for.

Information and Comments: All comments were concerned with the lack of substance of the resolution and recommended stronger action be included in the resolution.

Basis for Proposed Negotiating Position: This resolution recalls requirements of CITES as they pertain to whales and reasserts previous recommendations of the Parties.

3. Nomenclature Committee.

Proposed Negotiating Position: The United States supports the continued work of the committee to develop a reference list of species names for use in administering the CITES, and the passage of a resolution by the Party nations urging prompt action to fund this project.

Information and Comments: None received. The chairman of the Nomenclature Committee has submitted a status report to the CITES Secretariat.

Basis for Proposed Negotiating Position: International agreement on the names applied to species is essential if trade in certain species is to be controlled. Both the implementing officials and the persons involved in trade need to know if particular species are actually listed in the appendices. The use of synonyms on CITES documentation makes enforcement and compliance difficult. The report of the Nomenclature Committee is available for inspection at the Federal Wildlife Permit Office.

XIII. Study and Project Reports

1. Guidelines for the preparation and transport of live animals and plants.

Proposed Negotiating Position: Was set forth in the December 8 notice. New information indicates that the Secretariat will introduce a resolution recommending that the "* * * Parties take the necessary measures to make compliance mandatory for all transport operations under their jurisdiction * * *." The United States position for San Jose 1979 viewed the guidelines as advisory to Management Authorities. Further comment is requested with regard to this proposal.

2. Status of Subspecies included in the Appendices.

Proposed Negotiating Position: Support the approach toward listing of subspecies as recommended by the Second Meeting of Party nations. No detailed position can be developed until the Service receives the Species Survival Commission's report on this subject, which is expected to address the listing of particular subspecies.

Information and Comments: None received.

Basis for Proposed Negotiation Position: The listing of subspecies in the appendices can lead to practical difficulties in implementing CITES if subspecies are of doubtful validity or if they are difficult to distinguish from other subspecies.

3. Species thought to be extinct included in the Appendices.

Proposed Negotiating Position: Support the resolution adopted by the second regular meeting of the Conference of the Parties, which is to retain possibly extinct species on the appendices with annotation to indicate their status. No detailed position can be developed until the Service receives the Species Survivial Commission's report on this subject, which is expected to discuss the status of particular species.

Information and Comments: None received.

Basis for Proposed Negotiating Position: It is often difficult to determine when a species has become extinct. It is useful to retain a species on the appendices even if there are no recent records of it, to protect the species in the event that specimens are found.

6. Report of IUCN-SSC Threatened Plants Committee.

Proposed Negotiating Position: The U.S. generally supports the Threatened Plants Committee Report and recommends that all of the Parties support and cooperate with the Committee's efforts to conserve the world's flora. While the U.S. agrees with the report that better trade data are needed, it is believed these data should be compiled at the specific level whenever possible. With regard to adding additional whole plant families and genera to the appendices, this must be accomplished in accordance with the Berne Criteria and not strictly as a monitoring tool. Emphasis should also be placed on providing more advanced technical training in plant identification at the species level to port and border inspectors rather than identifying only to a broad taxonomic group level. The U.S. Position on plant parts and derivatives has been discussed in the December 8 notice. The U.S. believes that the parties should endeavor to implement similar policies for plants and animals.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Statistics compiled at a broad taxomomic group level are of limited value in helping to assess and control trade in those plant species directly threatened by international trade. Only species which need the protection afforded by CITES or those listed to enhance such protection should be listed in the appendices. While the U.S. recognizes that many plants can be easily propagated, it should be emphasized than many cannot. Moreover, the market for many species is predominantly in older and larger wild collected specimens. This market may not be satisfied with smaller propagated specimens. The United States believes that the treatment of wild plants under CITES should be similar to that for wild animals, in that CITES provides an exemption to the permit requirements for artificially propagated plants, as it does for captive bred animals, and in that trade in wild animals and plants generally has similar impacts on their respective populations. The report of the Threatened Plants Committee is available for inspection at the Federal Wildlife Permit Office.

7. Techical Cooperation, Training and Implementing Legislation.

Proposed Negotiating Position: The United States commends the efforts of the Secretariat and others in providing and promoting technical assistance of various types to parties, and encourages the continued development of practical and useful tools for technical assistance.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The development by parties of implementing laws and administrative and enforcement capabilities is essential to the successful implementation of CITES.

XIV. Interpretation and Implementation of the Convention

5. Regulation of trade in Appendix II wildlife (Australia).

Proposed Negotiating Position: The United States will propose changing the Australian proposal which would establish a committee to advise on management plans for the implementation of Article IV.3 of CITES, so that the charge of that committee would be to report to the fourth regular meeting on the meaning of the language of Article IV.3 and its relationship to Article IV.2(a).

Information and Comments: Some comments were directed not specifically to this or the following two Australian proposals, but to all of them in general. All of such comments were opposed to the Australian proposals; some felt they would ban or seriously inhibit trade in species, and that there was no showing of the necessity for the proposals. Comments directed at the Australian

proposal concerning regulation of trade in Appendix II wildlife viewed a technical committee that would advise on management plans as a derogation of the power of each country to determine whether or not trade in Appendix II specimens should occur.

Basis for Proposed Negotiating Position: In the Service's December 8 notice, it was stated that the Service was seeking clarification from the Australians on this item and the item dealing with their proposal to "reverse list" the CITES species appendices. In its response to the Service's request, Australia's management authority made the following major points not made in its proposals (See **Federal Register** of November 10, 1980 (45 FR 74569 for the Australian proposals)):

a. CITES is not intended to reduce and eventually stop trade in wild species.

b. It might be appropriate to add another paragraph to the CITES preamble stating that CITES is a mechanism to enable rational use of wildlife as a sustainable and renewable resource.

c. It is not the intent of their proposals to interfere unduly with the scientific exchange of specimens or the activities of bona fide zoos.

d. It is hoped the meaning of Article IV.3 would be settled at New Delhi together with its relationship to Article IV.2(a), and that the tests of the former are more stringent than the latter. Further, the words "endangering the survival" in the proposal concerning trade in Appendix II species were used in preference to the language of Article IV.3 with the hope that in practice the more stringent language of Article IV.3 would be adopted.

e. With further regard to the Appendix II species proposal, management programs should be based on sound biological data including for example the assessment of population size, the determination of safe harvesting levels, the significance of areas reserved from harvesting, the impact of land use changes and details of management procedures. Guidelines along this line, developed by an expert committee, would eventually be incorporated into Article IV. Firmer guidelines are necessary to assist scientific authorities to carry out the intentions of Article IV.

f. Categories of "clean listed" species would be: bred in captivity domesticated, artificially propagated, and those species about which there is sufficient knowledge to merit commercial trade in accordance with species management programs. Species not on these lists would not be open for commercial trade. (Appendix I would remain the same.)

Article IV.3 provides in part that:

"Whenever a Scientific Authority determines that the export of specimens of any species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems, in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species."

The United States believes that before the parties can determine what steps are necessary to enhance implementation of Article IV.3, a deliberate study of that paragraph's complex concepts is essential.

6. Interpretation of the Convention with regard to the exploitation of wild species (Australia).

Proposed Negotiating Position: The United States opposes a vote by the Parties choosing between the following two views of CITES noted in this Australian proposal:

(i) A mechanism whereby international trade in wildlife may be steadily reduced, and eventually stopped altogether.

(ii) A mechanism to enable the rational use of wildlife as a renewable resource.

Information and Comments: All comments opposed option (i), generally asserting that it did not reflect the intent of CITES and that a ban on trade would be detrimental to species.

Basis for Proposed Negotiating Position: In the view of the Australians, a choice between the above options is necessary in order to better interpret and implement CITES. The United States believes that the principles of CITES are to be found in the language of the Convention itself. The concepts and terms found in both options are not specifically found in the Convention. Specific questions regarding the meaning of the actual language of CITES should be resolved by the parties on a case by case basis.

7. The treatment of species included in Appendix I or II in order to control trade in other listed species (U.S.).

Proposed Negotiating Position: Stated in December 8 notice.

Information and Comments: One comment stated that the Convention requires simplification and cutting of unnecessary regulations, and therefore opposed blanket inclusion of lookalikes.

Basis for Proposed Negotiating Position: Stated in December 8 notice. The purpose of addressing this item here is to incorporate information and comments received as to this item but not included in the December 8 notice.

XV. General Matters of Principle Relating ot the Appendices

1. Ten years review of the Appendices (Canada).

Proposed Negotiating Position: Awaiting document from Canada, which requested this agenda item. The U.S. would not oppose a periodic ten-year review of the appendices, if it is well organized and based on appropriate standards for the listing and delisting of species.

Information and Comments: One comment suggested that the U.S. oppose consideration of this agenda item if the Canadian proposal is not received early enough to allow thorough consideration before the New Delhi meeting. Another strongly supported the concept of a regular review but would have it completed every third meeting.

Basis for Proposed Negotiating Position: The Parties conducted a general review of species listed in the original appendices. This review, conducted in 1977 and 1978, led to some changes adopted in 1979. Not all listed species were thoroughly reviewed, although this was done for those native to the U.S. If the Parties do not favor a ten year review, some other form of periodic or continual review would be desirable.

2. Criteria for addition to and deletion from the appendices of species in accordance with Article II.2(b) (Canada).

Proposed Negotiating Position: Awaiting document from Canada, which requested this agenda item. The U.S. recognized that the present criteria, adopted in 1976 at Berne, do not adequately address the addition or deletion of species that were included under provisions of Art. II.2(b) to effectively control trade in other species.

Information and Comments: One comment suggested that such "control" species should be deleted from the list only if it can be demonstrated that their deletion would not reduce the effectiveness of the CITES in controlling trade in the other species they were listed to protect.

Basis for Proposed Negotiating Position: The U.S. has strongly emphasized to other Parties that the basis for listing species should be clearly stated. This has not always been done when species were listed in the past. Before special criteria for "control" species can be used, the Parties will need to agree on the basis for the original listings in cases where this is not officially recorded.

3. Reverse listing concept for the Appendices (Australia).

Proposed Negotiating Position: Generally, the United States opposes the concept of reverse listing with regard to CITES and the establishment of an expert committee to consider its adoption.

Information and Comments: All comments opposed the Australian reverse listing proposal, generally because it would be too burdensome on

the public and because no need for it has been demonstrated.

Basis for Proposed Negotiating Position: Reverse listing would result in the regulation of trade in many species not currently regulated without a showing of need for such regulation.

A reverse listing program which allowed trade based on loosely interpreted criteria might afford no benefit to the species and make a great deal more work both for the public and those who must implement CITES. Reverse listing would require a formal amendment of CITES and could be divisive.

XVII. Conclusion of the Meeting

2. Determination of time and venue of next regular meeting of the Conference of the Parties.

Proposed Negotiating Position: The United States favors holding the next regular meeting of the Conference of the Parties during 1983 in a party country located in Africa.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The Service believes that these meetings should be held in various locations of the world in order to stimulate interest in the goals and work of CITES. Meetings are held biennially as provided by CITES.

Request for Information and Comments.

The Service invites information and comments on the proposed negotiating positions summarized above. During the comment period, the Service will also receive and consider information and comments on the proposed negotiating positions previously published in the **Federal Register** of December 8, 1980 (45 FR 80914).

This notice was prepared primarily by Arthur Larzaowitz, Federal Wildlife Permit Office.

Dated: January 23, 1981

Ronald E. Lamberston,

Associate Director, Fish and Wildlife Service.

[FR Doc. 81-3328 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permits; Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following actions with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 USC 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Applications which have been received, assigned a file number, but were denied, abandoned or withdrawn before they were either ready or complete enough to be published in the **Federal Register** are enclosed in parenthesis. These final actions were taken without publishing the application for several reasons, including but not limited to: incomplete application, the applicant's request, failure to demonstrate a purpose consistent with the Act, and failure to demonstrate compliance with other laws or regulations.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, Virginia 22203, telephone (703) 235-1903; or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

The period of this notice is from October 1 to December 31, 1980.

Permit Applications Abandoned

New Eng. Reg. Primate (6832) XX07 A 10-08-80
Highland Gamebirds (6953) XX07 A 10-01-80
Disken, Robert M. (6685) XX07 A 11-13-80
Buckley, Carol (6768) XC07 A 11-20-80
MN Zool. Gardens 7127 XC07 A 12-31-80

Permit Applications Denied

Hicks, Leonie (6603) XX07 D 10-03-80
Smith, William L. (6608) XX07 D 10-31-80
Philibosian, Richard 7065 XX07 D 10-10-80
Nichols, Holly A.J. (1236) XX07 D 11-26-80
Asian Decorative Int. (6740) XC07 D 11-19-80
Arizona Zool. Soc. (6976) XX07 D 11-01-80
Behavorial Studies (7109) XX07 D 11-01-80
Jay, Stephen (7197) XX07 D 11-05-80
Well, John L. (7292) XX07 D 11-28-80
Krauter, Jamie M. 6192 XC07 D 12-10-80

Permit Applications Issued

U.CA/Arnold, Richard 0682 XX07 I 10-23-80
Connell Metcalf & Eddy 2216 XX07 I 10-03-80
Regional Dir.#3 2300 XC07 I 10-27-80
Emory University 2390 XC07 I 10-29-80
San Diego Zoo 3688 XC07 I 10-01-80
National Biocentric 3772 XX07 I 10-21-80
Ohio St. U. 6488 XX07 I 10-15-80
Gentle Jungle, Inc. 6605 XX07 I 10-23-80
Hawaii Div. For. & Wild 6744 XX07 I 10-08-80
Oklahoma City Zoo 6750 XC07 I 10-14-80
Woodland Park Zool. 6785 XX07 I 10-17-80
Inter. An. Ex. 6792 XX07 I 10-14-80
Lincoln Park Zool. 6858 XX07 I 10-29-80
Ringling Bros. 6874 XX07 I 10-15-80
Inter. Crane Fdtn. 6879 XX07 I 10-28-80
Jacksonville Zool. Grdn. 6889 XX07 I 10-10-80
Rio Grande Zool. Pk. 6907 XX07 I 10-15-80
Mitchell, E. Stuart 6927 XX07 I 10-16-80
Schmudde, Horst W. 6936 XX07 I 10-24-80
Sturgeon, Walter B. Jr 6954 XX07 I 10-21-80
MN Zool. Garden 6994 XC07 I 10-29-80
USFWS 1412 XX07 I 11-21-80
San Diego Zoo Grdn. 3954 XC07 I 11-05-80
DeSarro, Joseph A. 4103 XX07 I 11-03-80
Tata, Barbara 4341 XC07 I 11-05-80
Nat. Fish & Wild. Lab. 4405 XX07 I 11-01-80
Kansas City Zool. Grdn. 4807 XC07 I 11-17-80
Henry Doorly Zoo 4882 XX07 I 11-24-80
U.HI/General Sciences 6377 XX07 I 11-13-80
Runnals, Mark 6532 XX07 I 11-03-80
San Diego Zool. Pk. 6673 XX07 I 11-05-80
Ron & Joy Holiday 6727 XX07 I 11-01-80
Patuxent Wildlife Research 6733 XX07 I 11-01-80
TN Valley Authority 6745 XX07 I 11-05-80
Woodland Pk. Zool Grdn. 6785 XX07 I 11-24-80
Williams, Gerald K. 6863 XX07 I 11-28-80
San Diego Zool. Grdn. 6888 XC07 I 11-05-80
Zool. Soc. of San Diego 6900 XC07 I 11-05-80
University of AZ 6920 XX07 I 11-05-80
Sivelle, Charles 6984 XX07 I 11-13-80
San Diego Zool. Grdn. 6990 XC07 I 11-04-80
Hawthorn Circus/Cuneo 6991 XC07 I 11-14-80
Whippoorwill Acres 7010 XX07 I 11-01-80
Regional Director #2 7088 XX07 I 11-07-80
Jackson Zool. Park 7110 XX07 I 11-04-80
Detroit Zool. Park 7114 XX07 I 11-07-80
Duke U. Primate Center 7116 XX07 I 11-05-80
Hopp, Douglas L. 7121 XX07 I 11-14-80
USFWS/Patuxent 7149 XC07 I 11-21-80
Animal Actors of Hollywood 7274 XX07 I 11-26-80
Southwest Texas St. U. 3056 XX07 I 12-15-80
Ringling Bros. 3433 XC07 I 12-29-80
Lincoln PK. Zool. Grdn. 6287 XX07 I 12-16-80
Land Management Branch 6706 XX07 I 12-31-80
Fisher, Raymond P. 6718 XX07 I 12-11-80
Minnesota Zool. Soc. 6760 XX07 I 12-10-80
San Diego Zool. Grdn. 7183 XC07 I 12-05-80
Weber, Mark Louis 7167 XX07 I 12-31-80
Harvard U./Chinese U. 7174 XC07 I 12-17-80
Denver Zoological Grdn. 7222 XX07 I 12-03-80

Dated: January 16, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-3439 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1497, Block 95, West Delta 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 22, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-3355 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that CNG Producing, Inc., Unit Operator of the Ship Shoal Block 271 Federal Unit Agreement No. 14–08–0001–8784, submitted on January 7, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 271 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 22, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-3356 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Lower Elwha Reservation, Washington

Proclaiming Certain Lands as Part of the Lower Elwha Reservation

January 16, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On January 16, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described lands located in Clallam County, Washington, were hereby added to and made a part of the Lower Elwha Reservation. That portion of Lot 2, sec. 4, T. 30 N., R. 7 W., Willamette Meridian, Clallam County, Washington, lying northerly of the road known as Ranger Rd., containing 22.00 acres more or less.

Thomas W. Fredericks,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-3420 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial Number A-7015]

Arizona; Proposed Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the described lands in paragraph 5 below, under the provisions of the Enabling Act, as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. The application has been assigned serial number A–7015.

2. The Bureau of Land Management will examine these lands for exidence of prior valid rights or other statutory constraints that would bar transfer, and if found suitable for transfer, proposes to classify the lands under Sec. 7, TGA and the regulations in 43 CFR 2400 for transfer in response to the State's request.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, BLM, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, (602–241–2854).

4. On or before March 30, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Under 43 CFR 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this proposed classification are located in Pima County, Arizona and are described as follows:

Gila and Salt River Meridian, Arizona.

T. 15 S., R. 12 E.,
- Sec. 1: Lots 8, 9, 24–31, incl.
- Sec. 3: Lots 1, 2, 5–28 incl., [1, 5, 7, 8, 9]
- Sec. 4: Lots 1, 5–8 incl., 11, 12, 29–38 incl., SE¼NE¼, [1, 2, 5, 8]
- Sec. 5: Lots 53–69 incl., [1, 5]
- Sec. 8: Lots 1–9 incl., 24–44 incl., 60–67 incl., [1, 5, 8, 9]
- Sec. 9: N½NW¼, SW¼NW¼, N½SE¼, N½SE¼NW¼, [8]
- Sec. 10: Lots 37–40 incl., 58, 59, 60
- Sec. 19: Lots 1–4 incl., E½, E½W½, [4]
- Sec. 20: W½, SE¼, [4]
- Sec. 22: NE¼NE¼SE¼, S½NE¼SE¼, SE¼SE¼
- Sec. 23: NE¼NE¼, S½N½, SW¼, NE¼NW¼SE¼, S½NW¼SE¼, NE¼SE¼, [3, 4]
- Sec. 24: SW¼NW¼, [4]

T. 16 S., R. 11 E.,
- Sec. 6: Lots 3, 4, 5, SE¼NW¼, [1, 3, 6, 7, 10]

Footnotes correspond to numbered authorized users as listed in Paragraph 6. The area described aggregates approximately 2,662.70 acres of public land.

6. The following listed individuals and corporations are holders of valid leases, permits and/or rights-of-way on the public lands described in Paragraph 5 above:

[1]Tucson Electric Power Co., P.O. Box 711 Tucson, AZ 85702, R/W PHX-080650, R/W AR-012814, R/W AR-018707, R/W AR-034580, R/W A-4725, R/W A-7274, R/W A-7872.

[2]El Paso Natural Gas, Box 1492, El Paso, Texas 79978, R/W PHX-083253, R/W PHX-086067, R/W AR-010703, R/W A-1844.

[3]Trico Elec. Coop. Inc., Box 35970, Tucson, AZ 85740, R/W AR-0612.

[4]City of Tucson, P.O. Box 27210, Tucson, AZ 85726, R/W AR-02072.

[5]Pima County Highway Dept., 1313 South Mission Road, Tucson, Arizona 85713, R/W AR-029680.

[6]Arizona Elec. Power Coop., Box 670, Benson, AZ 85602, R/W A-4410.

[7]Mountain States Tel. & Tel., R/W Department, 3033 North 3rd Street, Room 806-A, Phoenix, AZ 85012, R/W A-4433.

[8]AZ Dept. of Trans., 205 South 17th Avenue, Phoenix, AZ 85007, R/W A-6032.

[9]Pima County Board of Supervisors, Pima County Governmental Center, Tucson, Arizona 85701, R/W A-10887, R/W A-11167.

[10]Wingfield Cattle Co., C/O Edward Wingfield, P.O. Box 1608, Nogales, AZ 85621, Grazing Lease, #AZ 024 2660.

There are no range improvements of record.

Dated: January 21, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-3387 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Intensive Wilderness Inventory in Oregon and Washington; Decisions Protested and Decisions in Effect

Final decisions on the intensive wilderness inventory of 266 inventory units in Oregon and 44 units in Washington were announced in the **Federal Register** of November 14, 1980 (pages 75597–75602) and were subject to a 30 day protest period. The decisions concerning the specific inventory units and subunits listed below have been formally protested to the Oregon State Director. All the other decisions, which have not been protested, become final and in effect on January 29, 1981.

A. The State Director's final decisions to identify the following inventory units and subunits as wilderness study areas have been protested:

Oregon

Number	Name	Acres
Lakeview district:		
1-24	Sand Dunes	15,520
1-101	Abert Rim	22,240
Total		37,760
Burns district:		
2-72C	Sheepshead Mountains	54,190
2-72D	Sheepshead Mountains	35,000
2-72F	Sheepshead Mountains	20,330
2-72I	Sheepshead Mountains	38,855
2-72J	Sheepshead Mountains	7,755
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-74F	Alvord Desert Addition	63,060
2-77B	Mahogany Ridge	27,370
2-78D[1]	Red Mountain	2,720
2-78F	Red Mountain	14,730
2-84A	Basque Hills	138,420
2-85F	South Steens	65,940
2-85G	South Steens	35,850
2-85H	South Steens	24,990
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,380
2-87I	Bridge Creek	14,060
Total		640,765
Vale district:		
3-47	Cedar Mountain	46,300
3-53	Dry Creek	22,600
3-75	Slocum Creek	7,600
3-77A	Honeycombs	38,200
3-77B	Honeycombs	12,500
3-110	Lower Owyhee Canyon	73,200
3-111	Saddle Butte	87,500
3-120	Clarks Butte	31,500
3-128A	Jordan Craters	28,700
3-153[2]	Disaster Peak	13,300
Total		361,600
Prineville district:		
5-31A	North Fork	10,745
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,700
Total		59,867
Oregon total (34 WSA's)		1,099,992

[1]This subunit is part of a single, larger WSA which also includes Unit NV-020-859 in Nevada and Unit 3-153 in Oregon's Vale District.

[2]This unit is part of a single, larger WSA which also includes Unit NV-020-859 in Nevada and Subunit 2-78D in Oregon's Burns District.

Washington

Number	Name	Acres
Spokane district:		
13-2	Chopaka Mountain	5,520
Washington total (1 WSA)		5,520

B. The State Director's final decisions to eliminate the following inventory units and subunits from further wilderness review have been protested. The Interim Management Policy will continue to apply to these areas until the protests and any subsequent appeals are resolved.

Oregon

Number	Name	Acres
Lakeview district		
1-9	Bull Lake	32,360
1-12	Lost Forest Adjacent Lands	6,240
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-114	Warner Lakes	33,880
1-115A	Guano Slough	47,360
1-115B	Guano Slough	59,120
1-117A	Monument Flat	16,240
1-134	Lone Grave Butte	25,440
1-159	Catlow Valley	58,000
Total		313,920
Burns district:		
2-19	Silvies River	7,520
2-43A	Wagontire Mountain	9,590
2-43B	Wagontire Mountain	10,600
2-43F	Wagontire Mountain	13,100
2-57	Jackass Creek	19,255
2-61A	Foster Flat	5,660
2-61D	Foster Flat	8,270
2-61E	Foster Flat	15,470
2-61F	Foster Flat	7,350
2-64A	Buzzard Creek	14,140
2-64B	Buzzard Creek	14,570
2-65	Deep Canyon	6,215
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,900
2-72G	Sheepshead Mountain	10,035
2-72H	Sheepshead Mountain	11,410
2-72K	Sheepshead Mountain	2,315
2-72L	Sheepshead Mountain	1,185
2-72M	Sheepshead Mountain	1,190
2-72N	Sheepshead Mountain	5,310
2-75C	Black Point	28,320
2-85I	South Steens	10,030
Total		249,450
Vale district:		
3-41A	Keeney Creek	14,740
3-44	Star Mountain	14,360
3-121	Deadman Creek	8,440
Total		37,540
Prineville district:		
5-20	Alkali Flat	7,035
Medford district:		
11-16	Zane Grey	18,460
Coos Bay:		
12-10A	Pistol River—Myers Creek Rocks.	5
12-12A	Lone Ranch Rocks	4
12-13A	Harris Island	2
12-14A	Table Rock	1
12-15	Fish Rock	1
Total		13
Oregon total (44 decisions to eliminate)		626,418

Washington

Number	Name	Acres
Spokane district:		
13-1	Juniper Forest	7,806
13-3	Lummi Rocks	8
13-4	Blind Island	2
Washington total (3 decisions to eliminate)		7,816

In addition to the specific inventory units and subunits listed above, a number of general protests were received.

The Oregon State Director will issue written responses to all protests. The responses are expected to be sent to the protesters near the end of Februry. The decisions on the protests will be announced in the **Federal Register.**

William G. Leavell,

State Director.

[FR Doc. 81-3388 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR 1780 that a meeting of the Spokane District Advisory Council will be held on Thursday, March 5, 1981.

The meeting will begin at 9:00 a.m. in Room 695 of the U.S. Court House, West 920 Riverside, Spokane, Washington.

The agenda for the meeting is:

1. Meeting Organization.
2. Bureau Program Outlook.
3. Current District Activities.
4. Proposed District Implementation of Surface Mining Regulations.
5. Benton-Franklin County Planning.
6. Next Meeting Agenda.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 3:00 and 4:00 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Room 551, U.S. Court House, Spokane, WA 99201, Telephone (509) 456–2570, by close of business, 4:30 p.m., February 26. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the District Office and be made available for public inspection and reproduction at the cost of duplication.

January 20, 1981.

Roger W. Burwell,

District Manager.

[FR Doc. 81-3369 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Multiple Use Advisory Council; Meeting

Notice is given in accordance with Pub. L. 92–463, that a two day meeting of the Winnemucca District Multiple Use Advisory Council will be held on March 16, 17, 1981. The meeting will be from 10:00 a.m. to 5:00 p.m. on March 16, continuing from 9:00 a.m. to 4:00 p.m. on March 17. Meeting place is the Conference Room of the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445.

The agenda for the meeting will include: (1) Explanation of ongoing Environmental Impact Statements and planning recommendations; (2) Discussion of districtwide controversial issues: (a) Wild Horse and Burros, (b) Riparian areas, (c) Geothermal stream conflicts, (d) Recreation—Off Road Vehicle Use; (3) Public Comment Period; (4) Arrangements for next meeting and proposed agenda.

The meeting is open to the public. Interested persons may make oral statements to the Council at 1:30 p.m. on March 17, 1981 or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by March 2, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: January 21, 1981.

Frank C. Shields,

District Manager for State Director, Nevada.

[FR Doc. 81-3371 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Board; Meeting

January 23, 1981.

Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, March 11, 1981 at 9:00 a.m. at the Bureau of Land Management Office Annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will include:

1. Sagebrush Rebellion
2. Bentonite and the 1872 Mining Act
3. Grass Creek Planning with Particular Emphasis on Forage Allocation
4. Update Wilderness Study Areas
5. Election of Officers and the Next Meeting's Agenda

The meeting is open to the public. Interested persons may make oral statements to the council between 1:00 and 1:30 p.m., or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address on or before Friday, March 6, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-3366 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92–463, Pub. L. 94–579, Pub. L. 95–514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Friday and Saturday, March 6 and 7, 1981, at 9 a.m. at the Bureau of Land Management office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Agenda for the meeting will include:

1. Election of Vice Chairperson.
2. Overview of Idaho Falls District activities, Resource Area highlights, and major programs by Resource Area to include, but not be limited to, Big Desert Grazing Environmental Impact Statement, Big Southern Butte Communication Site, Medicine Lodge Planning Issue Identification and Dike Lake Recreation Area.
3. Proposed BLM Idaho reorganization.
4. Idaho National Engineering Laboratory (DOE) Withdrawal Review.
5. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by March 2, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: January 21, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-3430 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona Wilderness Inventory Program; Decisions on Protests to the Final Intensive Wilderness Decision on the Hualapai-Aquarius Accelerated Wilderness Inventory

SUMMARY: This notice is to advise the public of my decisions on the protests received on the "Final Intensive Wilderness Decision on the Hualapai-Aquarius Accelerated Wilderness Inventory."

SUPPLEMENTARY INFORMATION:

Background

On October 14, 1980, I announced my final intensive wilderness inventory decision on the Hualapai-Aquarius Accelerated Wilderness Inventory. The above notice advised the public of their right to file a protest to my decision. A total of two protests on 15 inventory units was received during the protest period provided.

As a result of the evaluation of information contained in these protests, I am announcing an amendment to one of the inventory unit decisions.

Amended Decision

The inventory decision amendment is summarized as follows:

AZ–020–059 The Permanent Documentation File Map and written boundary descriptions did not coincide. A new written description was developed which uses aliquot parts for the boundary description. Acreage remains the same.

The publication of this **Federal Register** notice starts a 30-day appeal period. This appeal period is for the amendment to the October 14, 1980 wilderness inventory decision only—no other part of Arizona's final intensive wilderness inventory is open to appeal.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the notice of appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

January 23, 1981.

Clair M. Whitlock,

State Director.

[FR Doc. 81-3357 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Implementation of Final Intensive Wilderness Inventory Decision

I hereby announce the implementation of my final intensive wilderness inventory decision for the Rare Lizard and Snake intensive wilderness inventory unit (unit number CO–030–263). No protests were received to my decision as announced in the **Federal Register**, Vol. 45, No. 222, Friday, November 14, 1980, pages 75584–75586, that the Rare Lizard and Snake intensive inventory unit totalling 13,410 acres lacked wilderness characteristics. The final intensive wilderness inventory decision on this unit is therefore now final and the area is released from further wilderness review by the BLM and is available for other multiple use activities.

This announcement supplements my previous notice on protests to my final intensive wilderness inventory decision as announced in the **Federal Register**, Vol. 46, No. 2, Monday, January 5, 1981, pages 1033–1035.

Additional Information

Information on the wilderness review process and inventory units can be obtained by contacting BLM personnel at the following locations:

Montrose District Office, 249–7791, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81402: District Manager: Marlyn Jones; Wilderness Specialist: Jon Sering

In Denver contact:

Colorado State Office, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, Colorado 80202; State Wilderness Coordinator: Harold Belisle, 837–3393.

Dated: January 19, 1981.

Charles W. Luscher,

Acting State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 81-3358 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Susanville District Grazing Advisory Board, Susanville, Calif.; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Grazing Advisory Board will be held on March 11, 1981.

The meeting will begin at 10:00 a.m. in the Surprise Resource Area Office of the Bureau of Land Management, Cedarville, California.

The agenda for the meeting will include:

1. Discussion of FY 1982–83 Range Improvement Priorities.
2. Subcommittee Report on Alternative Ways to Accomplish Range Improvement Work.
3. Other Comments.
4. Public Comments.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m., or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130, by March 6, 1981. Depending on the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 81-3321 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Uinta-Southwestern Utah Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Federal Coal Management regulations (43 CFR Part 3400) the Regional Coal Team (RCT) for the Uinta-Southwestern Utah Regional will meet at 9:00 a.m. on March 4, 1981. The meeting will be to finalize RCT recommendations to the Secretary of Interior for the first leasing effort in the Uinta-Southwestern Utah region under the new Federal Coal Management Programs. The meeting will be concerned with final team recommendations on tract ranking, selection of alternatives and sale scheduling.

Written comments on the above subjects or other items of interest are invited. Comments should be submitted to the Regional Coal Team Chairman at the address listed below. Comments must be received by March 2, 1981.

DATE: The Regional Coal Team meeting will meet March 4, 1981 at 9:00 a.m.

ADDRESS: The meeting will be held in the BLM 13th Floor Conference Room, University Club Blvd., 136 E. South Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Edward F. Spang, Regional Coal Team Chairman, Federal Building, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: January 21, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-3365 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Decision on Protests to State Director's November 14, 1980, Decision on Statewide Wilderness Inventory

The State Director's final decision on the statewide wilderness intensive inventory in Wyoming was published in the Federal Register on November 14, 1980. In that notice it was stated that any person(s) who has disagreement with this decision and has information which may influence this decision may file a protest with the Bureau of Land Management, Wyoming State Director, by 4:30 p.m., December 15, 1980.

During the protest period, the Wyoming State Director received 18 protests to decisions announced in the statewide notice. Each protestant is receiving, by certified mail, a decision responding in detail to the points of his/her protest. This notice summarizes the results of these decisions. Each protestant is allowed the right of appeal to the Interior Board of Land Appeals within 30 days from the date of service of his/her individual decisions. The protests were directed to the decisions on the following inventory units:

Worland District

WY-010-126, Bobcat Draw Badlands: One protest of the decision to retain the Bobcat Draw Badlands Unit as a wilderness study area was received. The evidence submitted by the protestant was reviewed and found to be subjective in nature. The protestant was concerned with access routes being considered ways instead of roads and the effect of reservoirs on naturalness. After careful review of the protest, it is determined that no new evidence was submitted that would change the original decision. Therefore, the decision to establish the Bobcat Draw Badlands as a wilderness study area remains unchanged.

WY-010-239a, Paint Rock: Four protests of the decision to establish the Paint Rock Unit as a wilderness study area were received. These four protests were all from local residents and were concerned with private lands lying adjacent to a portion of the WSA boundary. The protestants were also concerned about a deadend road that extends into the unit. This road is excluded from the unit by a procedure called "Cherrystemming" which draws the unit boundary along the edge of the road.

Our final concern of the protestants was that the area does not need to be designated as a wilderness area. It should be remembered that this inventory decision did not designate the unit wilderness, but only established that the unit possesses wilderness characteristics. Future land use planning decisions and formal action by Congress will determine the final disposition of the unit. After careful review of these protests, it is determined that no new evidence has been submitted which would change the original decision. Therefore, the decision to establish the Paint Rock Unit as a wilderness study area remains unchanged.

WY-010-241C, Alkali Creek: Two protests of the decision to retain the Alkali Creek Unit as a wilderness study area were received. The concerns expressed by the protestants were regarding inholdings of private lands within the boundaries of the WSA and the interpretation of "roadless" and "natural" as characteristics of the unit. The evidence submitted was subjective in nature or did not constitute new information. After careful review of these protests, it is determined that no new evidence has been submitted which would change the original decision. Therefore, the decision to establish the Alkali Creek Unit as a wilderness study area remains unchanged.

Rawlins District

WY-030-109, Dubois Badlands: One protest of the decision to retain the Dubois Badlands Unit as a wilderness study area was received. The concern expressed was that the unit should remain open to all users. The protestant has drawn a premature conclusion in assuming that the unit is closed to off-road vehicles, hunters, or campers. These actions, if taken, would be done through the land use planning process. After careful review of the protest, it is determined that no new evidence has been submitted which would change the original decision. Therefore, the decision to establish the Dubois Badlands Unit as a wilderness study area remains unchanged.

WY-030-115, Lysite Badlands; WY-030-123a, Sweetwater Rocks: One protest of the decision to drop the Lysite Badlands Unit and a portion of the Sweetwater Rocks Unit was received. This same protest also included two units in the Rock Springs District which will be discussed later in this notice. The basic disagreement by the protestant is in the application of the Bureau guidelines to determine naturalness and opportunity for outstanding solitude or primitive recreation. After careful review of the rationale presented by the protestant, it is determined that no new evidence has been submitted which would change the original decision. Therefore, the decision to drop the Lysite Badlands Unit and a portion of the Sweetwater Rocks Unit remains unchanged.

WY-030-305, Pedro Mountains: Three protests of the decision to establish the Pedro Mountains Unit as a wilderness study area were received. All three protestants basically objected to the Bureau reversing the proposed decision to drop the unit and retaining the unit as a wilderness study area. Lengthy arguments were presented on why the protestant felt the unit did not possess wilderness characteristics and why outside sights and adjacent land ownership should be taken into account to drop the unit. After careful consideration of the arguments presented, it has been determined that evidence for retaining the unit is more convincing than the evidence for dropping it. Therefore, the decision to retain the Pedro Mountains Unit as a wilderness study area remains unchanged.

WY-030-401 and WY-040-408, Adobe Town: Two protests of the decision to establish the Adobe Town Units as wilderness study areas were received. These two units are adjacent to each other and are only divided by an administrative boundary between the Rawlins and Rock Springs Districts. The protestants allege that the Adobe Town Units do not meet the Bureau's criteria for size, naturalness, and outstanding opportunity for solitude or primitive recreation. After careful consideration of the arguments presented, it has been determined that the evidence presented for dropping these units is less convincing than the evidence contained in the inventory file which supports the decision to retain the units as wilderness study areas. Therefore, the decision to retain the Adobe Town Units as wilderness study areas remains unchanged.

Rock Springs District

WY-040-307, Sand Dunes: Two protests of the decision to establish the Sand Dunes Unit as a wilderness study area were received. The protestants argue that the Sand Dunes Unit does not meet the Bureau's criteria for size, naturalness, and outstanding opportunity for solitude or primitive recreation. After careful consideration of the arguments presented, it has been determined that the rationale for retaining the unit is more convincing than the rationale presented by the protestants to drop the unit. Therefore, the original decision to retain the Sand Dunes Unit as a wilderness study area remains unchanged.

WY-040-311, Alkali Draw: One protest to the decision to establish the

Alkali Draw Unit as a wilderness study area was received. The protestant requested that sections of land within the unit on which he holds an oil and gas lease be excluded from the unit because these sections do not possess wilderness characteristics. The Bureau's guidelines stated that:

> A unit is not to be disqualified on the basis that an outstanding opportunity exists only in a portion of the unit. Each individual acre of land does not have to meet the outstanding opportunity criterion. Obviously there must be an outstanding opportunity *somewhere* in the unit.

The request by the protestant could not be accommodated within the Bureau's wilderness inventory guidelines. Therefore, the decision to retain the Alkali Draw Unit as a wilderness study area within the boundaries as announced remains unchanged.

WY-040-325, Whitehorse Creek; WY-040-406, Red Creek Badlands: The same protest to the decision on the Lysite Badlands and Sweetwater Rocks Units in the Rawlins District also protested the decision to drop portions of the Whitehorse Creek Unit and the Red Creek Badlands Unit. The protestant argues that those portions of these two units that were dropped should be retained because they are sufficiently natural in character and, in the instance of the Red Creek Badlands Unit, a boundary line was improperly drawn. After careful review of the arguments presented, the Bureau acknowledges that the eastern boundary of the Red Creek Badlands was improperly located on a minor intrusion and has, therefore, relocated the eastern boundary on the county road. The northern boundary has been redrawn on a legal subdivision rather than a topographic feature. These two boundary adjustments increase the acreage of the unit from the 7,100 acres announced in the November 14, 1980, decisions to 8,020 acres. Those lands added to the unit by this boundary relocation are retained under the constraints of the Bureau's interim management policy.

The protestant further argued that the lands dropped from the Whitehorse Creek Unit were sufficiently natural in character to be retained in the unit. After careful consideration of the arguments presented, it has been determined that the evidence presented to retain portions of the unit are not as convincing as the rationale for dropping those portions. Therefore, the boundaries of the Whitehorse Creek wilderness study area, as announced in the November 14, 1980, decision, remain unchanged.

Casper District

WY-060-202, North Fork Powder River: One protest to the decision to establish the North Fork Unit as a wilderness study area was received. The objections raised by the protestant are based on his judgment and opinion that the unit should not be retained as a wilderness study area. The protestant further argues that the values inherent to the North Fork Unit should be protected by other means than wilderness. After careful consideration of the arguments presented for dropping the unit, it is determined that evidence for retaining the unit is more convincing than the evidence for dropping it. Therefore, the decision to retain the North Fork Unit as a wilderness study area remains unchanged.

The above decisions are consistent in all respect with the November 14, 1980, decision except for the 920-acre addition to the Red Creek Badlands Unit WY-040-406.

Any person(s) who has information which he/she believes will show that the decision to add 920 acres to Unit WY-040-406 is incorrect may appeal to the Interior Board of Land Appeals. In the event no appeal is filed, the decision on the 920 acre addition will become final as of 4:30 p.m., February 27, 1981.

The right of appeal to the Interior Board of Land Appeals, Office of the Secretary, on these units is allowed in accordance with the regulations in 43 CFR Part 4, subpart E. Any notice of appeal must be filed with the Wyoming State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001 (not with the board), so that the case file(s) can be transmitted to the board. To avoid summary dismissal of the appeal, these must be in strict compliance with the regulations found in 43 CFR 4.411. The rules of practice require that a copy of the notice of appeal, any statement of reason, written agreements, or briefs must be served on the Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007, Denver Federal Center, Denver, Colorado 80225, within 15 days of filing any document in connection with an appeal.

Since the notice does not establish a specific date of service upon any person(s), the deadline for filing an appeal with the Wyoming State Director shall be 4:30 p.m., February 27, 1981, except that the protestants have 30 days from the date of service of their individual individual decisions in which to file an appeal.

Appeals to any and all other aspects of this decision may be taken by any adversely affected party to the November 14, 1980, decision.

No protests were received concerning 61 other units listed in the November 14, 1980, decision. The decision of these units became final at 4:30 p.m., December 15, 1980. Those units dropped from the wilderness review process on which no protest was received were released from the constraints of the Bureau's interim management policy as of 4:30 p.m., December 15, 1980.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-3359 Filed 1-28-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 139.1]

Agency for International Development, Authority Delegation; Mission Director, USAID/Egypt

Pursuant to the authority delegated to me by Delegation of Authority No. 139 of November 18, 1980 from the Administrator, I hereby redelegate to the Director, USAID/Egypt, authority to waive nationality requirements with respect to the financing of motor vehicles for A.I.D. projects in Egypt provided, however, that such waiver authority shall be limited to transactions in which the total cost of such vehicles does not exceed $250,000.

This redelegation does not otherwise modify existing waiver authority with respect to source and origin requirements for vehicles contained in Redelegation of Authority No. 40.5(f).

This Redelegation of Authority shall be effective immediately.

Dated: December 19, 1980.

Bradshaw Langmaid, Jr.,

Acting Assistant Administrator, Bureau for Near East.

[FR Doc. 81-3439 Filed 1-28-81; 8:45 am]

BILLING CODE 4710-02-M

INTERSTATE COMMERCE COMMISSION

[AB 1 (SDM)]

Chicago and Northwestern Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and Northwestern Transportation Company

has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 (SDM). The Commission on January 21, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3264 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 399]

Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Costing Standards.

SUMMARY: In this proceeding, the Commission will decide the method for estimating rail costs to be used in calculating the cost recovery percentage (CRP) in Section 202 of the Staggers Rail Act of 1980. One methodology is Rail Form A (RFA) and the other is the newer Uniform Rail Costing System (URCS). Under either method, variable costs will be estimated for a sample of rail movements. The revenue associated with each movement will then be divided by its corresponding estimate of variable cost to generate a representative range of revenue/variable cost ratios. These ratios are to serve as the basis for calculating the CRP. Once the method is established, the Commission will publish the CRP without further public comment.

DATE: Comments must be received on or before March 16, 1981.

ADDRESS: An original and 15 copies should be sent to: Interstate Commerce Commission, Room 5340, Washington, D.C. 20423.

FOR GENERAL INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7656.

For specific assistance on cost information contact: Frank Gianfrancesco, (202) 275-7383.

SUPPLEMENTARY INFORMATION: The CRP will serve, under conditions specified in Section 202 of the Rail Act, as a jurisdictional threshold for maximum rate regulation. Section 202 of the Rail Act expressly requires the Commission to calculate, within 180 days after the effective date of the act and on an annual basis thereafter, the cost recovery percentage (CRP) for all rail traffic. The CRP is a rate of revenue to variable cost that is to serve as the jurisdictional-market dominance threshold for rate regulation by the Commission beginning October 1, 1984, or, if the CRP is less than 175 percent, beginning October 1, 1983. The CRP is to be set at a level such that even if all rates were held at or below that level, carriers in the aggregate would earn revenues sufficient to cover industry-wide variable plus fixed costs. To determine the CRP, costs must first be ascertained for a representative sample of rail movements. This can be done through either of two costing methodologies. One of the methodologies is that which has been used by the Commission in the past: Rail Form A (RFA). The other methodology, which is in the final stages of its first application, is the Uniform Rail Costing System (URCS). Since these costing methodologies are likely to yield different estimates of variable cost and, as a consequence, different CRPs, we are soliciting comments from interested parties as to which approach is preferable. A more detailed description of the CRP and descriptions of the two costing methodologies follow.

The CRP

The CRP is a calculated revenue/variable cost ratio which is to serve, under conditions specified in section 202 of the Rail Act, as a jurisdictional threshold for rail rate regulation. Technically, the CRP is that ratio of revenue to variable cost which, if all rail traffic moved at revenue/variable cost ratios at or below this ratio, would result in industry revenues equal to the fixed and variable costs of the industry.[1] The first step in calculating the CRP requires estimating revenue/variable cost ratios for a representative sample of rail movements. One would then start with a very high ratio, and progressively lower it until the corresponding reductions in revenue result in total revenue equaling total fixed plus variable cost for the movements in the sample.[2] The ratio thus produced would be the CRP.

We propose to use the Commission's waybill sample to estimate revenue/variable cost ratios. The waybill data specifically include revenue information for sample carrier movements. Variable costs can be estimated from other data available on the waybill. The CRP is necessarily sensitive to the range of ratios associated with the waybill sample. The following problems can, therefore, be anticipated:

1. For any given waybill sample, the revenue/variable cost ratios associated with the movements in that sample will depend on the costing methodology employed. To the extent that RFA and URCS differ, they will yield different estimates of variable cost for each movement and, as a consequence, a different range of revenue/variable cost ratios, and very likely, a different CRP.

2. Since any sample is unlikely to be a perfect image of the population from which it is drawn, the range of movements and corresponding revenue/variable cost ratios in a waybill sample will not perfectly reflect those of the population. As a consequence, the CRP calculated on the basis of the sample will differ to some extent from a CRP calculated for the totality of rail movements. For similar reasons, yearly changes in the CRP when calculated on the basis of the waybill sample are likely to differ somewhat from yearly changes in the true CRP for the yearly waybill populations themselves. Such differences are ameliorated by the quality of the sampling procedures and the size of the sample.

3. The manner in which the waybill sample is drawn creates some biases. For example, there is an underrepresentation of movements of bulk commodities in the 1977 waybill sample. This bias will be corrected by adjusting the 1977 sample so that it conforms to total carload data for these commodities appearing in the Quarterly Carload Statistics reported by the railroads to the Commission and to the distribution of movements for these commodities in the 1979 waybill sample (where such biases have been considerably reduced). Problems such as this will, however, continue to arise, and their effects on the CRP cannot be completely avoided.

RFA Costing

The RFA costing methodology is a product of a series of studies undertaken over several years. An explanation of the nature of rail costs and the procedures followed in computing such costs appears in Statement No. 7-63, *Explanation of Rail Cost Finding Procedures and Principles Relating to*

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[1] Fixed costs are defined for this particular purpose to include a return to both equity and debt capital calculated using the embedded debt rate.

[2] Industry fixed costs are allocated to the movements in the sample on a ton/ton-mile basis.

the Use of Costs.[3] This section summarizes the RFA method of deriving variable costs and describes how such costs might be allocated to specific rail movements in a waybill sample.

RFA costing is based on cost and operating data for Class I railroads only.[4] The process of allocating rail variable costs to specific rail movements may begin with either of two breakdowns of industry costs: (1) By region or (2) by individual railroad. To allocate regional or individual railroad variable costs to the rail movements in a waybill sample, several steps are required under the RFA method. The first four steps generate unit variable costs, which are basic inputs for costing rail traffic. The remaining steps apply these unit costs to rail movements in the waybill sample and make additional adjustments to arrive at an estimate of variable cost for each movement. These steps are as follows:

1. For each region or railroad, total costs are allocated to several fairly broad expense categories.

2. The variable portion of the cost in each expense category is then calculated. This is achieved by multiplying the cost in each expense category by a predetermined percentage.[5] (See Appendix).

3. To arrive at unit variable costs, the variable cost in each expense category is divided by the total carloads, car-miles, tons, or ton-miles for each region or railroad. Variable costs associated with terminal operations are divided by either carloads or tons, depending on which is more appropriate for a given expense category. Variable costs associated with line-haul operations are divided by either car-miles or ton-miles, also depending on expense category.

4. Unit variable costs measured in common units are then combined across expense categories to yield four general measures of unit variable cost: (1) Terminal cost per carload, (2) terminal cost per ton, (3) line-haul cost per car-mile, and (4) line-haul cost per ton-mile.[6]

5. A basic estimate of variable cost is obtained for each rail movement in the waybill sample by multipling the carloads, car-miles, tons, and ton-miles associated with each movement by the corresponding unit variable cost and then summing.

6. The basic measure of variable cost for each movement is then subjected, as applicable, to one or more of nine adjustments. The purpose of these adjustments is to arrive at a more precise estimate of variable cost for each movement by taking into account relevant movement-specific information collected in the waybill. For each adjustment, the basic estimate of variable cost is increased or decreased according to a predetermined factor. (See Appendix.)

7. With each adjustment, a "make whole" adjustment is applied to movements not subject to the adjustment. The total increase or decrease in cost associated with each adjustment is allocated among the unadjusted movements. Since the variable cost figures obtained in step 5 reflect a correct apportionment of industry aggregate variable costs to the total of movements in the waybill sample, the purpose of the "make whole" adjustment is to leave these aggregate figures undistorted.

This last step generates the final estimates of variable cost under the RFA method.

The revenue associated with each movement in the waybill sample is then divided by the estimate of variable cost for that movement. These revenue/variable cost ratios would be used to calculate the CRP for the industry if the proposed approach based on RFA costing is selected.

URCS Costing

URCS differs from RFA in several important ways:

1. URCS uses data from a different accounting system. It is based on the "new" Uniform System of Accounts (USOA), which has been used by railroads since 1978, while RFA would require conversion of post-1977 data into the "old" USOA format or the use of update factors on 1977 data. The "new" USOA is superior to "old" USOA in the following respects: (1) It more closely follows generally accepted accounting principles, (2) it includes a finer breakdown of costs by expense category and more detailed operating statistics, and (3) it includes some expenses that are already allocated to equipment and service units and, thus, precludes the need to allocate such expenses as part of the costing procedure. The fact that "old" USOA data cannot be directly obtained adds to the limitations of the RFA costing methodology.

2. The manner in which the percent variable for the several expense categories is determined under URCS is more sophisticated. In URCS, estimation of percent variable for each expense category is conducted on an annual basis while, in RFA, historical estimates are used. Additionally, in URCS, estimates of percent variable are tailored to the characteristics of individual railroads (to reflect, for example, capacity utilization) while the estimates in RFA are averages.

3. The appropriate procedure for costing the waybill sample is also somewhat different under URCS. The main difference is that all information in each waybill relevant to costing is simultaneously taken into consideration under URCS. In other words, the costing procedure is more streamlined and, as a consequence, more comprehensible. It contrasts with the somewhat cumbersome steps and adjustments in RFA.

While URCS may have several advantages, RFA does have one advantage. It has ben used for many years and, thus, may be better understood than URCS, which is as yet untried. Whether this advantage outweights the disadvantages should be commented on by interested parties.

Conclusion

In summary, once the costing methodology is chosen, it will be used to compute, using a sample of waybills, a representative range of revenue/variable cost ratios. These ratios are to serve as the basis for calculating the CRP. Once the appropriate methodology is selected at the conclusion of this proceeding, we will release the CRP figure without further comment by interested persons. In addition, as the primary issue here is the choice of a costing methodology, we see no reason to develop and publish rules in the CFR. In the future, as refinements of rail costing methodologies are made, we will propose changes in the CRP derivation as necessary.We seek comments on the analysis contained in this notice. While it does not appear that this subject will significantly affect the quality of the human environment, energy consumption, or have an adverse effect on small business, comments on these manners are also invited.

[3] Published by the Commission's Bureau of Accounts and released November 1963. Later adjustments to the RFA costing methodology have not been published in a comparable format.

[4] Class I railroads account for approximately 90% of total ton-miles produced by rail.

[5] These percentages were determined in a study by the Commission's Bureau of Accounts. In this study, which was based on 1966-70 data for Class I railroads, the statistical relationship between the cost in each expense category and an appropriate measure of output (tons, ton-miles, etc.) was estimated. The percentages were derived from the statistical results for each expense category.

[6] Terminal cost per carload and line-haul cost per car-mile vary according to car type. The variation is due to the variation in empty movements by car type and the tare weight of the car.

Authority: 49 U.S.C. 10321; 49 U.S.C. 10709 as amended by section 202 of the Staggers Rail Act 5 U.S.C. 553.

Decided: January 21, 1981.

By the Commision, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

1. *Expense items and percent variables.* The following table lists the expense items combined in line-haul or terminal costs and indicates the percent variable for each and the output measures used to statistically estimate it.

Freight expense	Related output	Percent variable
Maintenance of way and structures:		
Yard and way switching	Yard and train switching	
Tracks	Hours	55
Running tracks	Freight gross ton-miles	57
Other	Tons of revenue freight	60
Maintenance of equipment:		
Yard locomotive repairs	Yard switching locomotive unit-miles	82
Train locomotive repairs	Freight gross ton-miles	68
Freight car repairs	Freight car-miles	86
Other	Tons of revenue freight	79
Transportation—Rail line:		
Yard expense	Yard switching hours	96
Train expenses	Freight train-miles	97
Station employees, platform only	(1)	100
Other	Tons of revenue freight	44
Tax accruals excluding Federal income taxes	Tons of revenue freight	72
Traffic, miscellaneous operations, and general	Other operating expenses (maintenance of way and structures, maintenance of equipment and transportation).	70
Return on road property	(1)	50
Return on equipment	(1)	100
Net rents	(1)	100

[1] Computation of percent variable factors for these expenses was not a part of the study.

The above estimates of percent variable were derived in a study by the Bureau of Accounts based on 1966–70 data for Class I railroads. For a description of the estimating techniques used in the study see *Rail Carload Cost Scales 1977*, Bureau of Accounts, Interstate Commerce Commission, Statement 1C1–77, pp. 156–57.

2. *RFA Costing of 1976 and 1977 Waybill Samples by A. T. Kearney, Inc.* A. T. Kearney, Inc. was hired under contract by the Commission to apply the 1976 and 1977 unit variable costs developed by the Bureau of Accounts to the 1976 and 1977 waybill samples. In addition to applying these basic estimates of variable cost per car-mile, carload, ton-mile, or ton, Kearney also made the following adjustments where applicable:

1. *Grain door adjustment.* If grain moves by boxcar, a plywood or paper door is placed behind the boxcar door to prevent loss of grain. A cost for this service was added to the basic estimates of variable cost. The cost adjustment was based on a special study by the Soo Line Railroad which is documented in Ex Parte 270, Sub. No. 9.

2. *Export adjustment.* Export movements destined for Gulf ports received an additional five days of terminal car cost, and export movements to the North Pacific ports received an additional 3 days of terminal car cost. The adjustment factors were derived in an informal analyis by the Commission's Bureau of Accounts.

3. *In-transit inspection adjustment.* For each carload of grain (regardless of car type) receiving an in-transit inspection, an additional 3.5 days of terminal car cost and an additional 8.68 minutes of terminal switching cost were added to the basic estimate of variable cost. The adjustment factors were derived in an informal study by the Bureau of Accounts.

4. *Interchange adjustment.* In the first step of this adjustment, the estimated interchange switching costs (included in the rail carload cost scales) were removed for all movements and replaced with more acurate switching costs for each movement, based on more specific interchange frequency data for each movement. The superior allocation of switching costs was based on a special study to determine the probable routings of movements in the waybill sample. This study was undertaken by Allan Kornhauser, Princeton University. In the second step of this adjustment, switching costs were halved for all movements involving 50 or more cars. The basis for this adjustment factor is documented in Ex Parte 270, Sub. No. 4.

6. *Terminal switching adjustment.* The origin and destination terminal switching costs were reduced for movements consisting of more than 5 carloads, on the basis of a sliding scale where reduction ranged from 12 to 75 percent. The adustment factors were derived in a special study.

7. *Station clerical adjustment.* The origin and destination terminal clerical costs were reduced for movements consisting of more than 5 cars by assigning 25 percent of these costs on a per carload basis and 75 percent on a per shipment basis. The adjustment factor was the product of several informal analyses by the Bureau of Accounts.

8. *Freight train car cost adjustment.* The origin and destination freight train car costs were reduced for movements with more than 5 carloads. Movements with 6 to 49 cars received a 25 percent reduction in cost per car and movements with 50 or more cars received a 50 percent reduction in cost per car. The basis for these adjustment factors is documented in Ex Parte 270 Sub. No. 4.

9. *Inter-intra train switching adjustment.* Intra-train and inter-train switching costs were deducted for all movements with 50 or more cars. The basis for this adjustment factor is documented in Ex Parte 270, Sub No. 4.

With each of the above cost adjustments, a "make whole" adjustment was applied to the costs of the remaining traffic. In each instance, the increases or decreases in the costs of movements subject to the adjustment were summed and allocated to the remaining traffic. The purpose of the "make whole" adjustment is to leave unchanged the portion of industry variable costs allocated to movements in the waybill sample.

An outline of the computer program used by A. T. Kearney, Inc., to cost movements in the 1976 and 1977 waybill samples may be obtained upon request from the Commission.

[FR Doc. 81-3271 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-3)]

Southern Pacific Transportation Co. and St. Louis Southwestern Railway Co. Exemption for Contract Tariff ICC-SP-4575

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Subject to prior written acceptance by these railroads of specified conditions, they are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49

U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed on or before February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Richard Schiefelbein (202) 275-7656—(202) 275-0826.

SUPPLEMENTARY INFORMATION: The Southern Pacific and the St. Louis Southwestern have requested that we authorize short notice for their proposed tariff ICC-SP-4575. That tariff will reflect a three-month contract with Chrysler Corporation. The contract provides a five-percent rate reduction in exchange for guaranteed tender (during the term of the contract) by Chrysler of 900 carloads of auto parts and assembled automobiles. Chrysler's financial difficulties have prompted this request for short notice. The carriers state that the proposed rate reduction will enable Chrysler to arrange continued financing.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here. This is identical to actions taken to reduce the notice period in Ex Parte No. 387 (Sub-No. 1), *Southern Railway Exemption for Contract Tariff ICC-SOU-C-0001*, served December 30, 1980 (46 FR 1358, January 6, 1981), and Ex Parte No. 387 (Sub-No. 2), *Seaboard Coast Line Railroad Company and Atchison Topeka and Santa Fe Railway Company Exemptions for Contract Tariffs*, served January 9, 1981 (46 FR 3664, January 15, 1981).

The carriers do not indicate whether protests are expected. However, we note that the Ex Parte No. 387 (Sub-Nos. 1 and 2) exemption orders also cover special arrangements with automobile manufacturers. This proposal should enhance carrier service by encouraging efficient movement and should not impair the carrier's obligation to provide service to other shippers. An early effective date is necessary to assist Chrysler in its financing arrangements.

In this unusual situation, we believe an exemption should be granted subject to Southern Pacific and St. Louis Southwestern filing, prior to or simultaneous with the filing of the contract, their written acceptance of an agreement to be bound by the following condition:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Furthermore, we shall consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before February 13, 1981.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: January 22, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3270 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control or motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49* U.S.C. 11344 and 11349. These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after January 29, 1981. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: January 22, 1981.

By Review Board No. 5, Members Krock, Taylor, and Williams. (In MC-F-14531F member Taylor voted to publish with an impediment as to the duplication between Sub-179, and Sub-205. In MC-F-14542, member Taylor

voted to publish with an impediment as to the duplicating authority.

MC–F–14504F, filed November 13, 1980 (Supplemental Publication) (Previously published in the **Federal Register** on December 16, 1980). GRESHAM TRANSFER, INC. (Gresham) (12008 NE Inverness Dr., Portland, OR 97220)—Purchase (Portion)—Widing Transportation, Inc. (Widing) (P.O. Box 03159, Portland, OR 97203). Representatives: Earle V. White, 2400 SW Fourth Ave., Portland, OR 97201; and Michael Crew, Standard Plaza, Portland, OR 97204. The purpose of this supplemental publication is to include in the scope of authority being acquired by Gresham the authority recently issued to Widing in MC–123681 (Sub-No. 34F) on December 10, 1980. That certificate authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *commodities* which by reason of size or weight require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment as commodities which by reason of size or weight require special handling or the use of special equipment, (2) *self-propelled articles* (except automobiles, trucks, and buses other than construction equipment), transported on trailers, (3) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (4) *pipe* other than iron and steel, and *construction materials* (except commodities in bulk), between points in OR, WA, and ID, on the one hand, and, on the other, points in CA and NV. Carrier is permitted to join the authority in Sub-34F with that in Sub-17 to perform through operations between points in MT, on the one hand, and, on the other, points in CA and NV.

MC–F–14531F, filed December 31, 1980. COX REFRIGERATED EXPRESS, INC. (Cox) (10606 Goodnight Lane, Dallas, TX 75220)—Purchase (Portion)—TEXAS CONTINENTAL EXPRESS, INC., Joseph Colvin, Trustee (Texas) (2002 Continental Life Bldg., Ft. Worth, TX 76102). Representatives: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, and Joseph Colvin, 2002 Continental Life Bldg., Ft. Worth, TX 76102. Cox seeks authority to purchase a portion of the interstate operating rights of Texas. Billy D. Cox Truck Leasing, Inc., a non-carrier and sole stockholder of Cox, and, in turn, Billy D. Cox, the sole stockholder of Billy D. Cox Truck Leasing, Inc., seek authority to acquire control of said rights through the transaction. Cox is purchasing the interstate operating authority contained in Texas' Certificates MC–133095 (Sub-Nos. 49 and 179). Operating rights sought to be purchased: (1) *Auto Parts*, from Dyersburg, TN, Goldsboro, NC, and Grand Haven, MI, to points in that part of the United States in and west of AR, IA, LA, MN, and MO (except AK and HI), restricted to the transportation of shipments originating at the facilities of Questor Corporation at the above-named origin points and destined to points in the named destination States, as more fully described in Certificate No. MC–133095 (Sub No. 179); (2) *Meats, meat products, meat by-products,* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except comodities in bulk and hides), from Amarillo, TX, to points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, IL, IN, and DC, restricted to the transportation of shipments originating at the facilities of John Morell & Co., as more fully described in Certificate No. MC–133095 (Sub-No. 49). Vendee is authorized to operate pursuant to Certificate No. MC–140033 and subs thereunder, as a common carrier, transporting specific commodities, over irregular routes, between points in the States of TX, CA, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, DC, AZ, CO, FL, NM, LA, ID, NV, OR, UT, WA, GA, AL, IL, MO, KS, and OH, and pursuant to Permit No. MC–142296 as a contract carrier of clothing and wearing apparel between Memphis, TN, and Los Angeles and San Francisco, CA. Condition: Approval and authorization of this transaction is conditioned upon the prior cancellation by Caraban Refrigerated Cargo, Inc., of Certificates No. MC–133095 (Sub-Nos. 49 and 179) from its lease application in MC–F–14392F and from the temporary lease granted May 23, 1980, in MC–F–14392F.

Note.—Application for TA has been filed.

MC–F–14537F, filed December 31, 1980. JOHNSTON TERMINALS & STORAGE LTD. (Johnston)—continuance in control—WEST–TRADE TRANSPORT LTD (WETD); REMPEL–TRAIL TRANSPORTATION LTD. (RTTL); and TANK TRUCK SERVICE LTD. (TTSL). (all of P.O. Box 5300, Vancouver, BC, Canada V6B 4B6). Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Johnston, a non-carrier, seeks authority to continue to control interstate operating rights and properties of WETD, RTTL, and TTSL. Transtec Canada Limited, a non-carrier and sole stockholder of Johnston, and, in turn, Ronald H. Granholm, William E. McKinney, Irvin J. Froese, T. Barrie Lindsay, Jack A. Miller, Robert J. Smith, and Harvie J. Malcolm, the majority stockholders of Transtec, seek authority to control said rights and properties through the transaction. Authority is sought for approval of continuance in control due to new operating authority sought by WETD. Previously, the income from operations in interstate or foreign commerce by the carriers was within the exemption under 49 U.S.C. 11343(d)(1). The authority to be controlled, including authority granted but not yet certificated, is as follows: (A) *Tank Truck Service Ltd., MC 123516:* Contract carrier by motor vehicle, over irregular routes. *Gasoline, refined oil, lubricating oil and petroleum distillate fuel,* in bulk, in tank vehicles. From Richmond Beach, WA to the port of entry on the United States-Canada boundary line at or near Blaine, WA. Restriction: The operations authorized herein are subject to the following conditions: The authority granted herein is restricted to shipments destined to points in British Columbia, Canada. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Standard Oil Company of British Columbia, Limited, of North Burnaby, British Columbia, Canada. (B) *Rempel-Trail Transportation Ltd., MC 117125.* Contract carrier by motor vehicle, over irregular routes. (1) *Lubricating oil,* in bulk, in tank vehicles, from Portland, OR, to ports of entry on the United States-Canada boundary line at or near Blaine and Sumas, WA, and Eastpoint, ID. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Jet-Lube of Canada, Ltd, of Edmonton, Alberta, Canada. Operations authorized herein are restricted to transportation of traffic moving to points in Alberta, Canada. (2) *Mineral oil,* from Oakland, CA, to ports of entry on the United States-Canada boundary line at Blaine and Sumas, WA and Eastport, ID. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of shipments destined to points in the Province of Alberta, Canada. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Sherritt Gordon Mines Ltd., of Saskatchewan, Province of Alberta, Canada. (3) *Petroleum*

lubricating oil, in bulk, From Portland and Wilbridge, OR, to the ports of entry located on the United States-Canada boundary line at or near Blaine or Sumas, WA, with no transportation for compensation on return, except as otherwise authorized. Restriction. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Valvoline Oil Co., of Canada Ltd. (C) *West-Trade Transport Ltd., MC 119755:* (1) To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *contractor's and logger's machinery*, which because of their size or weight require the use of special equipment, *and equipment (other than motor vehicles), materials and supplies* moving in connection therewith from points in Washington (except Seattle) to ports of entry on the United States-Canada boundary line located in Washington. (2) *Equipment, materials and supplies used in the production of opera performances* between ports of entry on the international boundary line between the US and Canada in WA, ID, MT, ND, MN, NI, NY, VT, NH, and ME on the one hand, and, on the other, points in the United States (excluding AK and HI). (3) *Scrap metals* for recycling only, between points on the international boundary line between the United States and Canada located in WA, ID and MT on the one hand, and, on the other, points in WA and OR. (4) transporting *lumber and wood products*, between ports of entry on the international boundary line between the U.S. and Canada in WA, ID and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT and AZ. (5) *iron and steel and iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 between ports of entry on the international boundary line between the US and Canada in WA, ID and MT on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT and AZ. (pending on modified procedure).

(6) *Wine (except in bulk, in tank vehicles), from points in CA, to the port of entry on the international boundary line between the United States and Canada at or near Blaine, WA. (7) Beer* (except in bulk, in tank truck vehicles), from the facilities of Jos. Schlitz Brewing Co., at or near Van Nuys, CA to the United States-Canada international boundary at or near Blaine, WA. (8)*Mineral water* (expect in bulk, in tank truck vehicles), from points in California to the United States-Canada international boundary at or near Blaine, WA. Condition: Johnston Terminals & Storage, Ltd shall be considered a carrier within the meaning of 49, U.S.C. 11348 and subjected only to the filing of such special reports as the Commission may from time to time require regarding the reporting requirements of 49 U.S.C. 11145.

MC-F-14542F, filed December 31, 1980. CLIFFORD J. O. NELSON (9 Old Farm Road, Dover, MA 02030); CHARLES CHILBERG (33 Reed St., Rockville, CT 06066); KENNETH NELSON (32 Earl Street, Manchester, CT 06040); WILSON A. GEORGE, JR. (5023 Buckline Crossing, Dunwoodie, GA 30338); and OSCAR H. CHILBERG (52 Richard Road, Manchester, CT 06040) (Individuals)—continuance in control—ROAD RAIL TRANSPORT LTD. (P.O. Box 88114, Atlanta, GA 30341) (Road Rail). Representative: Charles Ephraim, 406 World Center Bldg., 916 16th Street NW, Washington, DC 20006. Authority is sought by Individuals to continue in control of Road Rail, upon the institution by Road Rail of operations in interstate or foreign commerce. Individuals presently control NELSON FREIGHTWAYS, INC. (Nelson), a motor common carrier transporting general and specified commodities in the northeastern United States pursuant to authority issued in MC-60186 and subnumbers thereunder. Road Rail has been granted authority in MC-151037 (Sub-No. 1F) to operate as a motor common carrier, transporting *general commodities*, (expect those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to shipments (a) having a prior or subsequent movement by rail, and (b) originating in or destined to the States of AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV.

MC-F-14539F, filed December 31, 1980. OVERLAND STAGES, INC. (Overland) (2600 Willowburn Ave., Dayton, OH 45427)—PURCHASE—DAVID P. DUBERSTEIN, doing business as DAY-Brook Bus Lines, (Day-Brook) (9773 West S.R. 571, Laura, OH 45337) Representative: Edgar M. Hymans, 1587 Elizabeth Place, Cincinnati, OH 45237. Overland seeks authority to purchase the interstate operating rights and property of Day-Brook. Carl C. Schaefer, Sr., and Kathleen Hoke, the sole stockholders of Overland, seek authority to acquire control of said rights and property through the transaction. Overland is purchasing Day-Brook's authority as issued in MC-140390 (Sub-No. 3), which authorizes the transportation, of (1) passengers and their baggage, express and newspapers, in the same vehicle with passengers (a) between Dayton and Xenia, OH, serving all intermediate points: (i) over U.S. Hwy 35, and (ii) over Dayton-Xenia Pike, and (b) between Dayton and Lewisburg, OH, serving all intermediate points, from Dayton over Wolf Creek Pike to junction Olive Road, near Trotwood, OH, then over Olive Road to Trotwood, then from Trotwood over Wolf Creek Pike to Brookville, OH, then over Arlington Pike to junction US Hwy 40, and then over US Hwy 40 to Lewisburg, and return over the same route, with restrictions against incidental charter operations, and (2) passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points (a) on and north of Little Richmond Road, in Madison and Perry Townships, Montgomery County, OH (except Dayton), (b) on and north of U.S. Hwy 40, in Preble County, OH, and (c) on US Hwy 35 and Dayton-Xenia Pike, between Dayton and Xenia, OH (except Dayton and Xenia), and extending to points in the United States (except AK and HI). Overland has authority under MC-119640 to transport passengers and their baggage, express and newpapers, between Dayton and Xenia, OH, via US Hwy 35; between Dayton and Greenville, OH, via OH Hwy 49, with incidental charter authority, and also charter trips over irregular routes from Dayton, OH, to points in IL, IN, KY, and MI. Schaefer and Hoke, the sole stockholders of Overland, are also affiliated with Victory Express, Inc., a motor common carrier pursuant to MC-144672 and a motor contract carrier pursuant to MC-55822.

Note:—Overland has changed its name from Hamilton City Lines, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3285 Filed 1-28-81; 8:45 am]

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[Volume No. 3]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate

Motor Carrier Alternate Route Deviations—Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with

the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 2, 1981.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 757), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed January 16, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, when moving in the same vehicle with passengers, over a deviation route as follows: From junction US Hwy 31 and unnumbered hwy, north of South Bend, IN, over unnumbered hwy to junction By-Pass US Hwy 31, then over By-Pass US Hwy 31 to junction US Hwy 20, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction US Hwy 31 and unnumbered hwy over US Hwy 31 to South Bend, IN, then over US Hwy 20 to junction By-Pass US Hwy 31, and return over the same route.

Republications of Grants of Operating Rights, Authority Prior to Certification—Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before March 2, 1981. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 140159 (Sub-14F) (republication), filed January 25, 1980, published in the **Federal Register** issue of April 8, 1980, and republished this issue. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. A Decision of the Commission, Review Board Number 2, decided October 31, 1980, and served December 16, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *salt and salt products* from the facilities of International Salt Company at Retsof, NY, to points in Pennsylvania, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. "The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)—Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-16, December 1, 1980. Applicant: W B & L TRUCKING & CARTAGE CO., 911 E. Hiawatha Blvd., Syracuse, NY 13208. Representative: Michael Balanoff, Esq., One Lincoln Center, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commoditiees—Between all points in the Counties of Oneida, Onondaga and Oswego. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus, Bldg. #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2381, January 8, 1981. Applicant: LIBERTY-MIDDLETOWN EXPRESS, INC., Box 630 Liberty, NY 12754. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Sullivan, Delaware, Orange, Ulster, Broome and Dutchess. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Camp Bldg. #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3263 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 7]

Restriction Removals, Decision-Notice

Decided: January 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed on or before February 23, 1981, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 5227 (Sub-81), filed January 19, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. BOX 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its Sub-No. 41 certificate by (1) broadening the commodity description from iron and steel articles to metal products, (2) removing restrictions to the transportation of traffic originating at and/or destined to named plantsite facilities, (3) eliminating the ex-water restriction and (4) authorizing radial authority in lieu of one-way authority.

MC 5227 (Sub-82)X, filed January 19, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. BOX 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its Sub-No. 60 by broadening the territorial description from one-way to radial authority to authorize service between points in the United States (except AK, HI, AR, LA, TX, OK, NM, AZ and UT), and Denver, CO, and points in Hancock, Butler, and Hamilton Counties, OH.

MC 75320 (Sub-235)X, filed January 16, 1981. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub 162 and 196F regular route certificates to (1) remove all exceptions in its general commodity authority except "classes A and B explosives", (2) authorize service at all intermediate points between (a) Dallas, TX and Jackson, MS, and (b) Houston, TX and Hammond, LA; (3) in Sub 162 to remove the restriction (a) against traffic originating at, destined to, or interchanged with connecting carriers at Birmingham and Mobile, AL, Greenville, MS, Memphis, TN, and points within their commercial zones, and Atlanta, GA, and points within 15 miles thereof, (b) against traffic originating at or destined to points in NC, and SC, (c) which limits (1) transportation to traffic originating at, destined to, or interchanged with connecting carriers at points in MS, and (2) service at Monroe, LA, for purpose of joinder only; and (4) in Sub 196F to remove the restriction (a) which authorizes service at Hammon and Baton Rouge, LA, for purposes of joinder only, and (b) against traffic originating at, destined to, or interlined with connecting carriers at points in LA.

MC 55889 (Sub-67)X, filed January 16, 1981. Applicant: AAA COOPER TRANSPORATION, 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-Nos. 52F and 55F certificates which authorize the transportation of general commodities (with the usual exceptions) over a series of described regular routes extending, in Sub 52F, between Atlanta, GA, Birmingham, AL, and Montgomery, AL, and throughout southern MS into New Orleans, LA, and, in Sub 55F, throughout NC, SC, GA and into Montgomery, Decatur, and Brimingham, AL, Jacksonville and Tallahassee, FL, Knoxville and Chattanooga, TN. The Sub 52 certificate authorizes service at intermediate points in MS south of Laurel, and is retricted against (a) local MS service, (b) service between MS and Mobile, AL, (c) service between LA and MS points, and (d) service between MS points and Birmingham, Decatur, Huntsvill, Cullman, Athens, Hartselle, Russellville, and Haleyville, AL. The Sub 55F certificate authorizes service at the intermediate points of Athens and Huntsville, AL and those in GA, NC, TN, FL, and 11 named SC counties, and is retricted against (a) local TN service and (b) service between NC and SC points. Applicant seeks, in both certificates, authority to serve all intermediate points, to remove restrictions on local service as described above, and to remove all exceptions from its general commodity authority except "classes A and B explosives".

MC 105350 (Sub-34)X, filed January 13, 1981. Applicant: NORTH PARK TRANSPORATION, 5150 Columbine St., Denver, CO 80264. Representative: Leslie R. Kelk, 1600 Lincoln Center Bldg., 1660 Lincoln St. Denver, Co 80264. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 21, 23, 24, 25, 26, 27, 28, and authority granted it in MC-F-13810 to (a) delete all exceptions other than classes A and B explosives from its general commodity authorities in Sub-Nos. 2, 4, 6, 10, 13, 16, 17, 23, 24, 25, 26, 27, 28, and MC-F-13810; (b) broaden the commodity descriptions in Sub-Nos. 12, 18, and 21 from fabricated steel products to metal products, and in Sub-No. 4 from soda ash to chemicals and related products; (c) expand the territorial description of its irregular-route authority in Sub-No. 2 from radial authority between points in a named portion of Jackson County, CO, and points in CO, to radial authority between all points in Jackson County, CO and points in CO; (d) authorize service at all intermediate points on its regular routes in Sub-No. 4 between Denver, CO and Walden, CO, and between Denver, CO and Ft. Collins, CO, Sub-No. 10 between Denver, CO and Kremmling, CO, and between a point near Granby, CO, and Grand Lake, CO, Sub-No. 24 between Denver, CO, and Encampment, WY and between Laramie, WY and Saratoga, WY, Sub-No. 26 from Denver, CO, to Chugwater, WY, and Sub-No. 27 between Denver, CO, and Douglas, WY; (e) expand its territorial authority to radial authority in Sub-No. 12 between Denver, CO and named points in NM, and in Sub-No. 26 between Denver, CO and Chugwater, WY, and (f) remove the restriction in its Sub-No. 4 limiting service at the Denver and Fort Collins Termini for purposes of joinder only.

MC 119988 (Sub-273)X, filed January 19, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 168F certificate to (1) broaden the commodity description from foundry supplies and industrial mill supplies (except commodities in bulk), to such commodities as are manufactured, dealt in, or used by foundaries and industrial mills, (2) remove the in bulk restriction, and (3) replace its one-way territorial description from points in the United States (except AK and HI) to points in AR, LA, OK and TX, to radial service between points in the named states, and points in the U.S.

MC 138627 (Sub-104)X, filed January 19, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, LA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 12 certificate by (1) broadening the commodity description from manufactured iron and steel articles to metal products, (2) removing restrictions to the transportation of traffic originating at and/or destined to named plantsite facilities and (3) authorizing radial authority in lieu of existing one-way authority from St. Louis, MO, and points in Madison

County, IL, to points in 10 midwestern and southern States.

MC 142059 (Sub-151)X, filed January 16, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same as above). Applicant seeks to remove restrictions from its Sub-No. 2 certificate to (1) broaden the commodity description aluminum, aluminum products, and supplies, materials and equipment used in the manufacture of aluminum and aluminum products (except in bulk), and zinc and zinc alloys (except in bulk) to metal products, (2) broaden the territorial authority from that limited to facilities of Alumax, Inc. and its subsidiary and affiliated companies located at specific named points to county-wide authority and in some instances to city authority to serve radially between points in Morgan County, AL, Pinal County, AZ, Los Angeles, Riverside, Tulare and Yolo Counties, CA, Larimer County, CO, Hillsborough and Marion Counties, FL, Clayton and Fayette Counties, GA, Twin Falls County, ID, Grundy and Kane Counties, IL, Johnson and Knox Counties, IN, McPherson County, KS, Chippewa County, MN, DeSoto County, MS, Chautauqua County, NY, Rockingham County, NC, McIntosh County, OK, Marion County, OR, Columbia County, PA, Grayson and Tarant Counties, TX, Rockingham, County, VA, Whatcom County, WA, Wood County, WI, and Chicago, IL, Cleveland, OH, St. Louis, MO, Tulsa, OK, and Spokane, WA, and points in the United States, (3) eliminate the commodity restriction "except in bulk", (4) remove the territorial restriction against service to AL and HI, and (5) remove the originating at and destined to restriction.

MC 143199 (Sub-1)X, filed January 19, 1981. Applicant: COP'S INC., 8331 Pontiac Street, Commerce City, CO 80022. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk) to food and related products, (2) replace the territorial description from one-way authority to radial authority between Denver, CO, Morgan, Weld and Logan Counties, CO, and points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and (3) remove the restriction limiting transportation to shipments originating at the named origins and destined to the named destination points.

MC 145454 (Sub-12)X, filed January 15, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1 certificate which authorizes transportation of such commodities as are dealt in or used by mail order houses and retail department stores to (1) remove restrictions to the transportation of traffic destined to the facilities of Aldens, Inc., in Chicago, IL, and (2) broaden the one-way authority to radial authority between points in GA, NC, SC, TN, VA, and Chicago, IL.

MC 149229 (Sub-3)X, filed January 16, 1981. Applicant: JOYCLIFF TRUCK LEASING COMPANY, INC., 2010 Joycliff Cir., Macon, GA 30201. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Applicant seeks to remove restrictions in its Sub No. 1 permit which authorizes the transportation of articles dealt in by janitorial supply houses and materials and supplies used in the manufacture of janitorial supplies (except commodities in bulk) by (1) deleting the "in bulk" restriction and, (2) broadening the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-3206 Filed 1-28-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 16, 1981, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-018

Decided: January 19, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 8771 (Sub-74F), filed December 29, 1980. Applicant: SM TRANSPORT, INC., Hemlock Building, 5000 Lenker St., Mechanicsburg, PA 17055. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting

ferro-nickel ingot (except in dump vehicles), from Baltimore, MD, to points in the U.S.

MC 29910 (Sub-318F), filed December 22, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Haynesville, LA, as an off-route point in connection with applicant's otherwise authorized regular route operations.

MC 29910 (Sub-320F), filed December 22, 1980. Applicant: ABF FREIGHT SYSTEM INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), seriving Macon, MS, as an off-route point in connection with carrier's otherwise authorize regular route operations.

MC 82841(Sub-299F), filed December 30, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of ASARCO, INC. and its wholly-owned subsidiaries.

MC 93840 (Sub-59F), filed January 5, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *chemicals and related products*, between points in Scott County, IA, on the one hand, and, on the other, points in the U.S.

MC 113760 (Sub-19F), filed January 5, 1981. Applicant: PETCO, INC. INTERSTATE, 7627 Dahlia St., P.O. Box 478, Commerce City, CO 80037. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. Transporting *commodities in bulk*, between points in MT, ND, SD, ID, WY, NE, KS, OK, TX, NM, AZ, CO, UT, and NV.

MC 116371 (Sub-22F), filed December 23, 1980 Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *asphalt products*, between ports of entry on the international boundary line between the U.S. and Canada in MI and NY, on the one hand, and, on the other, points in MI, OH, IN, IL, NJ, NY, and PA.

MC 118831 (Sub-197F), filed December 22, 1980. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: E. Stephen Heisley, 666 Eleventh St., NW #805, Washington, DC 20001. Transporting *commodities, in bulk*, between points in DE, GA, MD, NJ, NC, PA, SC, and VA, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant's written request, seeking cancellation of any duplicative authority.

MC 136291 (Sub-22F), filed December 24, 1980. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). Transporting *automotive parts*, and *materials, equipment, and supplies* used in the manufacture of automotive parts and automotive vehicles, between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its certificates in MC 136291 (Sub-1 and 5).

MC 138100 (Sub-4F), filed January 6, 1981. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, 1 SW Columbia, Suite 555, Portland, OR 97258. Transporting *building materials*, between points in OR, WA, CA, ID, NV, WY, CO, UT, AZ, and NM.

MC 142310 (Sub-32F), filed December 23, 1980. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Nelsonville, WI 54458. Transporting *chemicals and related products* (except commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S.

MC 142920 (Sub-19F), filed December 30, 1980. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver St., Indianapolis, IN 46221. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract (s) with Payless Cashways, Inc., of Kansas City, MO.

MC 142941 (Sub-77), filed January 12, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 58005. Representative: D. W. Sinclair, (same address as applicant). Transporting (1) *household appliances*, and (2) *electronic devices*, between points in CA and AZ. Condition: Issurance of a certificate in this proceeding is subject to the coincidental cancellantion, at applicant's written request, of Certificate MC 142941 (Sub-70).

MC 144630 (Sub-52F), filed December 22, 1980. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Nationwide Shippers Cooperative Association, Inc., of Cincinnati, OH.

MC 145011 (Sub-12F), filed January 5, 1981. Applicant: R. F.WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes, Richmond, VA 23229. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dal-ton Shippers Association, Inc., of Dallas, TX, and Georgia-Pacific Corporation, of Darien, CT.

MC 149031 (Sub-2F), filed December 29, 1980. Applicant: WLD, LTD., Route 4, Fairfield, IA 52556. Representative: Richard D. Hoadley, 121 North Court, Fairfield, IA 52556. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Rockwell International Corp., of Fairfield, IA.

MC 150341 (Sub-1F), filed December 22, 1980. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Gourmet Foods, Inc., of St. Paul, MN, and Norwesco, Inc., of St. Bonifacius, MN.

MC 151471 (Sub-3F), filed January 5, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *paper and paper products*, (2) *film and film products*, and (3) *such commodities* as are dealt in or used by manufacturers, distributors and converters of cellulose materials and products, between the facilities of Crown Zellerbach Corp., its divisions and affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152231 (Sub-2F), filed December 30, 1980. Applicant: EME TRANSPORT CORP., 214 Westervelt Ave., Hawthorne, NJ 07506. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting (1) *new furniture*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of new furniture, between New York, NY, and points in Guilford and Randolph Counties, NC, on the one hand, and, on the other, points in the U.S.

MC 153530F, filed December 22, 1980. Applicant: WAYNE C. SMOKER, R.D. #2, Bellevue Ave., Box 2039, Gap, PA 17527. Representative: John W. Metzger, 49 North Duke St., Lancaster, PA 17602. Transporting *agricultural limestone*, (1) from points in Lancaster County, PA, to points in NY, NJ, DE, MD, and VA, and (2) from Viola and Laurel, DE, to points in MD, and VA.

Volume No. OP 2–158

Decided: January 21, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 24583 (Sub-38F), filed November 24, 1980. Applicant: FRED STEWART COMPANY, a corporation, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 411 Pymramid Life Bldg., Little Rock, AR 72201. Transporting *ethylene*, in bulk, in tank vehicles, between the facilities of Dow Chemical USA, at points in Columbia County, AR, and Beaumont, Odessa, and Seabrook, TX. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 33323 (Sub-22), filed January 5, 1981. Applicant: SUN TRANSPORTATION COMPANY, P.O. B 2578, Boise, ID 83701. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *Petroleum and petroleum products*, between points in OR, WA, and ID.

MC 95813 (Sub-16), filed December 31, 1980. Applicant: SHUMAKER TRUCKING COMPANY, a corporation, 601 U.S. Route 15N, Dillsburg, PA 17019. Representative: David Shumaker (same address as applicant). Transporting (1) *building materials and construction materials*, and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in CT, DE, ME, MA, NH, NJ, NY, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 107012 (Sub-643), filed January 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *furniture parts, and materials, supplies, and accessories* used in the manufacture of furniture, between Stevens Point, WI on the one hand, and, on the other South Range, MI, High Point, NC, and Los Angeles, CA.

MC 114132 (Sub-10), filed December 29, 1980. Applicant: CHURN'S TRUCK LINES, INC., P.O. Box 188, Eastville, VA 23347. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Transporting (1) *scrap waste, foods and related products*, and *materials, supplies and equipment* used in the manufacture and distribution of foods, between those points in the U.S. in and east of MN, IA, NE, KS, AR, and LA, and (2) *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in DE, MD, NJ, NY, PA, VA and DC. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicants written request of all existing certificates.

MC 120302 (Sub-3), filed October 21, 1980 (correction), published in the **Federal Register** issue of December 17, 1980, and republished this issue. Applicant: KNOX TRUCK LINES, INC., P.O. Box 1226, Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *iron and steel articles*, (2) *Machinery, equipmnent, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (3) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and pickup thereof, (4) *pipe*, (5) *machinery and products* used in the development and distribution of agricultural products, (6) *building materials*, and (7) *industrial and construction machinery, materials, parts, and equipment*, between points in TX, AL, AR, CO, KS, LA, MS, MO, NM, and OK. NOTE: This republication is to correct the commodity and the territory description.

MC 123272 (Sub-51), filed January 2, 1981. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Transporting (1) *canned foodstuffs*, from Arlington and Ortonville, MN and Bloomer, WI to those points in the U.S., in and east of MT, WY, CO and AZ; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction.

MC 145792 (Sub-4), filed January 12, 1981. Applicant: REO MOVERS & VAN LINES, INC., 7000 S. Chicago Ave., Chicago, IL 60637. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. Transporting (1) *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OP2–159

Decided: January 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 1083 (Sub-4), filed December 30, 1980. Applicant: BOWER TRANSPORTATION SERVICES, INC., POB 609, Vancouver, WA 98666. Representative: Jerry R. Woods, Suite 1600, One Main Place, 101 SW Main St., Portland, OR 97204. Transporting (1) *insulation products* (except commodities in bulk), *ceiling systems, and wallboard*, and (2) *materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Armstrong World Industries, Inc., of Lancaster, PA.

MC 17683 (Sub-25), filed December 29, 1980. Applicant: ELM CITY OIL CO., INC., 73 Emerald St., Keene, NH 03431. Representative: Charles A. DeGrandpre, 40 Stark St., Manchester, NH 03101. Transporting *petroleum products*, between points in NH and VT.

MC 41432 (Sub-170), filed December 22, 1980. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant). Transporting *general*

commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (I) serving Ione, CA and the facilities of American Lignite Products, at or near Ione, as off-route points in connection with carrier's otherwise authorized regular-route operations, and (II) over irregular routes, between Ione, CA and the facilities of American Lignite Products, at or near Ione, CA, on the one hand, and, on the other, Brenham and Nacogdoches, TX.)

Note.—Applicant states it intends to tack with existing authority and to interline.

MC 99953 (Sub-2), filed December 10, 1980. Applicant: T TRANSPORTATION, INC., 207 F. Street, South Boston, MA 02127. Representative: Christopher Cabor, 100 Federal St., Boston, MA 02110. Transporting *general commodities*, from points in MA, to points in MA, RI, CT, NH, VT, and ME. Condition: Any certificate issued in this proceeding shall be limited in term to a period expiring 5 years from its date of issuance.

MC 107012 (Sub-632), filed December 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *foodstuffs and pet food* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Nabisco, Inc., and its subsidiaries.

MC 107012 (Sub-633), filed December 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001, U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *bedroom furniture, furniture parts*, and (2) *parts, materials, and supplies* used in the manufacture and distribution of (1) the commodities in (1), from Appomattox, VA, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, and WV.

MC 109633 (Sub-49), filed December 22, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), originating at or destined to facilities used by Inland Steel Container Company.

MC 107012 (Sub-636), filed December 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001, U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *conduits and ducts*, and (2) *parts and accessories* for the commodities in (1), from Los Angeles, CA, to points in the U.S. (except AK and HI).

MC 107012 (Sub-639), filed December 24, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001, U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *general commodities* (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of the General Tire and Rubber Company.

MC 107012 (Sub-640), filed December 23, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001, U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *plastic cups, lids, bowls, and flower pots*, from Lawrence and Lenexa, KS and Reno, NV, to points in the U.S. (except AK and HI), and (2) *coloring, plastic regrind and plastic resins*, in containers, and *cardborad boxes*, from Lawrence, KS and Los Angeles, CA, to Reno, NV.

MC 111302 (Sub-174), filed December 31, 1980. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). Transporting *commodities*, in bulk, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 111812 (Sub-753), filed December 29, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant) Transporting (1) *pulp, paper, and related products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Nekoosa Papers, Inc., at points in Portage and Wood Counties, WI, and Little River County, AR, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, ID, IL, IA, KS, ME, MD, MA, MN, MO, NE, NH, NJ, NY, NC, ND, OR, PA, RI, SC, SD, VT, VA, WA, and DC.

MC 112063 (Sub-25), filed December 29, 1980. Applicant: P.I.& I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, OH 44438. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420. Transporting (1) *metal products*, (2) *machinery*, (3) *transportation equipment*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above, between Chicago, IL, Philadelphia, PA, Buffalo, NY, Baltimore, MD, and points in Mercer, Beaver, and Allegheny Counties, PA, Hancock, Brooke, Ohio, and Marshall Counties, WV, Trumbull, Cuyahoga, Hamilton, Mahoning, Richland, Stark, Franklin, Tuscarawas, and Lucas Counties, OH and Wayne County, MI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI.

MC 118142 (Sub-251), filed December 16, 1980. Applicant: M. BRUENGER & CO. INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting (1) *foodstuffs*, and *such commodities* as are dealt in by grocery and food business houses (expect foodstuffs), between points in the U.S.

MC 120472 (Sub-6), filed December 23, 1980. Applicant: GOLLOTT & SONS TRANSFER & STORAGE, INC., P.O. Box 468, Biloxi, MS 39533, Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Transporting *used household goods, unaccompanied baggage and used automobiles*, between points in the U.S., (expect AK and HI), under continuing contract(s) with Gulf Forwarding, Inc., of Biloxi, MS.

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 123812 (Sub-8), filed December 29, 1980. Applicant: SULLIVAN FREIGHT LINES, INC., C-4 Congress Parkway, Athens, TN 37303. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. Transporting (1) *motor vehicles, packer bodies, lift gates, containers*, and *hoists*, and (2) *materials, equipment, supplies, and components*, used in the manufacture, assembly, servicing and distribution of the commodities in (1) above, between the facilities of The Heil Company at (a) Arab and FT. Payne, AL, (b) Louisville, KY, (c) Tishomingo, MS, (d) St. Louis, MO, (e) Linden, NJ, (f) Lancaster, PA (g)

Chattanooga, Knoxville, and Kodak, TN, (h) Huntsville and Pasadena, TX and (i) Milwaukee, WI, on the one hand, and, on the other, points in the U.S.

MC 126542 (Sub-16), filed December 22, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984. Transporting (a) *parts and accessories* for motor vehicles and machinery, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) above, between points in the U.S., under continuing contract(s) with Federal Mogul, Inc., of Southfield, MI.

MC 126542 (Sub-17), filed December 30, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 56, Mentone, Al 35984. Transporting (1) *fire clay*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of fire clay, between points in the U.S. under continuing contracts(s) with Dixie Clay Company of Alabama, of Jacksonville, AL.

MC 135052 (Sub-36), filed December 30, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *rubber and plastic products* and *materials and supplies* used in the manufacture and distribution of rubber and plastic products (except commodities in tank vehicles), between points in Johnson County, IN, Franklin County, OH, New Castle County, DE, Johnson County, KS, and Denver County, CO, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM, and (2) *metal products*, except ordnance, and *materials and supplies* used in the manufacture and distribution of metal products (except commodities in tank vehicles), between points in Grayson and Scott Counties, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX.

MC 136212 (Sub-36), filed December 30, 1980. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349 Gothenburg, NE 69138. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *feed and feed ingredients*, from Lincoln, Fremont, and Gothenburg, NE, Emporia, Wichita, and Fredonia, KS, and Kansas City, St. Joseph, and St. Louis, MO, to Lubbock, Dimmit, Roscoe, and Sweetwater, TX, Oklahoma City, OK, and Albuquerque, Clovis, Lovington, and Las Cruces, NM

MC 136343 (Sub-230), filed January 5, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108.Transporting *limestone and limestone products* (except commodities in bulk), from points in Baltimore Country, MD, to points in CT, DE, IL, IN, KY, ME, MA, MI, MN, RI, VA, WI, and WV.

MC 136363 (Sub-24), filed December 30, 1980. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting (1) *ice cream cones* and (2) *materials and supplies* used in the manufacture and distribution of ice cream cones above, between Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141033 (Sub-87), filed December 22, 1980. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91449. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI).

MC 141532 (Sub-106), filed December 19, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Transporting *primary metal products*, including galvanized; and *fabricated metal products;* as described in Items 33 and 34 of the Standard Transportation Commodity Code tariff between points in Box Elder County, UT, on the one hand, and, on the other, points in the U.S.

MC 141532 (Sub-107), filed December 19, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Transporting (1) *primary metal products*, including galvanized; and (2) *fabricated metal products;* as described in items 33 and 34 of the Standard Transportation Commodity Code Tariff, and (3) *materials and equipment* used in the manufacture of the commodities, in (1) and (2), between points in Monroe County, OH, Madison County, IL, and Madison County, TN, on the one hand, and, on the other, points in the U.S.

MC 143853 (Sub-13), filed December 12, 1980. Applicant: S.M.E EXPRESS, INC., 101 East Washington St., Upland, IN 46989. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *soap, soap products, soap holders, and soap dispensers*, between points in the U.S., under continuing contract(s) with the Crown Zellerbach Corporation, of South Glens Fall, NY; and (2) *printed matter and materials, equipment, and supplies* used in the manufacture and distribution of printed matter, (except commodities in bulk), between points in the U.S., under continuing contract(s) with (a) the Holladay-Tyler Printing Corporation, of Rockvill, MD, and (b) the National Geographic Society, of Washington, DC.

MC 146222 (Sub-7), filed December 29, 1980. Applicant: ILCO TRUCKING, INC., P.O. Box 528, Leeds, AL 35094. Representative: H. G. Jackson, Jr. (same address as applicant). Transporting *iron and steel articles* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Atlas Metals Co., Inc., of Birmingham, AL.

MC 147712 (Sub-11), filed December 30, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S.

MC 148362 (Sub-6), filed December 29, 1980. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers, S, 3390 Peachtree Rd. NE, Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Gillette Company, of Boston, MA.

MC 149402 (Sub-1), filed December 18, 1980. Applicant: R. A. P. T. CORPORATION, 3159 S. 1900 W., Ogden, UT 84401. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *lumber, lumber mill products, and wood products*, between points in Weber County, UT, on the one hand, and, on the other, points in WA, OR, ID, MT, CO, NM, AZ, CA, and NV.

MC 149452 (Sub-1), filed December 29, 1980. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 W. 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with Spartan Stores, Inc., of Grand Rapids, MI.

MC 151173 (Sub-2), filed December 23, 1980. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities of Rayloc, a Division of Genuine Parts Company.

MC 152332 (Sub-1), filed October 17, 1980. Applicant: INTERCOASTAL WAREHOUSE CORPORATION OF LOUISIANA, P.O. Box 547, Westwego, LA 70094. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between points in TX, OK, MS, AL, LA, TN, GA, and AR.

MC 152433 (Sub-1), filed January 6, 1981. Applicant: RIVER CITY FURNACE, LTD., P.O. Box 1434, Mason City, IA 50401. Representative: Joseph E. Ludden, P.O. Box 1567, La Crosse, WI 54601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Schneider Metal Manufacturing Co., of Mason City, IA.

MC 153332F, filed December 24, 1980. Applicant: BESTWAY MOVING & STORAGE COMPANY, INC., 1301 Century SW, Grand Rapids, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldge., Grand Rapids, MI 49503. Transporting *household goods*, as defined by the Commission between points in AL, GA, IL, IN, KY, MI, NY, OH, PA, TN, and WI.

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Decided: January 21, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 71593 (Sub-80F), filed December 30, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson (same as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), from points in Denver County, CO, to points in Los Angeles County, CA and Fulton County, GA.

MC 98542 (Sub-14F), filed December 30, 1980. Applicant: COLLINGS & SIMMONS, INC., Commerce Dr., Box 128, Dansville, NY 14437. Representative: Raymond A. Richards, 35 Curtice PK, Webster, NY 14580. Transporting (1) *electrical appliances, radios, citizen CB's, tape recorders, and* (2) *materials, equipment and supplies used in the manufacture, and distribution of the commodities* in (1) between points in the U.S., restricted to traffic originating at or destined to the facilities of General Electric Company (Houseware and Audio Business Division).

MC 111812 (Sub-752F), filed December 29, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: R. H. Jinks (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the U.S. Condition: Issuance of this certificate is subject to coincidental cancellation at applicant's request, of all outstanding and pending certificates.

MC 129032 (Sub-130), filed December 16, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Ave., Tulsa, OK 74145. Representative: Jerry Garland (same address as applicant). Transporting (1) *Plumbing fixtures*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of plumbing fixtures, from points in IL, IN, KY, MI, and OK to points in AZ, CA, FL, NC, OK, NV, and TX.

MC 129032 (Sub-131), filed December 16, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Ave., Tulsa, OK 74145. Representative: Jerry Garland (same address as applicant).Transporting *plastic and metal containers*, from Winfield, KS, to points in the U.S. (except AK and HI).

MC 141832 (Sub-1), filed December 16, 1980. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004 Louisville, KY 40204.Representative: Edward J. Kiley, 1730 M St. NW Washington, DC 20036. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Meier Metal Services, Inc., a division of Kuhlman Corporation, of Hazel Park, MI.

MC 141932 (Sub-38), filed December 8, 1980. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02359. Representative: Alton C. Gardner (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products, between the facilities of International Paper Company, on the one hand, and, on the other, points in the U.S.

MC 144982 (Sub-14F), filed December 1, 1980. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *bucket and dipper teeth*, and *garden shears*, from Corona, CA, to Niles, OH.

MC 145122 (Sub-1F), filed December 30, 1980. Applicant: SKYLAND, INC., 256 Celia Street SW., Wyoming, MI 49508. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S., under continuing contract(s) with Dow Chemical Company, of Midland, MI.

MC 146352 (Sub-4), filed December 17, 1980. Applicant: AVERY TRUCKING CO., INC., P.O. Box 426, Dahlonega, GA 30533. Representative: Thomas D. Rainey, 206 Moores Dr., Dahlonega, GA 30533. Transporting *insulation* (except in bulk), from Winder, GA, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA.

MC 146473 (Sub-4F), filed December 29, 1980. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. Transporting *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from (a) San Francisco and Los Angeles, CA, (b) Las Vegas, NV, and (c) Miami, FL, to Bayonne, NJ and New York, NY, restricted (1) to the transportation of passengers who have had a prior air or water movement and (2) to transportation arranged by licensed passenger brokers.

MC 150133 (Sub-2), filed December 16, 1980. Applicant: DDI TRANSPORT, INC., Suite 501, 651 E. Butterfield Rd. Lombard, IL 60148. Representative: Eric

Meierhoefer, Suite 423, 1511 K St. NW, Washington, DC 20005. Transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, between points in the U.S.

MC 152482 (Sub-1), filed December 15, 1980. Applicant: PREMIER TRUCKING CO., Inc., P.O. Box 187, Osawatomie, KS 66064. Representative: Clyde N. Christey, KS Credit Union Bldg. 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *Oilfield machinery, equipment, materials and supplies*, between Chanute, KS, on the one hand, and on the other, points in OH.

MC 152672 (Sub-1), filed December 8, 1980. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180. Transporting (1) *iron and steel articles and iron and steel by-products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) between points in the U.S., under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA.

MC 153262 filed December 18, 1980. Applicant: POLAR CORP., 40 Walcott St., Worcester, MA 01603. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting (1) *containers, closures, and paper products*, (2) *Flavoring concentrates*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) between points in NY, NJ, PA, CT, RI, MA, ME, VT, and NH.

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Decided: January 22, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 217 (Sub-27F), filed January 6, 1981. Applicant: POINT TRANSFER, INC., 5075 Navarre Rd., S.W. Canton, OH 44708. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *metal products*, and (2) *machinery*, between points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, and WV.

MC 13547 (Sub-13F), filed December 22, 1980. Applicant: LEONARD BROTHERS TRANSPORT COMPANY, INC., 1528 West 9th St., Kansas City, MO 64101. Representative: Joe M. Lock (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in AR, IL, LA, KS, MO, NE, and OK.

MC 109397 (Sub-534F), filed December 22, 1980. Applicant: TRI-STATE MOTOR TRANSPORT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A.N. Jacobs (same address as applicant). Transporting (1) *metal products and* (2) *machinery and supplies*, between points in Shelby County, TN, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 121677 (Sub-3F), filed January 5, 1981. Applicant: WARREN COUNTY FREIGHT LINE, INC., 601 Red Rd., McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives) between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 134467 (Sub-73F), filed January 5, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing-house*, between points in Anderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 35807 (Sub-115F), filed December 24, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: David E. Wells (same address as applicant). Transporting *coins, currency, securities and other valuables*, between points in the U.S., under continuing contract(s) with Federal Reserve Bank of San Francisco, of San Francisco, CA.

MC 48386 (Sub-18F), filed January 2, 1981. Applicant: GRAVER TRUCKING, INC., R.D. 7, Box 7655, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 So. Main St., Taylor, PA 18517. Transporting *wine*, between points in St. Lawrence County, NY, on the one hand, and, on the other, points in Duval and Dade Counties, FL.

MC 89697 (Sub-35F), filed January 6, 1981. Applicant: KRAJACK TANK LINES, INC., 480 E. Westfield Ave., Roselle Park, NJ 07204. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *liquid commodities*, in bulk, between points in NJ, NY, PA, DE, MD, CT, MA, RI, NH, ME, and VT, on the one hand, and, on the other, points in the U.S.

MC 101117 (Sub-4F), filed December 23, 1980. Applicant: W. J. PLUMLY, INC., Box 86, Somerton, OH 43784. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Kenwood Lumber Company, of Cleveland, OH, and the Watt Car and Wheel Company, of Barnesville, OH.

MC 107107 (Sub-491F), filed January 5, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting *glass containers*, between points in Houston County, GA, on the one hand, and, on the other, points in FL.

MC 125037 (Sub-18F), filed January 2, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy, Birmingham, AL 35209. Transporting *such commodities* as are dealt in or used by department, hardware, drug and grocery stores and food business houses, between points in St. Joseph County, MI, Franklin County, OH, and Campbell County, VA, on the one hand, and, on the other, points in TX, OK, AR, LA, MS, AL, MI, OH, and VA.

MC 128007 (Sub-162F), filed December 29, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting (1) *plastic and plastic articles*, and (2) *boxes and pallets*, between points in Harvey County, KS, on the one hand, and, on the other, points in CO, IL, MO, NE, OK, and TX.

MC 130537 (Sub-1F), filed December 22, 1980. Applicant: CAREFREE MOTORCOACH TOURS, INC., Suite 419, 100 Oaks tower, 719 Thompson Lane, Nashville, TN 37204. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *broker* at Nashville, TN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 134467 (Sub-72F), filed January 5, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *malt beverages*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, between points in Wood County, OH, and Oakland, Macomb,

and Wayne Counties, MI, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, MS, and LA.

MC 138627 (Sub-99F), filed January 2, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Ft. Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge, Omaha, NE 68114. Transporting *foodstuffs*, between points in Webster County, IA, on the one hand, and, on the other points in the U.S.

MC 138627 (Sub-100F), filed January 2, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Ft. Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge, Omaha, NE 68114. Transporting *iron and steel articles*, between points in Monroe County, MI, on the one hand, and, on the other, points in WY, CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, WI, IL, MI, IN, OH, KY, and TN.

MC 141197 (Sub-48F), filed October 28, 1980. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Rd., Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *commodities* in bulk, between points in IA, KS, MO, ND, NE, and SD.

MC 145637 (Sub-6F), filed January 5, 1981. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Greenwood County, SC, on the one hand, and, on the other, points in the US.

MC 147466 (Sub-1F), filed December 23, 1980. Applicant: CUSTOMER TRUCK SERVICE, a corporation, 1945 Hilfiker Lane, Eureka, CA 95501. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. Transporting (1) *wire retaining walls*, and (2) *wire*, in bales or rolls, between points in the U.S., under continuing contract(s) with Hilfiker Pipe Co., of Eureka, CA.

MC 148647 (Sub-10F), filed December 22, 1980. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Beverage Management, Inc., of Columbus, OH.

MC 151727 (Sub-1F), filed December 22, 1980. Applicant: WORCY CRAWFORD d.b.a. CRAWFORD & SONS, 4301 Crawford Dr., Brownville, AL 35228. Representative: Robert C. Boyce, III, P.O. Box 767, Bessemer, AL 35201. Transporting *passengers and their baggage*, in charter operations, between points in Jefferson and Greene Counties, AL, on the one hand, and, on the other, points in FL, GA, IL, IN, KY, LA, MI, MS, NY, NC, OH, SC, TN, TX, and DC.

MC 151797 (Sub-1F), filed January 2, 1981. Applicant: MITCHELL'S DELIVERY SERVICE, 2227 Brandywine St., Philadelphia, PA 19130. Representative: Andrew D. Lipman, Suite 200, 1776 F St., N.W., Washington, DC 20006. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with George A. Rowley Co., of Philadelphia, PA.

MC 153497F, filed December 30, 1980. Applicant: UNITED AMERICAN FREIGHT, INC., 9324 Harrison Rd., Romulus, MI 48174. Representative: William Larkin (same address as applicant). Transporting *parts, materials, equipment, and supplies* used in the manufacture, distribution and servicing of motor transportation and construction vehicles, between Detroit, MI, and points in OH, KY, IL, and WI.

FF 347 (Sub-1F), filed December 22, 1980. Applicant: NORTHERN LIGHTS EXPRESS, INC., 2805 26th Ave., S.W., P.O. Box 3365, Seattle, WA 98114. Representative: Frank MonteCalvo (same address as applicant). As a *freight forwarder*, in connection with the transportation of *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), from Beaverton, Clackamas, Milwaukee, Portland, Lake Oswego, Salem, Tigard, Troutale, Gresham, and W. Lynn, OR, to points in AK.

Volume No. OP4-207

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 26396 (Sub-388), filed January 9, 1981. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (Same address as applicant). Transporting *building materials*, between points in Cook, Lake, and Will Counties, IL, Muscatine County, IA, McPherson County, KS, and Wood County, WI, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 6806 (Sub-1F), filed November 25, 1980. Applicant: SUPER-RITE FREIGHTWAYS, INC., 8002 31st St. West, Rock Island, IL 61201. Representative: Paul R. Bergant, 1113 Walnut St., Rogers, AR 72756. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Leavenworth and Johnson Counties, KS, on the one hand, and, on the other, points in IL, IA, MO, and WI.

Volume No. OP4-210

Decided: January 23, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill. (Member Hill not participating.)

MC 1936 (Sub-48F), filed January 2, 1981. Applicant: B & P MOTOR EXPRESS COMPANY, a Corporation, 825 W. Federal St., Youngstown, OH 44501. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in MI, MN, and WI, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, NE, NC, OK, SC, TN, TX, VA, and WV.

MC 5227 (Sub-80F), filed January 2, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Company, of Chicago, IL.

MC 21866 (Sub-189F), filed December 29, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Ave., Boyertown, PA 19512. Representative: Edward J. Kiley, 1730 M. St., NW., Washington, DC 20036. Transporting *foodstuffs, and materials and supplies* used in the manufacture and distribution of foodstuffs, between the facilities of San Giorgio-Skinner, Inc., on the one hand, and, on the other, points in the U.S.

MC 26396 (Sub-387F), filed December 29, 1980. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (Same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products, between points in the U.S.

MC 42487 (Sub-1016F), filed January 2, 1981. Applicant: CONSOLIDATED

FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Arco/Polymers, Inc., of Philadelphia, PA.

MC 65626 (Sub-41F), filed January 2, 1981. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), restricted to transportation of traffic originating at or terminating at the facilities used by Ralston Purina Company.

MC 107727 (Sub-31F), filed December 31, 1980. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. Over regular routes, transporting *general commodities* (1) Between San Antonio and Galveston, TX: From San Antonio over U.S. Hwy 90 and Interstate Hwy 10 to Houston, TX, then over U.S. Hwy 75 and Interstate Hwy 45 to Galveston, and return over the same route, serving those points between Houston and Galveston as intermediate points, and serving the facilities of Western Electric Corporation near Houston and National Aeronautics and Space Administration Manned Spacecraft Center, and Ellington Field, as off-route points; (2) Between San Antonio and Laredo, TX: From San Antonio over combined U.S. Hwy 81 and Interstate Hwy 35 to Laredo, and return over the same route, serving all intermediate points, and serving the facilities of Frio-Tex Oil and Gas Company, near Moore, TX as an off-route point; (3) between San Antonio and Corpus Christi, TX, over U.S. Hwy 181, serving all intermediate points, and serving the facilities of Susquehanna Western, Inc., and the Conquisto Project, both near Falls City, TX as off-route points; (4) Between San Antonio and Corpus Christi, TX: From San Antonio over U.S. Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 to junction Interstate Hwy 37, then over Interstate Hwy 37 to Corpus Christi, and return over the same route, serving no intermediate points, but serving all industrial sites and plants within 10 miles of the Corporate limits of Corpus Christi as off-route points; (5) between San Antonio and Port Lavaca, TX, over U.S. Hwy 87, serving all intermediate points between Cuero and Port Lavaca, TX; (6) between Houston and Laredo, TX, over U.S. Hwy 59, serving all intermediate points between Houston and Victoria, TX and between Freer and Laredo, TX, serving Beeville, TX, and serving the plant site of Coleta Creek Power Station, near Fannin, TX, and the Transcontinental Gas Pipe Line Corporation Compressor Station, near El Campo, TX as off-route points; (7) between Houston, TX and junction TX Hwy 35 and U.S. Hwy 181, at or near Gregory, TX, over TX-Hwy 35, serving all intermediate points, and serving Liverpool, Danbury, Damon, Guy, Needville, Newgulf, Iago, Burr, Boling, Pledger, Danciger, Ashwood, Sweeney, Cedar Lane, Gainsmore, Hawkinsville, Port O'Connor, Clemville, Sargent, Buckeye, Markam, Danevang, Midfield, Blessing, Francitas, Elmaton, Collegeport, La Ward, Lolita, Vanderbilt, Ingleside, LaSalle, Olivia, Bayside, Austwell, and plant site of Monsanto Chemical Company near Chocolate Bayou, as off-route points; (8) between Houston and Freeport, TX, over TX Hwy 288, serving Angeton, TX and all intermediate points between Angeton and Freeport, TX, and serving Velasco, Dow, and Quintana, TX as off-route points; (9) Between Galveston and Sugarland, TX: From Galveston over Interstate Hwy 45 to junction TX Hwy 6, then over TX Hwy 6 to junction U.S. Hwy 59 at Sugarland, and return over the same route, serving all intermediate points, and serving Friendswood, TX as an off-route point; (10) between Freeport and West Columbia, TX, over TX Hwy 36, serving all intermediate points; (11) between Wharton and Matagorda, TX, over TX Hwy 60, serving all intermediate points, and serving Gulf, Magnet, and Matagorda Island plant site of Celanese Chemical Company, as off-route points; (12) between Victoria and Seadrift, TX, over TX Hwy 185, serving all intermediate points; (13) between Cuero and Kenedy, TX, over TX Hwy 72, serving all intermediate points; (14) between Karnes City and Peggy, TX, over TX Farm Rd. 99, serving all intermediate points, and serving the facilities of Lone Star Production Company and Gulf Oil Company, both near Fashing, TX as off-route points; (15) between Victoria and Brownsville, TX, over combined U.S. Hwy 77 and Alternate U.S. Hwy 77, serving all intermediate points (except those points between Riveria and Raymondville, TX), and serving the Naval Air Station P-4, near Kingsville, TX, as an off-route points; (16) between Skidmore and Laredo, TX, over TX Hwy 359, serving all intermediate points, and serving facilities of Wyoming Mining Minerals, near Bruni, TX as an off-route point; (17) between Corpus Christi and Encinal, TX, over TX Hwy 44, serving all intermediate points; (18) between Freer and Benavides, TX, over TX Hwy 339, serving all intermediate points; (19) between Cuero and Gonzales, TX, over U.S. Hwy 183, serving no intermediate points; (20) between the junction of U.S. Hwy 281 and TX Hwy 9, near Three Rivers, TX and Hidalgo, TX, over U.S. Hwy 281, serving all intermediate points from Alice, TX to Hidalgo, TX, and serving the facilities of Trunkline Gas Corporation, near Premont, TX, and Clay West Uranium Plant, near George West, TX as off-route points; (21) between Laredo, TX and the junction of U.S. Hwys 83 and 77, near San Benito, TX, over U.S. Hwy 83, serving all intermediate points (except those between Laredo and Falcon, TX), and serving Baldrige, Los Ebanos, Carrizelos, Grulla, Garcia (Garciasville), TX and the facilities of King Pipe Yard, Jackson Station of the Valley Pipe Line, and Fordyce Gravel Company, near Mission, TX as off-route points; (22) between Mission and Harlingen, TX, over TX Hwy 107, serving all intermediate points, and serving the U.S. Army Air Base, near Mission, TX as an off-route point; (23) between Raymondville and Pt. Mansfield, TX, over TX Hwy 186, serving all intermediate points, and serving the off-route of San Perlita, TX; (24) Between Harlingen and the junction of TX Farm Rd. 1420 and TX Hwy 186; From Harlingen over TX Farm Rd. 106 to junction TX Farm Rd. 1420, then over TX Farm Rd. 1420 to junction TX Hwy 186, and return over the same route, serving all intermediate points, and serving Rio Hondo, TX, as an off-route point; (25) Between South Padre Island, TX and the junction of U.S. Hwys 83 and 77, at or near San Benito, TX: From South Padre Island over TX Hwy 100 to junction U.S. Hwys 83 and 77, at or near San Benito, TX, and return over the same route, serving all intermediate points; (26) between Brownsville, TX and the junction of TX Hwys 48 and 100, near Port Island, TX, over TX Hwy 48, serving all intermediate points; (27) between Brownsville, TX and the junction of TX Farm Rd. 1847 and TX Hwy 100, near Los Fresnos, TX, over TX Farm Rd. 1847, serving all intermediate points; (28) between Harlingen and McAllen, TX, over U.S. Hwy 83, serving all intermediate points; (29) Between Monte Alto and Santa Maria, TX: From Monte Alto over TX Farm Rd. 88 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Santa Maria, and return over the same route, serving all

intermediate points; (30) between Lasara, TX and junction TX Farm Rd. 490 and U.S. Hwy 77, over TX Farm Rd. 490, serving all intermediate points; (321) Between Kenedy, TX and junction U.S. Hwy 239 and U.S. Hwy 59 near Goliad, TX: From Kenedy over TX Hwy 72 to junction TX Hwy 239, then over TX Hwy 239 to junction with U.S. Hwy 59 near Goliad, TX, and return over the same route, serving no intermediate points; (32) between San Benito, TX and TX Hwy 345 and over TX Farm Rd. 106 near Harlinger, TX over TX Hwy 345, serving all intermediate points; (33) Between Brownsville and Port Brownsville, TX; From Brownsville over TX Hwy 48 to junction over TX Farm Rd. 1792, then over over TX Farm Rd. 1792 to Port Brownsville, and return over the same route, serving all intermediate points, and serving the facilities of Union Carbide Chemical Company near Brownsville as an off-route point; (34) between Kingsville, TX and the junction of TX Hwy 141 and U.S. Hwy 281, over TX Hwy 141, serving the facilities of King Ranch Gas Plant of Humble Oil and Refining Company, near Ella, TX as an off-route point; (35) Between Karnes City and Harmony Community, TX; From Karnes City over TX Hwy 80 to junction over TX Farm Rd. 627 to Harmony Community, and return over the same route, serving all intermediate points; (36) Between Rio Gande City and Sullivan City, TX: From Rio Grande City over U.S. Hwy 83 to junction unnumbered county road, then over unnumbered county road to Sullivan City, and return over the same route, serving all intermediate points; (37) Between Rosenberg, TX and junction U.S. Hwy 59 and over TX Farm Rd. 360: From Rosenberg over TX Hwy 36 to Needville, TX, then over TX Farm Rd. 360 to junction U.S. Hwy 59, and return over the same route, serving no intermediate points (except Needville, TX); (38) between the junction of TX Hwys 9 and 72 near Three Rivers, TX and Kenedy, TX, over TX Hwy 72, serving no intermediate points, but serving the facilities of Susquehanna Western near Three Rivers, TX as an off-route point; (39) between junction TX Hwy 60 and TX Farm Rd. 521 near Wadsworth, TX and junction TX Farm Rd 521 and TX Hwy 35 near Palacios, TX, over TX Farm Rd. 521, serving all intermediate points, and serving the facilities of South TX Project Houston Lighting and Power Company as an off-route point; (40) between Bay City, TX and the junction of TX Farm Rds. 2668 and 521, over TX Hwy 2668, serving all intermediate points; (41) Between Corpus Christi and Chapman Ranch, TX: From Corpus Christi over unnumbered County Road to junction TX Hwy 286, then over TX Hwy 286 to Chapman Ranch, and return over the same route, serving no intermediate points; (42) between San Antonio and Alice, TX, over U.S. Hwy 281, serving no intermediate points;

(43) Between Laredo and Corpus Christi, TX: From Laredo over TX Hwy 359 to junction TX Hwy 44, then over TX Hwy 44 to Corpus Christi, and return over the same route, serving all intermediate points, and serving as an off-route point the plant site of Wyoming Mining and Minerals Company, near the junction of TX Hwy 359 and TX Farm Rd. 2050; (44) Between San Antonio and McAllen, TX: From San Antonio over U.S. Hwy 181 to junction TX Hwy 359, then over TX Hwy 359 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction U.S. Hwy 83, then over U.S. Hwy 83 to McAllen, and return over the same route, serving all intermediate points, and the off-route points of the plant site of Truckline Gas Corporation near Premont, TX, Coy City and Fashing TX, the plant sites of Lone Star Production Company and Gulf Oil Company near Fashing, TX, the plant site of Susquehanna Western, Inc., near Falls City, TX, the plant sites of Brazos Oil and Gas Company, Shell Oil Company, and Texas Eastern Company, all near Karnes City, TX; (45) between San Manuel and Raymondville, TX, over TX Hwy 186, serving no intermediate points; (46) Between Texas City and La Marque, TX: From Texas City over TX Hwy 146 to junction TX Hwy 3, then over TX Hwy 3 to La Marque, and return over the same route, serving all intermediate points; (47) Between Texas City and Alvin, TX: From Texas City over TX Hwy 146 to junction combined U.S. Hwy 75, and TX Hwy 6, then over TX Hwy 6, to Alvin, and return over the same route, serving all intermediate points; (48) between San Antonia and Laredo, TX, over Interstate Hwy 35, as an alternate route for operating convenience only; (49) between San Antonio and Houston, TX, over Interstate Hwy 10, as an alternate route for operating convenience only; (50) between San Antonio and Corpus Christi, TX, over Interstate Hwy 37, as an alternate route for operating convenience only; (51) between Houston and Galveston, TX, over Interstate Hwy 45, as an alternate route for operating convenience only; (52) between Beeville and Refugio, TX: From Beeville over TX Hwy 202 to junction U.S. Hwy 183, then over U.S. Hwy 183 to Refugio, and return over the same route, as an alternate route for operating convenience only; (53) Serving the plant site of U.S. Air Corps Gunnery School, at or near Harlingen, TX, as an off-route point in connection with the authority herein; (54) Serving the U.S. Naval Auxiliary Landing Field, at or near Rio Hondo, TX, as an off-route point in connection with the authority herein; (55) Serving the facilities of Trunkline Gas Corporation, at or near Beeville, TX as an off-route point in connection with the authority herein; (56) Serving the plant site of Conquista Project, at or near Falls City, TX, as an off-route point in connection with the authority herein; and (57) Serving the plant site of Clay West Uranium Plant, at or near George West, TX, as an off-route point in connection with the authority herein; and (B) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) between Houston and New Orleans, LA, over Interstate Hwy 10, serving all intermediate points; (2) between Baton Rouge and New Orleans, LA: From Baton Rouge over LA Hwy 1 to junction LA Hwy 18, then over LA Hwy 18 to junction U.S. Hwy 90, then over U.S. Hwy 90 to New Orleans, and return over the same route serving all intermediate points; (3) between Lafayette and New Orleans, LA, over U.S. Hwy 90, serving all intermediate points; and (4) Serving the plant site of Ashland Chemical, At United, LA, in connection with the authority herein.

Note: Applicant intends to tack the authority herein with its present authority.

CONDITION: Part (A)(1) through (57) seeks to convert applicant's existing authority in its Certificates of Registration. Therefore, issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificates of Registration in MC–107727 Subs 15, 20, 21, 22, 23, 24, 25, 27, and 28.

MC 123407 (Sub-659F), filed January 6, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *building and construction materials*, between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities of the Flintkote Company.

MC 123407 (Sub-660F), filed January 2, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transportation *construction forms* between points in the U.S. (except AK and HI).

MC 124117 (Sub-45F), filed January 5, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Ronald M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *containers*, between points in Dyer County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 125687 (Sub-22F), filed January 5, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005. Transporting *malt beverages*, (1) between points in Providence County, RI and Suffolk County, MA, on the one hand, and, on the other, points in CT, RI, MA, NY, and NJ, and (2) between points in Philadelphia County, PA, on the one hand, and, on the other, points in PA, NJ and NY.

MC 133566 (Sub-173F), filed January 5, 1981. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *food and related products*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1), between points in Adams County, PA, and Monroe and Wayne Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 134477 (Sub-425F), filed January 2, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *paint sprayers*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 138627 (Sub-101F), filed January 2, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Ft. Dodge, IA 50501. Representative: Arlyn L. Qestergren, Suite 201, 9292 W. Dodge Rd., Omaha, NE 68114. Transporting *salt*, between points in Reno County, KS and those in Webster County, IA.

MC 139006 (Sub-245F), filed January 2, 1981. Applicant: RAPIER SMITH, R.R. #5 Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 144557 (Sub-20F), filed January 7, 1981. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities* as dealt in or manufactured by grocery houses (except in bulk), from points in the U.S. (except AK and HI), to points in the AL.

MC 145026 (Sub-12F), filed December 29, 1980. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., clearfield, PA 16830. Transporting *containers and materials and supplies* used in the manufacture of containers, between Philadelphia, PA, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 151347 (Sub-1F), filed December 16, 1980. Applicant: EAST POINT EXPRESS, INC., 3716 N. Racine, Chicago, IL 60613. Representative: Steve J. Gross, 221 N. LaSalle St., Suite 1148, Chicago, IL 60601. Transporting *such commodities* as are dealt in by manufacturers and distributors of starch and corn syrup, between points in the U.S., under continuing contract(s) with The Hubinger Company, of Keokuk, IA.

MC 151367 (Sub-1F), filed January 5, 1981. Applicant: RANGE CAB & CORMIER SERVICE, 912 Putnam St., Wakefield, MI 49968. Representative: Joel L. Massie, 200 South Sophie St., Bessemer, MI 49911. Transporting *passengers and their baggage* in charter operations, between points in Gogebic County, MI, on the one hand, and, on the other, points in Hennepin and St. Louis Counties, MN, those in Brown, Milwaukee, Bayfield, Dane and Wood Counties, WI, and those in Cook County, IL.

MC 152247 (Sub-1F), filed December 16, 1980. Applicant: KOHLER TRUCKING, INC., 3026 E. Vernon Ave., Los Angeles, CA 90058. Representative: Eldon R. Clawson, 333 W. Foothill Blvd., Glendora, CA 91740. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 between points in the U.S., under continuing contract(s) with Packers Bar M Meat Co., of Los Angeles, CA.

MC 153187F, filed December 16, 1980. Applicant: CHRISTIANA MOTOR FREIGHT, INC., Dover Ave. and Pigeon Point Rd., New Castle, DE 19720. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 So. 12th St., Philadelphia, PA 19107. Transporting (1) *gypsum, gypsum products, building materials, paper products, chemicals, and plastic products*, (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, installation, and distribution of the commodities (1) above, between points in AL, CT, DE, GA, IL, IN, KY, MA, MD, MS, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and DC, and (3) *primary metal products*, and *materials, equipment, and supplies* used in the manufacture and distribution of primary metal products, from points in new Castle County, DE, Washington and Allegheny Counties, PA, to points in MD, VA, NC, SC, GA, AL, MS, TN, WV, OH, IN, IL, MI, NJ, NY, CT, RI, MA, and DC.

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Decided: January 22, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Hill nor participationg.)

MC 13777 (Sub-9F), filed January 2, 1981. Applicant: AAA TRANSPORTATION, INC., 2957 So. East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *building materials*, and (2) *forest products and lumber and wood products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 37327 (Sub-14), filed January 12, 1981. Applicant: PENN EMPIRE TRANSPORT, INC., P.O. Box 517, Jamestown, NY 14701. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *furniture and fixtures*, between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 70557 (Sub-44), filed January 14, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *pulp, paper and related products*, between points in Ouachita and Orleans Counties, LA, Kent and Shiawasse Counties, MI, Kankakee County, IL, Hamilton County, OH, Fulton and Dougherty Counties, GA, Dallas County, TX, Sebastian County, AR, Maricopa County, AZ, Los Angeles County, CA, Washoe County, NC, Guilford County, NC, and Kansas City MO, on the one hand, and, on the other, points in the U.S.

MC 89497 (Sub-1), filed January 8, 1981. Applicant: DOWD AND STOLZ TRANSFER, INC., P.O. Box 562, South

Hwy 81, Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *food and related products*, between points in Reno County, KS and Douglas County, NE, on the one hand, and, on the other, points in NE, KS, and SD.

MC 95876 (Sub-374), filed January 12, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 108207 (Sub-562F), filed January 9, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CO, on the one hand, and, on the other, points in Mobile County, AL and AR, AZ, CA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, OK, OH, TN, TX, UT, and WI.

MC 123476 (Sub-63), filed January 9, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Ind. Ct., Arnold, MO 63010.Representative: David G. Dimit (same address as applicant). Transporting *textile mill products*, between points in VA, NC, SC, GA, AL, MS, AR, LA, TN, KY, TX, and OH.

MC 125037 (Sub-19), filed January 14, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Transporting *general commodities* (except classes A and B explosives) between points in AL, on the one hand, and, on the other, points in the U.S.

MC 136077 (Sub-25), filed January 13, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102. Transporting *materials and supplies* used in the manufacture of iron and steel articles, between points in Middlesex County, NJ, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, WV, WI, and DC.

MC 136277 (Sub-6), filed January 12, 1981. Applicant: PRIORITY FREIGHT SYSTEMS, INC., P.O. Box 7098, Akron, OH 44306. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives) between points in VA, on the one hand, and, on the other, those in Kanawha County, WV, and those in, north, and west of Mason, Jackson, Roane, Calhoun, Gilmer, Lewis, Upshur, Barbour, Taylor, and Monomgalia Counties, WV, those in PA in and west of Fayette, Westmoreland, Butler, Venango, Crawford, and Erie, Counties, PA, and points in OH.

MC 138627 (Sub-102), filed January 13, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives) between points in Webster County, IA, on the one hand, and, on the other, points in the U.S.

MC 138627 (Sub-103), filed January 14, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *metal products* and *building materials*, between points in Poweshiek County, Ia, on the one hand, and, on the other, points in the U.S.

MC 139857 (Sub-3), filed January 13, 1981. Applicant: T.W. TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *food and related products*, between points in WA, OR, and CA.

MC 140097 (Sub-2), filed January 14, 1981. Applicant: C.V. TRANSPORTATION, INC., 40 Court St., Newport, NH 03773. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in NH and VT, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 144957 (Sub-11), filed January 13, 1981. Applicant: PETERCLIFFE, LTD., 12623 East Imperial Hwy, Suite 204, Santa Fe Springs, CA 90670. Representative: Patrick H. Smyth, 19 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, NV and UT, on the one hand, and, on the other, points in MI, OH, IN, KY, RI, VT, NJ, ME, and DE.

MC 145337 (Sub-12), filed January 14, 1981. Applicant: P.M.E., LTD, 1557 Brookside Blvd., Winnipeg, Manitoba Canada R2R 1V6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. In foreign commerce only, transporting *rubber and plastic products*, between points in ID, MN, MT, ND, and WA, on the one had, and, on the other, points in the U.S.

MC 148107 (Sub-3), filed January 13, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant). Transporting *food and related products*, between points in TN and MS, on the one hand, and, on the other, points in FL, GA, AL, LA, TX, AR, MO, IL, WI, IA, NE, OK, NM, CO, UT, AZ, NV, CA, KS, ID, WA, and OR.

MC 148107 (Sub-4), filed January 14, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 South Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in TX, on the one hand, and, on the other, points in AZ, CA, CO, NM, OK, UT, ID, OR, and WA.

MC 151637 (Sub-1), filed January 13, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *furniture and fixtures*, between points in Crawford County, Ar, on the one hand, and, on the other, points in the U.S.

MC 153626F, filed December 31, 1980. Applicant: BARBARA A. COITE, d.b.a. TIVERTON RECYCLING CO., 20 Cornell, Rd., Tiverton, RI 02878. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, MA 02645. Transporting (1) *aragonite*, from Perth Amboy, NJ to Dayville, CT, and (2) *feldspar*, from Middletown, CT to Cliffwood, NJ.

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Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not particpating.)

MC 26377 (Sub-30F), filed January 6, 1981. Applicant: LEONARDO TRUCK LINES, INC., 511 So. 1st St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *waste or scrap materials not identified by industry producing products* as described in the Standard Transportation Commodity Code Tariff, between points in OR, WA, and ID.

MC 29886 (Sub-378F), filed December 23, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th

Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *heat exchangers and heat equalizers*, and (2) *heating, air conditionig, humidifying, dehumidifying, and gas and liquid moving equipment*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between points in Fayette County, KY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 37896 (Sub-36F), filed January 8, 1981. Applicant: YOUNGSBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting (1) *wire*, and (2) *materials equipment, and supplies* used in the manufacture and distribution of wire, between points in the U.S, under continuing contract(s) with Brand-Rex Company, of Enka, NC.

MC 46267 (Sub-12F), filed November 24, 1980. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Rd., Fort Wayne, IN 46825. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in OH on and west of Interstate Hwy 75, those in IN on, east, and north of a line beginning at the MI–IN state line and extending along US Hwy 31 to junction Interstate Hwy 74, then along Interstate Hwy 74 to the OH–IN state line, and those points in MI on, east, and south of a line beginning at the IN–MI state line and extending along US Hwy 131 to junction Interstate Hwy 94, then along Interstate Hwy 94 at or near Sarnia, MI, as off-route points in connection with the carrier's otherwise authorized regular routes.

MC 59247 (Sub-17F), filed January 2, 1981. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tenneco Chemicals, of Piscataway, NJ, and Union Carbide Corporation, of New York, NY.

MC 61007 (Sub-8F), filed December 18, 1980. Applicant: PACELLI BROTHERS TRANSPORTATION, INC., 119 Trowel St., Bridgeport, CT 06601. Representative: Frederick A. Long (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in CT, NY, NJ, MA, and RI.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request of Certificate Nos. MC–61007, MC–61007 Sub 3, MC–61007 Sub 4, and MC–61007 Sub 7.

MC 65697 (Sub-60F), filed December 29, 1980. Applicant: THEATRES SERVICE COMPANY, a corporation, P.O. Box 1695, Atlanta, GA 30301 Representative: Paul W. Smith (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Westmoreland, TN and Louisville, KY, over U.S. Hwy 31E, (2) between Bowling Green, KY, and Louisville, KY, over U.S. Hwy 31W, (3) between Bowling Green, KY and Louisville, KY, over Interstate Hwy 65, (4) between Spartanburg, SC and Charlotte, NC, over U.S. Hwy 29, (5) between Spartanburg, SC and Charlotte, NC, over Interstate Hwy 85, and (6) serving all intermediate points in routes (1) through (5) above, and off-route points in Anderson, Boyle, Bullitt, Clark, Fayette, Franklin, Garrard, Jefferson, Jesamine, Madision, Mercer, Scott, Shelby, Spencer, Washington, Wilson, and Woodford Counties, KY, in connection with carriers otherwise authorized regular route operations.

Note.—Applicant intends to tack with existing authority.

MC 107727 (Sub-32F), filed January 7, 1981. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, P.O. Box 18747, San Antonio, TX 78218. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between San Antonio, TX, and Memphis, TN: From San Antonio over Interstate Hwys 35 and 35E to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; (2) Between Victoria, TX, and Memphis, TN: From Victoria, over U.S. Hwy 77 to junction Interstate Hwys 35 and 35E, then over Interstate Hwys 35 and 35E, to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; (3) Between Houston, TX and Memphis, TN: From Houston over U.S. Hwy 59 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; and (4) Between junction Interstate Hwy 35 and U.S. Hwy 79, and Memphis, TN: From junction Interstate Hwy 35 and U.S. Hwy 79, over U.S. Hwy 79 to junction Interstate Hwy 40, then over Interstate Hwy 40, to Memphis, and return over the same route, as an alternate route for operating convenience only. Condition: Issuance of a certificate in this proceeding is conditioned upon a prior grant of the conversion application filed in MC–107727 Sub 31F.

MC 111687 (Sub-41F), filed December 23, 1980. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., R #1, Kawkawlin, MI 48631. Representative: Benjamin H. Ruegesseger (same address as applicant). Transporting (1) *malt beverages*, and (2) *advertising materials*, between points in MI, OH, IN, IL, WI, KY, MN, NY, PA, TN, and GA.

MC 124117 (Sub-44F), filed January 5, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, a partnership, d.b.a. Mid-Tenn Express, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *containers*, and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of containers, between those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 140717 (Sub-25) (M1F) (notice of filing, of petition to add a contracting shipper), filed December 15, 1980. Petitioner: JULIAN MARTIN, INC., Hwy 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Petitioner holds motor contract carrier authority in MC 140717 (Sub-25), issued December 12, 1980, authorizing transportation over irregular routes, of *foodstuffs* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Swift and Company, of Chicago, IL. By the instant petition, petitioner seeks to add as an additional contracting shipper Bunge Edible Oil Corporation, of Kanakakee, IL.

MC 141016 (Sub-1F), filed December 30, 1980. Applicant: HARRINGTON TRUCKING, INC., P.O. Box 15771, Salt Lake City, UT 84115. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *general commodities* (except classes A and B explosives, household goods as defined

by the Commission, motor vehicles, and those commodities requiring the use of special equipment), between points in UT, restricted to traffic having an immediately prior or subsequent movement by rail.

MC 144216 (M1F) (notice of filing of petition to add a contracting shipper), filed December 16, 1980. Petitioner: J. D. ANDERSON TRUCKING, INC., R.D. 1, Industry, PA 15052. Representative: Arthur J. Diskin. Petitioner holds motor contract carrier authority in MC-144216, issued July 11, 1978, authorizing transportation, over irregular routes, of (1) copper tubing and coils, precharged tubing, air cool coils, and cooling towers, from Zelienople, PA, to points in IL, MI, IN, NY, NJ, OH, MA, RI, CT, VT, and AR, and (2) copper tubing and coils, pre-charged tubing, air cool coils, ingot bars, copper cathodes, copper scrap, and cooling towers, from the destination points named in (1) above, to the facilities of Halstead & Mitchell Co., and Halstead Metal Products, Inc., at Zelienople, PA, and under continuing contract(s) with Halstead & Mitchell Co., and Halstead Metal Products, Inc., of Zelienople, PA. By the instant petition, petitioner seeks to add as an additional contracting shipper Elwin G. Smith Div.—Cyclops Corporation, of Pittsburgh, PA.

Note.—Pursuant to a decision in MC-FC-78443, served April 15, 1980, applicant's name was changed from Roger L. Anderson and J. Dale Anderson, a partnership, d.b.a. Anderson Trucking, to J. D. Anderson Trucking, Inc.

MC 1444407 (Sub-27), filed 29, 1980. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *printed matter, paper, paper products, and paperboard covered books*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, between points in the U.S. (except AK and HI).

MC 152387 (Sub-1F), filed January 2, 1981. Applicant: ELDON ARMSTORNG TRUCKING, INC., 4222 Old Forge Rd., Port Huron, MI 48060. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting *pulp, paper and related products*, between points in WI, on the one hand, and, on the other, the ports of entry on the international boundary line between the U.S. and Canada.

MC 153516F, filed December 29, 1980. Applicant: INTERSTATE EXPRESS, INC., 4601 S. 50th St., Omaha, NE 68117. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509. Transporting (1) *food and kindred products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., restricted to traffic originating at or destined to the facilities of Missouri Valley Foods, Inc., MBPXL Corporation, Farmland Foods, Inc., and Sterling Colorado Beef Co.

MC 153517F, filed December 29, 1980. Applicant: ROSE CITY TRANSPORTATION, INC., 3721, National Rd. West, Richmond, IN 47374. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *alcoholic beverages*, and (2) *materials equipment, and supplies* used in the manufacture and distribution of alcoholic beverages, between points in the U.S., under continuing contract(s) with Monarch Wine Company, of Brooklyn, NY.

MC 153536F, filed December 24, 1980. Applicant: GUILLERMO GUILLEN, d.b.a., GIILLEN & SON TRUCKING, 1811 South Seventh St., San Jose, CA 95112. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *general commodities* (except classes A and B explosives), between points in Webb County, TX, on the one hand, and on the other, points in CA.

MC 153537F, filed January 5, 1981. Applicant: LARRY E. SHEPPARD, d.b.a., SHEPPARD TRUCK LINES, P.O. Box 5211, North Charleston, SC 29406. Representative: Keith W. Kornahrens, P.O. Box 10944, Charleston, SC 29411. Transporting *fertilizer and fertilizer materials*, between points in SC, NC, and GA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3272 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 16, 1981 (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–019

Decided: January 19, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 153520F, filed January 4, 1981. Applicant: CHARLES B. CRANE, d.b.a. CHARLES CRANE, Route 2, Box 186, Tecumseh, NE 68450. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 153200F, filed December 8, 1980. Applicant: FRANCES L. KREGER, d.b.a. FRAN KREGER TRUCKING, Route 3, Box 885, Albany, OR 97321. Representative: Henry C. Winters, 525 Evergreen Bldg., 15 S. Grady Way, Renton, WA 98055. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 95920 (Sub-70F), filed December 22, 1980. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP2–155

Decided: January 21, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 125952 (Sub-53F), filed December 22, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation 8311 Durango St., S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),* for the United States Government between points in the U.S.

MC 147952 (Sub-1), filed December 16, 1980. Applicant: ASSEMBLY AND DISTRIBUTION TERMINALS OF WASHINGTON, INC., 801 1st Ave. South, Seattle, WA 98134. Representative: Russell A. Evans, 410 Maynard Bldg., 119 1st Ave. South, Seattle, WA 19804. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 150683 (Sub-2), filed December 24, 1980. Applicant: GEORGE FANCSAL, 148 Grandview Avenue, Conneaut, OH 44030. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agriculture limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 153422F filed December 30, 1980. Applicant: CFE AIR CARGO, INC., 7460 Tidewater Drive, Norfolk, VA 23505. Representative: Blair P. Wakefield, Suite 1001, First and Merchants Bank Building, Norfolk, VA 23510. Transporting *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP4–205

Decided: January 22, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 144957 (Sub-10F), filed January 2, 1981. Applicant: PERCLIFFE LTD., 12623 E. Imperial, Santa Fe Springs, CA 90670. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153477F, filed December 24, 1980. Applicant: HUGH M. DEVER, d.b.a. DEVER ENTERPRISES, 2617 S. Daggett St., Philadelphia, PA 19142. Representative: Hugh M. Dever (same address as applicant). As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153507F, filed January 6, 1981. Applicant: ELBERT WALTER DUNSWORTH, d.b.a. E. W. DUNSWORTH TRUCKING, 9670 9th St., P.O. Box 396, Bay City, OR 97107. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4–209

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 150037 (Sub-2F), filed December 29, 1980. Applicant: TRANSIT, INC., P.O. Box 81081, A.M.F., Cleveland, OH 44181. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *shipments weighing 100 pounds or less,* if transported in motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP5–23

Decided: January 21, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 25869 (Sub-176), filed January 6, 1981. Applicant: C.O.D.E., INC., 4800 Colorado Blvd., Denver, CO 80216. Representative: Carol S. Raznick, 820 Clermont, Suite 100, Denver, CO 80220. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 123279 (Sub-6F), filed December 31, 1980. Applicant: CHARTER EXPRESS, INC., 595 East Talmadge St., Akron, OH 44310. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Cheviot, Bridgeton, and Miamitown, OH, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3380 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by

Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modifed prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant had demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 16, 1981 (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–215

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 29537 (Sub-12), filed January 9, 1981. Applicant: R. H. CRAWFORD, INC., 425 Poplar St., Hanover, PA 17331. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *general commodities* (except classes A and B explosives), between points in York County, PA, on the one hand, and, on the other, points in CT, DE, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, SC, and DC.

MC 29886 (Sub-379), filed January 9, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *transportation equipment*, between Chicago, IL, on the one hand, and, on the other, points in IA, IL, MN, ND, SD, and WI.

MC 34167 (Sub-3), filed January 9, 1981. Applicant: PORTER TRUCK LINES, INC., P.O. Box 313, McMinnville, OR 97218. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Transporting *food and related products*, between points in WA, OR, and CA.

MC 60066 (Sub-25F), filed January 6, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *general commodities* (except classes A and B explosives), between points in Hall, Platte, and Dawson Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 76266 (Sub-145), filed January 9, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Rd., St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *food and related products*, between the facilities of Mrs. Smith's Frozen Food Company at points in MA, NJ, and PA, on the one hand, and, on the other, points in CA, GA, IL, LA, OR, TN, and TX.

MC 120737 (Sub-76), filed January 12, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *metal products*, between points in Putnam County, IL, on the one hand, and, on the other, points in MO, TN, AR, OK, AL, and MS.

MC 123407 (Sub-662F), filed January 8, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *metal products*, between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

MC 128067 (Sub-4), filed January 12, 1981. Applicant: W. F. BURNS TRUCKING, INC., Box 127A, R.D. No. 2, Ruffsdale, PA 15679. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with United Chemicals, Inc., of Pittsburgh, PA.

MC 129857 (Sub-9F), filed January 5, 1981. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire, Suite 1800, Los Angeles, CA 90017. Transporting *transportation equipment*, between points in Harris County, TX, on the one hand, and, on the other, points in TX, CO, NM, and WY.

MC 129857 (Sub-11F), filed January 5, 1981. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire, Suite 1800, Los Angeles, CA 90017. Transporting *transportation equipment*, between points in CA.

MC 134477 (Sub-426F), filed January 5, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of The Richardson Company.

MC 139177 (Sub-4), filed January 13, 1981. Applicant: MAIERS TRANSPORT AND WAREHOUSING, INC., 515 25th Ave. North, St. Cloud, MN 56301. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities*, between points in ND, SD, NE, KS, OK, MN, IA, MO, WI, IL, MI, IN, and OH.

MC 140546 (Sub-6), filed January 15, 1981. Applicant: ROADHOUND TRUCK CO., 811 W. Hale St., Osceola, AR 72728. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Jim Walter Papers, Inc. and its divisions, of Jacksonville, FL.

MC 142827 (Sub-9), filed January 9, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products*, between points in Linn County, IA and Warren County, IL, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, and TN.

MC 143776 (Sub-15), filed January 13, 1981. Applicant: C.D.B., INC., 155 Spaulding Ave., SE, Grand Rapids, MI 49506. Representative: C. Michael Tubbs, (same address as applicant). Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Southern Petrochemical, Inc., of Roswell, GA.

MC 143776 (Sub-16), filed January 14, 1981. Applicant: C.D.B. INC., 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Outboard Marine Corporation and its subsidiaries, of Waukegan, IL.

MC 144867 (Sub-4), filed January 12, 1981. Applicant: R & J TRANSPORT, INC., 929 North 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *building materials*, between points in WI and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S.

MC 145716 (Sub-6), filed January 13, 1981. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, N.E., Suite 1-M, Atlanta, GA 30341. Representative: Keffrey Kohlman, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. Transporting *food and related products*, (1) between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, and (2) between points in FL and GA, restricted in (1) and (2) above to traffic originating at or destined to the facilities of or used by International Bakerage, Inc. and its subsidiaries. Condition: Applicant seeks to convert its contract carrier authority to common, therefore, issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Permit No. MC 133146 (Sub-13).

MC 149026 (Sub-20F), filed December 29, 1980. Applicant: TRANS-STATES LINES, INC., 633 Main St., Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. Transporting *new furniture, and materials, equipment and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), bewteen points in San Antonio, TX, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 150137 (Sub-1), filed January 12, 1981. Applicant: J & M TRUCKING, INC., Box 81, Stewardson, IL 62463. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Siemer Milling Company, of Teutopolis, IL.

MC 151257 (Sub-1), filed January 12, 1981. Applicant: SHO-LEN, INC., d.b.a. PACIFIC TRANSPORTATION, 10869 Drury Lane, Lynwood, CA 90262. Representative: Milton W. Flack, 6383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *metal products* (1) between points in Maricopa county, AZ, on the one hand, and, on the other, points in CA, NV, OR, and WA, and (2) between points in Maricopa County, AZ, on the one hand, and, on the other, points in Cowlitz County, WA and Multnomah County, OR.

MC 151856 (Sub-1), filed January 12, 1981. Applicant: TRANSMODIAL INC., P.O. Box 195, Cowansville, Quebec, CD J2K 3H6. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *general commodities* (except classes A and B explosives), between points in Franklin County, VT, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada.

MC 153556F, filed January 2, 1981. Applicant: WILLIAM J. SCHNEIDER, d.b.a. SCHNEIDER TRUCK SERVICE, P.O. Box 6126, 1440 High St., Pittsburgh, PA 15212. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Iceland Corp., of Slovan, PA.

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Decided: January 21, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 1239 (Sub-11F), filed December 30, 1980. Applicant: PONY TRUCKING, INC., 501 State, Steubenville, OH 43952. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting (1) *primary and fabricated metal products*, (2) *clay and clay products*, (3) *refractories and refractory products*, (4) *insulation and insulating materials*, (5) *building and construction materials*, and (6) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) through (5), between points in the U.S., under continuing contract(s) with A. P. Green Refractories Co., of Mexico, MO, National Steel Corporation, of Pittsburgh, PA, and Titanium Metals Corporation of America, of Toronto, OH .

MC 43038 (Sub-496F), filed December 19, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Ave., Madison Heights, MI 48071. Transporting *motor vehicles*, between points in the U.S.

MC 80018 (Sub-21F), filed December 23, 1980. Applicant: EDMAC TRUCKING COMPANY, INC., Hwy 301 S., P.O. Box 770, Fayetteville, NC 28302. Representative: Kenneth D. Angell (same address as applicant). Transporting *liquors, malt, ale and beers*, between Hammonton, NJ, and points in NC.

MC 96009 (Sub-1), filed January 8, 1981. Applicant: RAYMOND L. SHELTON, d.b.a. R. L. SHELTON, P.O. Box 6, Stuart, VA 24171. Representative: R. L. Shelton (same address as applicant). Transporting (1) *chemicals* and *related products*, and (2) *furniture*, between points in VA on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in by farm supply and equipment dealers between points in MD, MI, MO, NC, NY, OH, PA, SC, and VA.

MC 106088 (Sub-10), filed January 9, 1981. Applicant: WM. O. HOPKINS, INC., R.R. #1, Box 16A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *food* and *related products* between points in Jasper County, IN, on the one hand, and, on the other, points in IL, KY, MI, MN, OH, and WI.

MC 107678 (Sub-81F), filed December 30, 1980. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Avenue,

Houston, TX 77049. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. Transporting *roofing material, felspar, quartz, mica and crushed stone* from the facilities of Pacer Corporation at or near Custer, SD, to points in AR, AZ, CA, CO, CT, IA, ID, IL, IN, KS, MA, ME, MI, MN, MO, MT, ND, NE, NH, NM, NV, NY, OH, OK, OR, PA, RI, SD, TX, UT, VT, WA, WI, and WY.

MC 109028 (Sub-15F), filed December 31, 1980. Applicant: S & W TRANSFER, INC., 312 E. Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* household goods as defined by the Commission and classes A and B explosives between points in the U.S. under continuing contract(s) with (1) Amoco Foam Products Company of Chippewa Falls, WI, (2) Badger Paper Mills, Inc. of Peshtigo, WI, (3) Dura-Products, Inc., of Neenah, WI, (4) Green Bay Plastics, division of Mosinee Paper Corp., of Green Bay, WI, (5) Heywood-Wakefield Co., of Menominee, MI, (6) Pope & Talbot, Inc. of Eau Claire, WI, (7) Presto Products, Inc. of Appleton, WI, and (8) Tape, Inc. of Green Bay, WI.

MC 117068 (Sub-138), filed January 7, 1981. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy. 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting *such commodities* as are dealt in or used by a manufacturer of heating, ventilating, and air conditioning equipment, between points in La Crosse County, WI, on the one hand, and, on the other, points in the U.S.

MC 119639 (Sub-23), filed January 8, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting (1) *Furniture and* (2) *lumber and wood products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in WA, OR, NV, AZ, and UT.

MC 133189 (Sub-39), filed January 6, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne, Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55432. Transporting *salt and salt products*, between points in UT and KS, on the one hand, and, on the other, points in MN.

MC 133478 (Sub-26), filed January 5, 1981. Applicant: DG TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97528. Transporting *building materials*, between points in CA on the one hand, and, on the other, points in OR and WA.

MC 133979 (Sub-5), filed January 5, 1981. Applicant: MONTANA BRAND PRODUCE CO., INC., 1507 Beck St., Salt Lake City, UT 84116. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *flour*, between points in the U.S., under continuing contract(s) with ConAgra, Inc., of Great Falls, MT.

MC 135078 (Sub-72F), filed December 22, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *such commodities* as are dealt in or used by retail building material stores, between points in the U.S., under continuing contract(s) with Payless Cashways, Inc., of Kansas City, MO.

MC 141738 (Sub-2), filed January 9, 1981. Applicant: PORTER TRUCK LINES, INC., P.O. Box 313, McMinnville, OR 97128. Representative: John A. Anderson, Suite 1600—One Main Place, 101 SW Main St., Portland, OR 97204. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Mrs. Smith's Frozen Foods Co. of Pottstown, PA.

MC 143059 (Sub-150F), filed December 22, 1980. Applicant: MERCER TRANSPORATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (address same as applicant). Transporting (1) *fabricated metal products* as described Item 34, (2) *primary metal products* as described in Item 33, of the Standard Transportation Commodity Code Tariff, and (3) *machinery and supplies*, between Benton County, AR and Buncombe County, NC, and points in the U.S.

MC 144678 (Sub-28F), filed December 30, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St. Overland Park, KS 66210. Representative: Harold H J. Clokey (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), serving points in CO as off-route points in connection with carrier's otherwise authorized regular-route service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3390 Filed 1-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-027]

Motor Carriers, Permanent Authority Decisions

Correction

In FR Doc. 80-28286, published at page 61390, on Tuesday, September 16, 1980, on page 61391, in the application for Riss International Corporation, in the second column, the fourth line, "County, GA." should be corrected to read "County, CA.".

BILLING CODE 1505-01-M

Motor Carrier; Permanent Authority Decisions

Correction

In FR Doc. 80-34324, published at page 73148, on Tuesday, November 4, 1980, on page 73176, in the application for Jabsco, Inc., in the third column, in the sixth line "KS, LA, KS" should be corrected to read "KS, LA, MS".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-38279, published at page 81300, on Wednesday, December 10, 1980, on page 81319, in the application for Magill Truck Lines, Inc., in the third column, in the sixth paragraph, in the first line, "MC 12364 (Sub-11F)" should be corrected to read "MC 123649 (Sub-11F)".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-32810, published at page 70145, on Wednesday, October 22, 1980, on page 70152, in the third column, in the second paragraph, in the twelfth line of the "Eugene Tripp Trucking" application "west of MI" should be corrected to read "west of MT".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-36610, published at page 78247, on Tuesday, November 25, 1980, on page 78252, in the first column, in the second paragraph, in the tenth line, under "Florida Rock & Tank Lines, Inc."

applicant "AL, FL, FA" should be corrected to read "AL, FL, GA".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Proposed Modification to a Consent Judgment in Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed modification to the consent judgment in *United States* v. *United States Steel Co.*, Civil Action No. 79–709 has been lodged with the District Court for the Western District of Pennsylvania. The proposed modification to the decree changes the control programs both for the basic oxygen furnace shops at Edgar Thomsen and Duquesne and for the blast furnaces at Edgar Thomsen, Duquesne, and Homestead plants. The proposed modification also extends the schedules for the installation of pushing emission control equipment at Clairton Coke Works.

On December 18, 1980, prior to lodging of the modification, United States Steel paid $345,000.00 to the United States Treasury as a result of the United States claim for stipulated penalties under paragraph 26 of the consent decree previously filed in this action.

The Department of Justice will receive written comments relating to the proposed modification for 30 days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "*United States* v. *United States Steel Co.*," D.J. Ref. No. 90–5–2–3–1054.

The proposed modification to the decree may be examined at the Office of the United States Attorney, United States Courthouse, Pittsburgh, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree and the stipulation settling the penalty claim may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies should be accompanied by a check or a money order made out for $4.30 to the Treasurer of the United States.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-3354 Filed 1-28-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by National Steel Corporation at its Great Lakes Steel Division Plant Near Detroit, Michigan

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 19, 1981 a proposed consent decree in *United States* v. *National Steel Corporation* (E.D. Michigan, No. 79–73214) was lodged with the United States District Court for the Eastern District of Michigan. The proposed consent decree covers National Steel Corporation's integrated steel making plant near Detroit, Michigan. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National at its plants in Michigan, Illinois and West Virginia under the Clean Air and Clean Water Acts. The decree requires National to bring its plant into compliance with requirements of the Clean Air Act and the Michigan state implementation plan by installation of control equipment at its basic oxygen furnace, blast furnaces and coke batteries 4 and 5 and by reconstruction of its coke oven battery number 3. In lieu of payment of civil penalties National has agreed to the installation of control equipment at this and other plants which exceed the requirements of law. The State of Michigan and Wayne County have also approved this decree.

The proposed consent decree may be examined at the office of the United States Attorney, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *National Steel Corporation* (E.D.Michigan, No. 79–73214), D.J. Ref. 90–5–1–1–1057.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-3425 Filed 1-28-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Violation of its NPDES Discharge Permits by National Steel Corporation at its Great Lakes Steel Division Plant Near Detroit, Michigan

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 19, 1981 a proposed consent decree in *United States* v. *National Steel Corporation* (E.D. Mich., No. 79–73215), was lodged with the United States District Court for the Eastern District of Michigan. The proposed consent decree covers National Steel's integrated steel making plant near Detroit, Michigan. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National at its plants in Michigan, Illinois and West Virginia under the Clean Air Act and Clean Water Act. The decree requires National to bring its plant into compliance with requirements of the Clean Water Act and its NPDES permits, to perform necessary operation and maintenance measures and to change its sampling methods. In lieu of payment of civil penalties National has agreed to installation of control equipment at this and other plants which exceed the requirements of law. The State of Michigan has also approved this decree.

The proposed consent decree may be examined at the office of the United States Attorney, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources

Division, Department of Justice Washington, D.C. 20530, and should refer to *United States* v. *National Steel Corporation* (E.D. Michigan, No. 79-73215), D.J. Ref. 90-5-1-1-1197.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-3428 Filed 1-28-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants by National Steel Corp. at Its Granite City, Illinois, Plant

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 20, 1981 a proposed consent decree in *United States* v. *National Steel Corporation* (S.D. Illinois, No. 81-3009), was lodged with the United States District Court for the Southern District of Illinois. The proposed consent decree covers National Steel Corporation's integrated steel making plant in Granite City, Illinois. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National at its plants in Michigan, Illinois and West Virginia under the Clean Air Act and Clean Water Act. The decree requires National to bring its plant into compliance with requirements of the Clean Air Act by installation of control equipment at the basic oxygen furnace shop, blast furnaces, continuous caster and sinter plant and by reconstruction of several coke oven batteries. In lieu of payment of civil penalties, National has agreed to the installation of control equipment at this and other plants which exceed the requirements of law.

The proposed consent decree may be examined at the office of the United States Attorney, Room 330—U.S. Courthouse, 750 Missouri Avenue, East St. Louis, Illinois 62202 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree until March 2, 1981. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *National Steel Corporation* (S.D. Ill., No. 81-3009), D.J. Ref. 90-5-2-1-185.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-3424 Filed 1-28-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-9)]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

Name of Committee: NAC SSTAC Subcommittee on Space Power and Electric Propulsion.

Date and Time: February 18, 1981, 9:00 a.m. to 3:30 p.m., Febraury 19, 1981, 9:00 a.m. to 4:00 p.m.

Address: NASA Headquarters, Building FOB-10, Room 625, Washington, DC.

Type of Meeting: Open.

Agenda:

February 18, 1981

9:00 a.m. Introductory Remarks.
9:15 a.m. NASA presentation on the Balance Between High Risk and Low Risk Space Research and Technology in the Office of Aeronautics and Space Technology.
9:30 a.m. NASA Program Overview.
10:00 a.m. NASA Solar Electric Propulsion Stage.
10:45 a.m. NASA Advanced Propulsion Concepts.
1:45 p.m. NASA Report on Advanced Energetics.
3:30 a.m. Committee Discussion.

February 19, 1981

9:00 a.m. NASA Presentation on Nuclear Power.
11:00 a.m. NASA Report on Gallium Arsenide Solar Cell Plan.
1:15 p.m. Committee Discussion.
2:15 p.m. Committee Summary, Recommendations and Planning.
4:00 p.m. Adjourn.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome P. Mullin, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration, Code RTS-6, Washington, DC 20546 (202/755-3278)

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review technology needs for space power and electric propulsion and to evualuate the adequacy of current Office of Aeronautics and Space Technology and other research and technology efforts to meet those needs. the subcommittee, chaired by Mr. Harrison Killian, is comprised of seven members.

The meeting will be open to the public with a maximum seating capacity of about 40 persons (including subcommittee members and participants).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

January 22, 1981.

[FR Doc. 81-3332 Filed 1-28-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-10)]

NASA Advisory Council (NAC), Space Systems Technology Advisory Committee (SSTAC), Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

Name of Committee: NAC SSTAC Informal Advisory Subcommittee on Space Systems.

Date and Time: February 17-18, 1981, 8:30 a.m. to 4:30 p.m.

Address: 7655 Old Springhouse Road, Westgate Research Park, Room No. A-301, McLean, Virginia 22102.

Type of Meeting: Open.

Agenda:

February 17, 1981

8:30 a.m. Subcommittee Charter.
9:30 a.m. NASA Space Systems Technology Model.
11:00 a.m. Research and Technology Management.
1:00 p.m. Technology Transition (Transfer).
3:00 p.m. Industry Role in Government Planning.

February 18, 1981

8:30 a.m. Technology Planning.
1:00 p.m. Tecnology Planning.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Sadin, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration, Code RS-5, Washington, DC 20546 (202/755-2406).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Space Systems was established to assess the programs and provide recommendations to the system technology efforts of the National Aeronautics and Space Administration. The Subcommittee, chaired by Mr.

Lawrence Jenkins, is comprised of six members.

The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Subcommittee members and participants).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

January 22, 1981.

[FR Doc. 81-3333 Filed 1-28-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-11)]

NASA Wage Committee; Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Spae Administration announces the following meeting:

Name of Committee: NASA Wage Committee.

Date and Time: March 12, 1981, 1:30 p.m. to 4:30 p.m.

Address: National Aeronautics and Space Administration, Room No. 226-B, 600 Independence Avenue SW, Washington, DC 20546.

Type of Meeting: Open.

Agenda: The approved agenda of the Committee provides that it will review the survey specifications for the Cleveland, Ohio, Wage Area which were recommended by the Local Wage Committee and will determine whether to recommend acceptance or modification of those survey specifications.

FOR FURTHER INFORMATION CONTACT: Mr. George R. Joseph, Code NPM-28, National Aeronautics and Space Administration, Washington, DC 20546.

SUPPLEMENTARY INFORMATION: The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, Wage Area pursuant to Pub. L. 92-392.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

January 16, 1981.

[FR Doc. 81-3334 Filed 1-28-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-5]

Report, Recommendations and Responses; Availability

Aircraft Accident Report No. NTSB-AAR-80-15

Air Wisconsin, Inc., Swearingen SA-226 Metro, N650S, Valley, Nebraska, June 12, 1980.—The National Transportation Safety Board's investigation report, released January 21, indicates that the aircraft, operating as Flight 965, crashed after encountering severe thunderstorms while at an altitude of less than 6,000 ft and experiencing a simultaneous loss of power to both engines because of massive water ingestion. Of the 15 persons aboard, 13 were killed and 2 were injured seriously.

The Safety Board determined that:

The probable cause of the accident was the flightcrew's continued flight into an area of severe thunderstorms, and the resultant precipitation induced flameout or loss of power of both engines at an altitude from which recovery could not be made.

Contributing to the cause of the accident was the failure of the flightcrew to utilize all available sources of weather information and the failure of the air traffic control system to disseminate critical weather information to the air traffic controllers and to the crew of Flight 965, the failure of air traffic control supervisory personnel to accomplish key job functions, and the failure of Center Weather Service Unit meteorologists to disseminate critical weather information to the Omaha Radar Approach Control Facility supervisors. Also contributing was the precipitation induced X-band radar attenuation which limited the ability of airborne weather radar to detect the extent and intensity of the weather disturbances.

The Board has issued several recommendations relating to aviation weather subsystems and real-time display of weather phenomena. As the report notes, the Federal Aviation Administration has made significant progress in that area, but the Board continues to reiterate the need for real-time weather data for ATC systems users and urges FAA to continue to expedite current programs. Cited are recommendations A-77-65, A-74-13, and A-74-14.

As a result of the subject investigation, the Board last November 19 issued recommendations A-80-115 through A-80-119, reported at 45 FR 79207, November 28, 1980. On January 5 the Board forwarded to FAA a letter reiterating recommendations A-75-51, A-77-63, A-77-68, and A-78-1, and issuing new recommendations A-80-132 through A-80-138. Also on January 5, the Board issued recommendations A-80-139 and A-80-140 to the National Weather Service. (See 46 FR 7113, January 22, 1981.)

Safety Recommendation Letters

The Board on January 15 forwarded to the Federal Aviation Administration two letters containing three recommendations, each designated "Class II, Priority Action."

On September 15, 1979, a Beechcraft Model C45H, N600NA, after experiencing an engine fire, crashed while on a ferry flight from Baltimore, Md., to Grand Rapids, Mich. The pilot and three nonrevenue passengers were fatally injured. The Board found that the in-flight fire was concentrated in the left wheel well area, aft of the engine firewall, and recommends that FAA:

Issue an Airworthiness Directive to require periodic inspection of Stewart-Warner heaters, similar to AD 80-09-10 which applies to Janitrol heaters. (A-80-142)

Safety Board aircraft accident data indicate that engine failures are a substantial initiating factor in general aviation accidents. One problem associated with engine failures is separation of the throttle linkage. The results of these separations vary among models of aircraft; the variations include the fuel control commanding one of three settings: idle power, full power, or shutoff (no power) position. The Board recommends that FAA:

Establish a requirement that, when throttle linkage separation occurs in a small single engine aircraft the fuel control will go to a setting which will allow the pilot to maintain level flight in the cruise configuration. (A-81-6)

Review the service experience of throttle linkage separations in single engine general aviation aircraft and issue an Airworthiness Alert to the owners and operators of such aircraft, to increase their awareness of the problems associated with such linkage separations. The alert should be worded to improve maintenance practices and inspection techniques. (A-81-7)

Responses to Safety Recommendations

Aviation

A-80-110, from the Federal Aviation Administration, January 16, 1981.—Response is to a recommendation issued following investigation of an incident involving a Cessna Model 421B, N82169, at Terre Haute, Ind., March 20, 1980. (See 45 FR 73829, November 6, 1980.)

FAA does not concur with the recommendation to require a modification to the table configuration on Cessna Model 400 series airplanes to eliminate interference of the table installation with the escape hatch. FAA notes that the optional executive table

on these airplanes is a three-leaf folding table, which is hinged to, and slides down inside, the cabinet completely stowing the table. The cabinet itself is mounted aft of the emergency exit and does not interfere with its operation. A placard is required to specify proper stowing of the table for takeoff and landing. In the subject incident, the table was not stowed in accordance with required procedures. FAA issued an Airworthiness Alert in June 1979 to caution maintenance personnel to check cup holders for ease of removal. FAA will continue to monitor this condition.

Marine

M-80-1 through M-80-3, from the U.S. Coast Guard, January 8, 1981.—Letter responds to the Safety Board's comments of June 13 regarding Coast Guard's initial response of last April 10 (45 FR 30576, May 5, 1980) concerning recommendaitons issued following investigation of the capsizing of the M/B SIDS near Atlantic City, N.J., January 18, 1978.

The Board on June 13 designated recommendation M-80-1 as "Closed—Acceptable Action" but requested a copy of Coast Guard's field guidelines and towline size directive. Coast Guard supplied a copy of the directive.

In response to the Board's request in connection with recommendation M-80-2, Coast Guard states that it is now amending each boat outfit list to include PFD lights and will forward a copy to the Board upon completion by July 1, 1981.

With respect to M-80-3, Coast Guard will include in the next change to its Addendum to the National SAR Manual guidance concerning the urging of personnel in distress to make use of PFD lights. The change will be incorporated in the Manual prior to July 1, 1981, and the Board will be furnished a copy.

M-80-23 through M-80-29, from the U.S. Coast Guard, December 23, 1980.—Response is to recommendations issued last April 24 following investigation of the capsizing and sinking of the LOBSTA-I in the Atlantic Ocean, Pt. Judith, R.I., September 23, 1978. (See 45 FR 30574, May 8, 1980.)

With respect to recommendation M-80-23, Coast Guard reports issuing on November 21, 1978, Commandant Notice 2370 which directed CG District Commanders to urge fishing vessels to cary EPIRB's. This notice has been reissued as Commandant Instruction 2370.2, August 27, 1980, to provide a continued effort in this area. Coast Guard reports an international experimental program is underway to test a new class of EPIRB and low-orbiting satellites—the first, scheduled for launch in 1982. Coast Guard intends to seek legislative authority to require the satellite EPIRB system on U.S. vessels, but does not intend to seek authority to require the present EPIRB system on U.S. fishing vessels since the satellite system could be ready for implementation in the 4 or 5 years needed to obtain the enabling legislation and put final regulations into effect. By seeking legislative authority now for the satellite system while it is still under development, Coast Guard will be prepared to implement the system with a minumum of delay as soon as it is operational.

Re M-80-234, Coast Guard reports that it frequently submits articles and letters for publication to such industry publications as the "National Fisherman" and to the many SEAGRANT projects which themselves publish articles and hold workshops aimed at educating fishermen. Specific examples are cited. A change to the CG Marine Safety Manual (CG 495) Chapter 72, Part 5-25, is being drafted and will call for provision of free copies of accident reports to vessel owners and possibly separate written recommendations. Coast Guard is expanding its triennial educational and safety examination program to include uninspected commerical fishing vessels.

Re M-80-25, Coast Guard seeks to insure field personnel awareness of procedures for handling search and rescue (SAR) cases involving capsized vessels. Commandant Instruction 3100.5, "Capsizing; Procedures in the Event of," issued August 27, 1979, contains details for survival and rescue techniques in event of a capsizing. The instruction is the second iteration and contains improved procedures over its first issuance as a Notice. This instruction reflects the present state of the art, and, considering the limited number of capsizing cases handled by the SAR program, additional expenditures would be difficult to justify. CI 3100.5 will be reviewed periodically.

Coast Guard does not believe that the criticism of its response to recommendation M-80-26 is warranted. Coast Guard says its review of the LOBSTA-I case showed that the RCC controller acted in accordance with established SAR procedures and that he acted with good judgment and common sense. The first report was treated as a hazard-to-navigation report. Further "detective" work brought about the status of a SAR activity.

Re M-80-27, Coast Guard reports that current manpower and budgetary limitations precluded the conducting of additional uninspected fishing vessel analysis beyond Coast Guard's current annual publication of "Marine Safety Statistical Review" (COMDTINST M16700.2), publication of educational accident scenarios and articles in industry trade periodicals, and publication and distribution of handouts and audio-visual training aids. Coast Guard notes that an extension of its voluntary triennial examination program to include documented commercial fishing vessels will assist interested fishermen to identify safety hazards. Also, USCG Auxilliary boating safety courses are recommended for and can provide worthwhile, inexpensive training in basic seamanship and navigation for all interested small vessel operators which include fishermen.

Coast Guard notes that the discussion concerning M-80-24 is responsive to recommendation M-80-28.

Re M-80-29, Coast Guard says that attaching an acoustic beacon to an overturned hull should be done only when it is suspected that trapped personnel are involved; use of the acoustic beacon should not be standard operating procedure for all overturned hulls. Coast Guard plans to amend, by October 30, 1980, COMDTINST 3100.5 to incude the acoustic beacon (see recommendation M-80-25). A beacon will not be placed on each Coast Guard cutter, however. All Coast Guard aircraft have these devices installed, and in an emergency these could be removed and delivered to a cutter for use if necessary. By November 30, 1980, each of the six locations listed in section 9 of the addendum to the National SAR Manual will have an acoustical beacon. This strategy should permit Coast Guard the flexibility to accomplish the desired objective.

Pipeline

P-80-46 and P-80-47, from the Research and Special Programs Administration, U.S. Department of Transportation, December 22, 1980.—Response is to recommendations issued June 4 following investigation of an explosion and fire which occurred February 21, 1980, in the City of Cordele, Ga., involving the City operated natural gas system. (See 45 FR 41553, June 19, 1980.)

RSPA reports in response to P-80-46 that immediately after the accident, RSPA's Material Transportation Bureau inspected the Cordele system, finding four possible violations. A preliminary civil penalty of $6,200 was assessed. A compromise payment of $4,800 was accepted and the City was directed to correct the violations. The next scheduled inspection of the system is 1983. MTB will monitor the City's progress reports until then.

With respect to P–80–47, RSPA finds that it is not in the overall interests of pipeline safety to displace or defer other rulemaking matters (such as LNG, Master meter systems, LP gas systems, damage prevention programs, and the need to revise gas incident reporting requirements) which RSPA considers to be of higher priority. MTB is preparing a study for Congress to determine whether requiring a general description of location, type, and pressure to be maintained by pipeline companies would be cost-beneficial. MTB believes the results of this study should be included in the next step of the rulemaking process. The April 1981 date for publication of the proposed rulemaking will be maintained.

Railroad

R–73–8, R–73–9, R–76–3, and R–76–50, from the Federal Railroad Administration, December 24, 1980.— Response is to recommendations reiterated by Board letter of November 5, 1980, as a result of the investigation of a head-on collision of two Baltimore and Ohio Railroad Company trains at Orleans Road, W. Va., February 12, 1980. (See 45 FR 68814, October 16, 1980.)

Re R–73–8, FRA states its intention to conduct research [into a fail-safe device to stop a train in the event the engineer becomes incapacitated or falls asleep], using a research vehicle which is expected to be operational in 1982. Until then, FRA cannot evaluate the need for regulatory action.

Re R–73–9, FRA cites its view that the environmental conditions [that could distract crews or cause them to fall asleep] were covered by publication of Railroad Locomotive Safety Standards published March 31, 1980.

Re R–76–3, FRA reports its belief that training given to employees on the operating rules and through an effective testing program is the answer to the problem cited rather than additional mechanical and electrical devices [such as a backup system to insure that a train is controlled as required by the signal system if the engineer fails to do so] and its actions to work cooperatively with rail unions and rail companies in identifying training needs, developing quality training curriculum and assisting in the delivery of such training.

Re R–73–00, FRA reiterates its belief that in keeping training crews alert, a diligent, carrier-conducted rules instruction and testing program on operating rules would be a great deal more effective than regulations to require engine crews to communicate fixed signal aspects to conductors while trains are on signalized track.

R–78–20, from the Federal Railroad Administration, December 24, 1980.— Letter refers to a recommendation issued April 24, 1978, asking FRA to require that approved headshields be installed on all DOT 112/114A tank cars by December 25, 1978. (See 43 FR 19307, May 4, 1978.)

The recommendation was discussed at the NTSB/FRA Quarterly Meeting on Railroad Safety Recommendations, October 30, 1980. FRA reports that approved headshields have been installed on all DOT 112A/114A tank cars.

R–79–73, from the Federal Railroad Administration, December 24, 1980.— Letter is in response to the Safety Board's November 24 comments regarding FRA's initial response of last August 7 (45 FR 55879, August 21, 1980.) The recommendation stemmed from the April 20, 1979, accident at Edison, N.J. The Board strongly urged FRA to reconsider its opposition to promulgating regulations which would require all trains operating on a main track to be equipped with an operable radio, citing an April 2, 1980, Amtrak-Seaboard Coast Line accident in which a radio warning probably saved the lives of crewmembers and reduced the severity of injuries to passengers. FRA maintains the position that historical train handling procedures governed by the carrier's operating rules can be depended upon to ensure a safe train operation without fostering a dependency upon radio.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

January 26, 1981.

[FR Doc. 81–3441 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–58–M

[Docket No. DCA–81–AP–002]

Pipeline Accident Investigation Hearing; Long Beach, California

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time) February 25, 1981, in the City Council Chambers, City Hall, 333 West Ocean Boulevard, Long Beach, California 90802. The public hearing will be held in connection with the Safety Board's investigation of a pipeline accident involving the Four Corners Pipe Line Company in Long Beach, California, on December 1, 1980.

Henry M. Shepherd,

Hearing Officer.

January 19, 1981.

[FR Doc. 81–3442 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Memoradum of Understanding Between the Nuclear Safety Oversight Committee and the Department of Health and Human Services With Respect to the Acquisition of Information and the Monitoring of Activities

1. The Nuclear Safety Oversight Committee (NSOC) was established pursuant to Executive Order 12202 (March 18, 1980) to advise "on the progress of Federal and State authorities and the nuclear power industry in improving the safety of nuclear power and in implementing the approved recommendations of the President's Commission on the Accident at Three Mile Island (Kemeny Commission)" set forth in the President's announcement and White House Fact Sheet of December 7, 1979. Executive Order 12202 was amended by Executive Order 12240 (September 26, 1980) which set September 30, 1981 as the termination date of the NSOC. (Copies are attached to this memorandum.) The NSOC is responsible for the preparation and periodic submission of reports to the President, the Secretary of Energy and the Secretary of Health and Human Services on the progress being made in each area. In addition, NSOC's responsibility is to advise the President on the progress and activities of the various Federal agencies, including the Department of Health and Human Services (HHS), in a number of substantive and procedural areas identified in the Executive Order, Sec. 1–2. These include, but are not limited to, the following:

- the Federal program in safety research (Sec. 1–204);
- a coordinated program to improve worker and public health safety (Sec. 1–205);

• improving public information on nuclear safety (Sec. 1–207); and

• evaluating the Federal response to nuclear emergencies (Sec. 1–207).

The NSOC also has advisory and monitoring responsibilities in substantive and procedural areas related to specific statutory or regulatory duties of the Federal Emergency Management Agency (see Sec. 1–205, 1–206 and 1–207), the Nuclear Regulatory Commission (see Sec. 1–202, 1–203, 1–211) and the Department of Energy. Certain portions of the duties of these agencies may intersect with the health research, information distribution and health emergency response capability and authority of the Department of Health and Human Services and the various agencies and institutes which comprise it.

NSOC's acquisition or inspection of HHS technical, scientific, programmatic, legal and policy-related information concerning nuclear safety and health and NSOC's access to HHS-operated, licensed or financed facilities or programs relating to nuclear safety and health are essential to the effective and timely preparation and submission of its reports. (See Sec. 1–208, 1–303, 1–304.)

2. The Department of Health and Human Services, pursuant to 42 U.S.C. 3501 et seq., is broadly responsible for the establishment, administration and coordination of Federal policies, programs and research efforts dealing with matters of individual and public health. HHS and the various agencies and institutes which comprise it are also responsbile, in part, for certain of the procedural and substantive matters identified in paragraph 1 above.

In the President's announcement and White House Fact Sheet of December 7, 1979, referred to in paragraph 1 above, and attached to this memorandum, special concern was expressed for the potential hazards to workers and the general public from accidents at nuclear power plants. To respond to that concern, a number of initiatives were taken to assure expert and open processes for meeting research needs and enhancing guidance for worker and public protection from radioactive exposures. Among those initiatives was the establishment of both the Interagency Radiation Policy Committee, on which HHS is represented, and the Interagency Radiation Research Committee, which is chaired by the Director of the National Institutes of Health.

3. The Department of Health and Human Services and its various agencies and institutes, in recognition of NSOC's responsibility and essential need for information as described in paragraph 1 above, agree to cooperate to the fullest extent possible to assure that NSOC has complete access to all information, facilities and personnel required to fulfill its responsibility in an effective and timely manner. In order to effectuate this agreement in an orderly manner, the NSOC and HHS also agree to the following principles and arrangements:

a. Designated Information Coordinator

The HHS Assistant Secretary for Management and Budget or his/her designee shall serve as Designated Information Coordinator and will be directly responsible for responding to, or for causing others to respond to, the requests made by NSOC personnel. This arrangement shall be supplementary to the informal arrangements referred to in paragraph b;

b. Informal and Formal Arrangements

With the agreement of the HHS Designated Information Coordinator, the NSOC, its staff and its properly designated consultants may regularly contact HHS personnel at all levels to develop and implement informal or formal arrangements for access and/or acquisition to information, facilities and personnel in the general and specific areas identified in paragraph 1 above. To the extent possible, the use of informal arrangements to implement this provision is preferred;

c. "Legal" Information

HHS agrees to arrange for the regular transmission of legal materials to NSOC, with the assent of the U.S. Department of Justice where that Department is involved in the proceedings to which the legal materials relate. The term "legal," as used in this section includes, but is not limited to, (1) all briefs or memoranda filed by HHS and the United States, in any Federal or State judicial proceeding, in a controversy involving nuclear safety, employee or public health criteria or emergency health planning or preparedness, or a subject matter which, in HHS's view, relates to the responsibilities of NSOC, and (2) opinions or memoranda issued by any Federal or State judicial tribunal in a controversy in which HHS is a party and which involves nuclear safety and health;

d. Operation Not Materially Affected

Every effort shall be made by both NSOC and HHS to minimize any disruption of the operation, routine or regularized conduct of HHS procedures and programs which may attend the implementation of this memorandum.

e. Authority Not Affected

Nothing in this memorandum or in its implementation or in any subsequent formal or informal arrangement, is intended to restrict, modify or limit the statutory authority of HHS or the responsibility of the NSOC under Executive Order 12202 and other applicable laws;

f. Classified Documents, Devices or Facilities

Nothing in this memorandum or in its implementation is intended to alter, modify or change applicable requirements concerning the personal security clearance of individuals or the informational or physical security of classified documents, devices or facilities;

g. Responsible Agency Official and the Process of Amendment

The General Counsel of HHS, in consultation with the Designated Information Coordinator, and the General Counsel of the NSOC will periodically review the effectiveness of this memorandum of understanding, particularly as it relates to NSOC's fulfillment of its responsibilities under Executive Order 12202 and develop formal and informal arrangements to correct any impediments, deal with problem areas or resolve disputes. The responsibilities agreed to in this memorandum may be amended by the exchange of letters between the General Counsel of NSOC and the General Counsel of HHS.

4. This memorandum of understanding shall take effect upon its signing by authorized representatives of the respective agencies.

Dated: January 20, 1981.

For the Nuclear Safety Oversight Committee.

Bruce Babbitt,

Chairman, Nuclear Safety Oversight Committee.

Dated: January 16, 1981.

For the Department of Health and Human Services.

Patricia Roberts Harris,

Secretary, Department of Health and Human Services.

[FR Doc. 81-3351 Filed 1-28-81; 8:45 am]

BILLING CODE 6820-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

January 26, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Managemet and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, 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

• Science and Education Administration
Nutrition Education Materials
Nonrecurring
State or local governments
State and local governments involved in nutrition programs
SIC: 943
• Agricultural research and services, 1,800 responses, 450 hours, $25,000 Federal cost, 2 forms
Charles A. Ellett, 202-395-7340

Nutrition education material required to develop a bibliography.

• Food and Nutrition Service
Acceptabilty Testing of Four Canned Commodities (Vegetables) With Standard Commercial and 50% of Standard and no Salt Added
Nonrecurring
State or local governments/businesses or other institutions
Elem. and secondary school children and senior citizens
Sic: 943, 821, 832, 836
Public assistance and other income supplements 12,000 responses, 1,000 hours, $75,000 Federal cost, 2 forms
Charles A. Ellett, 202-395-7340

In view of the current USDA policy to encourage the reduction of salt in the diet, FNS is interested in testing the acceptability of some canned commodity vegetables with standard, 50 percent of standard and no salt added. Results of this test will enable FNS to formulate policy as to whether to lower salt in commodities and to what extent.

Revisions

• Rural Electrification Administration
Development of Power Requirements Studies
4, 4A, 5, 156, 341, 341A, 736, 733A, 344, 345, 346, 346A, 346B, and 346C
On occasion
Businesses or other institutions
REA electric borrowers
SIC: 491, 497
Small businesses or organizations
Energy supply, 3,300 responses, 2,497 hours, $22,230 Federal cost, 14 forms
Charles A. Ellett, 202-395-7340

These forms are used by REA borrowers to establish future energy and power requriements and as a standardized format for REA review.

• Rural Electrification Adminstration
Annual Supplement to Financial and Statistical Report
REA 7, 7A, 7B
Annually
Businesses or other institutions
REA electric borrowers
SIC: 491, 497
Small businesses or organizations
Energy supply, 976 responses, 21,050 hours, $12,210 federal cost, 3 forms
Charles A. Ellett, 202-395-7340

This financial and statistical information allows REA to determine whether distribution type borrowers might be in financial difficulty and provides meaningful industry statistics on electric growth and rate chante.

• Food Safety and Quality Service
Regulation on shell egg grading
PY-33, PY-157
Other—see SF83
Businesses or other institutions, egg packers and dealers
SIC: 964 201

Consumer and occupational health and safety 60,075 responses, 1,679 hours; $10,340 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

The regulations set forth grading procedures, information on how to obtain and use the service, and operating procedures and facility and sanitation requirements for plants to qualify for the service. The regulations also contain the official U.S. standards, grades, and weight classes for shell eggs. While the program is voluntary, it is widely used since many of the outlets for shell eggs require that the product be officially graded for quality.

• Food and Nutrition Service
Application for participation—sponsor (summer food service program & special milk program)—site information sheet (summer food service program & special milk program)
FNS–81 & 81–1
Annually
Individuals or households/businesses or other institutions sponsors, sites, hsehlds of children partic. in SFSP at camp
SIC: 943 999
Public assistance and other income supplements, 56,894 responses, 70,666 hours; $122,410 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

Form FNS–81, application for participation, must be submitted by institutions which wish to participate in the SFSP. Form FNS–81–1, site information sheet, is needed by administering agencies to evaluate the suitability for participation of each site the sponsor wishes to operate.

• Food Safety and Quality Service
Regulations governing inspection, certification & standards for fresh fruit, vegetables & other products
FVQ–237, FVQ–292
On occassion
Businesses or other institutions, processors
SIC: 964 072
Consumer and occupational health and safety, 81,700 responses, 4,170 hours; $42,527 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

The standardization and grading programs for fresh fruits, vegetables, edible nuts, peanuts and miscellaneous related products are authorized under the Agricultural Marketing Act of 1946. Grading service is available in all shipping areas under cooperative agreements between the department and the cooperating agencies. These regulations are necessary in order that uniformity be obtained in providing the services as required by the Act.

+Food Safety and Quality Service
• Regulations governing meat, prepared meats and meat products (grading, certification and standards)
LS–313 MQ 313
On occasion
Businesses or other institutions, packers, processors
SIC: 201 964
Consumer and occupational health and safety, 625 responses, 102 hours; $2,972 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

Grading service under this regulation consist of the determinations and certification and other identification of the class, grade, or other quality of products under applicable standards for cattle, sheep, or swine in carcass form or for wholesale cuts of such meat other than pork.

• Food Safety and Quality Service
Regulations for processed fruits and vegetables and other products
FVQ 356, FVQ 468, FVQ 159
On occassion
Businesses or other institutions, packers, processors, etc.
SIC: 964 203
Consumer and occupational health and safety, 12,241 responses, 652 hours; $10,000 Federal cost, 3 forms
Charles A. Ellett, 202–395–7340

Inspection services is provided on the basis of U.S. standards for grades of processed products. Compliance with such grade standards, specifications, or instructions is determined by evaluating the product, or sample on a quality scoring system. Any Federal Agency.

• Food and Nutrition Service
Summer food service program for children
Part 225. FNS–80 & 418
Nonrecurring
Business or other institutions, Pub. & priv. sponsors desiring to parti. in the SFSP, etc.
SIC: 943
Public assistance and other income supplements, 15,010 responses, 65,788 hours $8,520 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

The SFSP regulations implement the provisions of P.L. 96–499, form FNS–418, summer data information, provides information on which to base a profile of sponsor, site and meal types. Form FNS–80, agreement between sponsors and USDA, ensures that the sponsor is aware of program responsibilities.

• Economics and Statictics Service
List sampling frame survey
Other–see SF83 Farms, crop & livestock producers
SIC: 011 013 016 017 018 019 021 024 025 029
Small Businesses or Organizations
Agricultural research and services, 260,000 responses, 35,100 hours, $715,000 Federal cost, 2 forms
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides information for building and maintaining a list of farm operators within each state. Control data is asked for use in drawing more efficient samples. Information used in drawing the various probability and non-probability samples for ESCS surveys. There is no summarization or publication resulting directly from this survey.

Extensions (Burden Change)

• Economics and Statistics Service
Tart Cherry Objective Yield Survey—Michigan
Annually
Farms
Cherry producers
Small businesses or organizations
Agricultural research and services, 300 responses, 100 hours, $32,500 Federal cost, 6 forms
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides objective yield measurements to forecast tart cherry marketing order administration board and others in the industry as basis for marketing decisions.

Extensions (No change)

• Rural Electrification Administration
Final Inventory—Telephone Construction Contract (Labor and Materials 1–B, 9–14)
REA 724, REA 724A, REA 724B
On occasion
Businesses or other institutions
REA telephone borrowers
Small businesses or organizations
Energy supply, 170 responses, $5,600 Federal cost, 1,275 hours, 3 forms
Charles A. Ellett, 202–395–7340.

Those forms provide (1) a certification from the borrower's engineer that certain requirements have been met in construction, and (2) a final inventory of all units unvolved in the construction. These forms also provide REA with a fiscal basis on which final amounts of loan funds are advanced.

• Rural Electrification Administration
Final Inventory Telephone Force Account Construction
REA 817A, REA 817B, REA 812
On occasion
Businesses or other institutions
Rural electric telephone borrowers
SIC: 481
Small businesses or organizations
Energy supply, 45 responses, $1,500 Federal cost, 153 hours, 3 forms

Charles A. Ellett, 202–395–7340.

These forms provide a certification from the borrower's engineer that certain construction requirements have been met, and a final inventory of all units involved in the construction. These forms also provide REA a fiscal basis on which final amounts of loan funds are advanced.

• Economics and Statistics Service
Field Seed Stocks Survey
Annually
Businesses or other institutions
Seed dealers
Small businesses or organizations
Agricultural research and services, 1,000 responses, $6,800 Federal cost, 670 hours, 1 form
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides data to estimate quantity of seed stored in dealer's warehouses for 15 major grass and legume seeds and 27 additional seeds of importance to the seed industry. Estimates used by seed industry is determining supply of seed available.

Reinstatements

• Rural Electrification Administration
Community Development Survey
REA 627
Annually
Businesses or other institutions
REA electric and telephone cooperatives
SIC: 481 491
Small businesses or organizations
Energy supply, 1,184 responses, $1,422 Federal cost, 592 hours, 1 form
Charles A. Ellett, 202–395–7340.

This form provides REA information on the community development activities of the REA elelctric and telephone borrowers. The information is used by REA in the preparation of an annual report on such activities and to foster further community development by borrowers.

• Food and Nutrition Service
Food Stamp Cashout Demonstration Evaluation
Nonrecurring
Individuals or households
Households in which all members are over age 64 in six sites, etc.
Public assistance and other income supplements, 15,513 responses, $1,516,096 Federal cost, 4,592 hours, 3 forms
Charles A. Ellett, 202–395–7340.

This demonstration will evaluate two changes in the food and stamp program aimed at increasing participation among the elderly:—(1) Replacing food coupons with cash and (2) having social security offices collect certification data. Information will be collected from program particpants and eligible non-participants in demonstration and comparison sites to evaluate this policy change.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195.

New

• Departmental and Others
Civilian Physician Survey
Nonrecurring
Individuals or Households
Civ. Physi. Members of Twelve Selected Medical Societies
Department of Defense-Military, 6,105 Responses, 3,053 Hours, $72,500 Federal Cost, 1 form
Kenneth B. Allen, 202–395–3785

Because of the critical shortfall of Reserve Physicians, this Survey is Necessary to Obtain Information as to What Will Attract Physicians to Join and Remain in the Reserves. The resulting data will be utilized by OSD in the Formation of More Attractive and Satisfying Long Range Reserve Programs for Physicians.

Extensions [No Change]

• Departmental and Others
Application for U.S. Govt. Bill(s) of Lading/Domestic Route Order/Export Traffic Release
DD–1659
On Occasion,
Businesses or other Institutions
Defense Contractors,
Department of Defense-Military, 300,000 Responses, 75,000 Hours $275,000 Federal Cost, 1 Form
Kenneth B. Allen, 202–395–3785

Use of the Form allows contractors to Ship material Using the U.S. Government Bill of Lading as a Means of Carrier Payment. Additionally; it Allows the Department of Defense to Arrange the Most Cost-Effective Means of Transportation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

New

• Health Resources Administration
Survey of Participants and Non-Participants in Health
Professions Student Loan Repayment Program
Nonrecurring
Individuals or Households
Partic. and Non-Par. Physi. and Dentists in Stu. Loan Repaymt Pro
Health, 12,475 Responses 2,080 Hours, $92,587 Federal Cost, 2 Forms
Gwendolyn Pla, 395–6880

Will be used to Identify Differences Between (A) Former Medical and Dental Students Agreed to Serve in Shortage Areas in Return for Federal Repayment of Their Outstanding Loan Balances Versus (B) Former Students, with Outstanding Loan Balances, Who Chose not to Participate.

• Centers for Disease Control
Telephone Follow-Up of Health Hazard Evaluations
On Occasion
Individuals or Households/Businesses or Other Institutions
Employees, Employers, or Employee Representatives
Sic: Multiple
Small Businesses or Organizations
Health, 546 Responses, 219 Hours $33,000 Federal cost, 3 Forms,
Gwendolyn Pla, 395–6880

The Telephone follow-up will provide NIOSH with Information Necessary to Determine if the Health Hazard Evaluation Program is Meeting its Goals. Questions will be asked to Ascertain Whether Employee Representatives are satisfied with NIOSH's response to Their Requests, Whether Companies have Implemented Recommendations made by NIOSH, and, if Implemented, Whether Recommendations had an Impact on the Problem.

• Social Security Administration
Assessment-of Work-Welfare Projects
SSA–4699
Nonrecurring
Individuals or Households/State or Local Governments
State Agen. Staff, Prog. Participants and Control Group
Sic: 832
Public Assistance and other Income Supplements, 7,300 Responses, 1,324 Hours, $41,650 Federal Cost, 1 Form,
Barbara F. Young 202–395–6880

Data Needed to Determine Effects of State-Initiated Work-Welfare Programs in order to Develop a Systematic Rationale for Decisions on State-Requested Waivers for Work-Welfare Activities and in Providing Funding for Such Projects. Data will be used by those Considering the Implementation of Work-Welfare Programs.

• Departmental Management
Evaluation of Board and Care Homes, Intermediate Care Facilities, and Single Room Occupancies
OS–1–81
Nonrecurring
Individuals or households/businesses or other institutions Oper. Resi, Serv Prov. & Family Mbrs, of Resi. of Board, Etc.

Sic: 702
Public assistance and other income supplements, 7,500 responses, 5,160 hours, $1,275,000 Federal cost, 4 forms
Gwendolyn, Pla, 395–6880

Via direct on-site interviews, the Denver research institute will assess and evaluate the needs and capabilities of the mentally ill. Mentally retarded, and elderly in and care homes, intermediate care facilities, and single room occupancies, will determine the conditions under which these disabled populations are living in the community and the degree to which States are in fact regulating these facilities.

Revisions

• Social Security Administration
Social Security Notice—Report of Work Activity
SSA–3945–F4
On occasion
Individuals or households
Persons entitled to benefits who have returned to work
General retirement and disability insurance, 100,000 responses, 16,667 hours, $3,500,000 Federal Cost, 1 form
Barbara F. Young, 202–395–6880

Sections 221 and 223(D)(4) of the Social Security Act provide for the collection of evidence necessary to determine continuing eligibility for social security disability benefits. This form is used to determine whether the individual is capable of substantial gainful employment.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184.

New

• Housing Programs
Comprehensive Improvement Assistance Program
HUD 52823
On occasion
State and local governments
Public housing agencies
SIC: 953
Public assistance and other income supplements, 1,800 responses, 9,000 hours, $75,900 Federal cost, 3 forms
Richard Sheppard, 202–395–6880

These forms will be used by Pha's as aids in the assessment of their financial, management and physical problems. The forms are necessary to implement the comprehensive improvement assistance program of the Housing Community Development Act of 1980.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—202–633–3526.

Revisions

• Drug Enforcement Administration
Piperidien Report
DEA 420
On occasion
Businesses or other institutions
Wholesale and retail chemical outlets
SIC: 800
Small businesses or organizations
Federal Law enforcement activities, 750 responses, 188 hours, $16,594 Federal cost, 1 form
Andy Usher, 202–395–4814

Section 310, title II of Pub. L. 95–633, requires that a report be submitted to the Attorney General by any person who sells, distributes or imports piperidine. DEA form 420 provides DEA with a measure of control over the movement of piperidine in order to determine any illicit use being made of piperidine for the manufacture of phencylidine, a schedule II controlled drug substance.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—202–426–1887.

New

• Coast Guard
Satisfaction of Mortgage
CG–1363
On occasion
Individuals or households
Lending institutions
Small businesses or organizations
Water transportation, 26,000 responses, 8,667 hours, $500 Federal cost, 1 form
Terry Grindstaff, 202–395–7340

Outstanding mortgages of record on vessels of the United States may be released from the mortgage indebtedness upon filing for record. A satisfaction of mortgage in conformity with subsections, C.G. and H of the Ship Mortgage Act, 120, as amended (46 U.S.C. 921, 925, and 926).

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—202–287–0754

New

• Submittal of Instructions for Maintenance, Use, and Repair Under Truck-Mounted Solid Waste Compactor Regulation, 40 C.F.R. 205.208–3
On occasion
Businesses or other institutions
Truck-mounted solid waste compactor manuf. & those dis. etc.
SIC: 371
Small Businesses or Organizations
Pollution Control and Abatement, 75 responses, 19 hours; $541 Federal cost, 1 form
Edward H. Clarke, 202–395–7340

This is needed to ensure that manufacturers are providing the necessary instructions for use, maintenance, and repair of the regulated compactors with respect to their noise control components. It will be used to inform owners/operators of those acts necessary to assure that degradation of noise levels is minimized or eliminated.

• Tampering List Submittal Under Truck-Mounted Solid Waste Compactor Regulation 40 C.F.R. 205,208–2
On occasion
Businesses or other institutions
Truck-mounted solid waste compactor manuf. & those dis. etc.
SIC: 371
Small businesses or organizations
Pollution control and abatement, 375 responses, 252 hours; $4,798 Federal cost, 1 form
Edward H. Clarke, 202–395–7340

This is needed for enforcement of 42 U.S.C. 4911(A)(2) which prohibits removal or rendering inoperative noise control components installed on garbage trucks to comply with standards. It will be used for inspection and investigations of tampering with noise control components.

• Product Verification Reporting Requirements Under Truck Mounted Solid Waste Compactor Noise Control Regulation 40 C.F.R. 205.205–4
Annually
Businesses or other institutions
Truck-mounted solid waste compac. mfgr. & those distri., etc.
SIC: 371
Small Businesses or Organizations
Pollution control and abatement, 375 responses, 675 hours; $2,704 Federal cost, 1 form
Edward H. Clarke, 202–395–7340

Information is necessary to determine up-front compliance with the regulation by affected manufacturers. This information will be used to determine whether follow-up is necessary.

• Submittal of Noise Emission Warranty Under Truck-Mounted Solid Waste Compactor Regulation 40 C.F.R. 205.208–1
Nonrecurring

Businesses or other institutions
Truck-mounted solid waste compactor mfgr. & those distr. etc.
SIC: 371
Small businesses or organizations

Pollution control and abatement, 75 responses, 19 hours; $361 Federal cost, 1 form
Edward H. Clarke, 202–395–7340

Noise emission warranty is directly authorized by section 6(D)(1) of the Noise Control Act, 42 U.S.C. 4905(D)(1). It is needed to ensure that proper warranty language is provided to purchasers of regulated compactors.

• Supplemental Qualification Statement
Nonrecurring
Individuals or Households
Applicants for employment
Pollution control and abatement, 1,000 responses, 4,000 hours; 1 form
Edward H. Clarke, 202–395–7340

An unassembled examination in the form of a supplemental qualification statement was developed as an alternative to the Pace examination. The supplement qualification statement will be used to gather information to determine the best qualified applicant based upon the candidate's knowledges, skills, and abilities related directly to the position. Starting: 1 February 1981.

Reinstatements

• Application for Federal Assistance Part IV Narrative State (Underground Water Source Protection Program Grants)
EPA 5700–33
On occasion
State or local governments
Grantee governmental agencies
SIC: 951, 100
Pollution control and abatement, 300 responses, 600 hours; 1 form
Edward H. Clarke, 202–395–7340

The three-part consolidated pesticides enforcement and certification grants form is needed as a part of the states' application requests and quarterly reporting of outputs for federally funded pesticides enforcement grants and application certification/training program grants.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146.

Revisions

• Rider for Application for Home Improvement 26–1816
On occasion
Businesses or other institutions/ individuals or households, lenders, individuals
SIC: 612, 616
Veterans housing, 5,000 responses, 833 hours; $12,842 Federal cost, 1 form
Robert Neal, 395–6880

Lender's statement on cost of alterations, improvements or repairs, which accompanies veteran's application for guaranty or supplemental loan for home improvement purposes authorized by 38 U.S.C. 1810(A)(4) and (A)(7). Necessary to determine guaranty amount and to assure as required by 38 U.S.C. 1810(B)(5), that the loan amount will not exceed the reasonable value of the improvements.

ACTION

Agency Clearance Officer—Dana Rodgers, Acting—202–254–8501.

New

• Memorandum of Understanding
Annually
State or local governments/businesses or other institutions
Respond. may be Fed., State, or loc. gov't, uni., or col.
SIC: 944 953
Small businesses or organizations
Social services, 250 responses, 500 hours; $100,000 Federal cost, 1 form
Diane Wimberly, 202–395–6880

This form is used by a VISTA, and/a university year for ACTION sponsor that utilizes another agency or organization to perform some of the sponsor's duties.

• Domestic Volunteer Payroll Notice
Annually
State or local governments/businesses or other institutions
Respond. may be Fed., State, or loc. agen, uni., & col.
SIC: 944 953
Small businesses or organizations
Social services, 4,480 responses, 1,500 hours; $195,000 Federal cost, 1 form
Diane Wimberly, 202–395–6880

The form is used by VISTA and university year for ACTION grant sponsors to inform ACTION headquarters of volunteer entry dates and any subsequent changes in status of the volunteer for the ACTION volunteer census master file.

• Information on VISTA Volunteer Use of Vehicles and Public Transportation
ACTION V–81
Annually
State or local governments/businesses or other institutions
Spon. org. may be Fed., State, or loc. agencies or priv. etc.
SIC: 944 953
Small businesses or organizations
Social services, 2,841 responses, 2,300 hours; $140,000 Federal cost, 1 form
Diane Wimberly, 202–395–6880

This form is used by sponsoring organizations in order to show how VISTA volunteers are to be provided transportation for their project related work.

• Sponsor Plan for Volunteer's Career Development
Annually
State or local governments/businesses or other institutions
Respond. org. may be Fed., State, or loc. agen. or priv., etc.
SIC: 944 953
Small businesses or organizations
Social services, 5,000 responses, 10,000 hours; $300,000 Federal cost, 1 form
Diane Wimberly, 202–395–6880

This form is used by VISTA sponsoring organizations to develop individualized career development plans for VISTA volunteers.

Arnold Strasser,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 81-3388 Filed 1-28-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-5014]

Kane-Miller Corp.; Application to Withdraw from Listing and Registration

January 22, 1981.

In the matter of Kane-Miller Corp. Common Stock, $1 Par Value 9½% Sinking Fund Subordinated Debentures, Securities Exchange Act of 1934, Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the Boston Stock Exchange, Inc. ("BSE") and the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

1. The common stock of Kane-Miller Corp. (the "Company") is listed and registered on the BSE, PSE and the New York Stock Exchange ("NYSE") and its debentures are listed and registered on the PSE and the NYSE. The Company has determined that the volume of trading in the common stock and the debentures on the PSE and BSE is too small to justify the expense of continued listing.

2. This application relates solely to withdrawal of the common stock and debentures from listing and registration on the BSE and PSE and shall have no effect upon the continued listing of such stocks on the NYSE. The BSE and PSE have posed no objection to this matter.

Any interested person may, on or before February 12, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-3437 Filed 1-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11579 (812-4781)]

Delaware Tax-Free Money Fund, Inc.; Filing of Application

January 22, 1981.

Notice is hereby given that Delaware Tax-Free Money Fund, Inc. ("Applicant"), Seven Penn Center Plaza, Philadelphia, PA 19103, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 15, 1980, and an amendment thereto on January 14, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. 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 newly-organized investment company incorporated under Maryland law and is designed as an investment vehicle for investors who desire tax-exempt income from a managed portfolio of short-term municipal obligations. According to the application, Applicant's investment objective is to provide a professionally managed portfolio of short-term municipal obligations. Applicant states that it will seek to attain as high a level of current income, exempt from federal income taxes, as is consistent with the preservation of principal and maintenance of liquidity through prudent investment management. The application also state that Delaware Management Company will serve as the investment adviser to Applicant. A registration statement on Form N–1 under the Securities Act of 1933 covering shares of common stock of the Applicant has been filed with the Commission, but has not yet become effective. Thus, a public offering of Applicant's common shares has not commenced. Applicant's common shares will be offered for sale to the public at net asset value without a sales charge.

Applicant represents that it will invest in a diversified portfolio of municipal bonds whose interest payments are exempt from federal income tax, and in commitments to purchase such securities on a "when-issued" basis. These securities are issued by states, municipalities and their agencies and may include Tax Anticipation Notes, Revenue Anticipation Notes, Bond Anticipation Notes, Grant Anticipation Notes and Construction Loan Notes ("Notes").

Applicant may also invest in Project Notes, which are obligations of a state or local public housing agency but guaranteed by the federal government through the U.S. Department of Housing and Urban Development. The application states that the maturities of these instruments at the time of issue generally will the less than one year and that the dollar-weighted average of the Applicant's portfolio will at all times be 120 days or less. Applicant states that it may invest in tax-free municipal obligations whose original maturities were in excess of one year if at the time of purchase the remaining time to marturity is less than one year.

Applicant represents that its instruments will be limited to those obligations which are backed by the full faith and credit of the United States or will be rated at the time of purchase within the two highest grades assigned by Moody's Investors Services, Inc. ("Moody's") or Standard and Poor's Corporation ("S&P") and in the case of the Notes described above will have a rating of MIG–1 or MIG–2 by Moody's. Applicant may also invest in tax-free commercial paper and short-term notes issued by or on behalf of municipal issuers, all of which will be rated Prime-1 by Moody's or A–1 by S&P. Applicant may also invest up to 20% of its assets in commercial paper or other corporate notes meeting the standards of quality described above, obligations of the U.S. Government and bank certificates of deposit.

The applicant states that all of the above instruments are generally offered on the basis of a quoted yield to maturity and the price of the security is adjusted so that relative to the stated rate of interest it will return the quoted rate to the purchaser. The Applicant states that it intends to declare and pay its net income as a dividend to its shareholders on a daily basis and distribute it monthly, and that "net income" for this purpose will consist of all interest income accured on the portfolio assets of the Applicant less all expenses of the Applicant. The application also states that if the Applicant values its securities on an amortized cost basis there will be no calculation for realized or unrealized capital gains or losses, and that since the dividend is paid daily in the form of additional shares, the Applicant's per share net asset value will remain at a constant $10.00 amount.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available the market value of such securities, and (2) with respect to other securities and assests, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or 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 an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money

market" fund to value its portfolio instruments with over 60-days maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or 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. In support of the relief requested, Applicant states that sophisticated individual and institutional investors are expected to own shares representing a large portion of the Applicant's total assets and that those shareholders, as well as investors with similar circumstances, will represent the most important source of potential investments in the Applicant. In this regard, Applicant states that its experience has been that in order to attract such investors and retain them as shareholders, the Applicant must have a stable net asset value, and a constant and steady flow of investment income. Thus, Applicant states a competitive disadvantage may result from the use of the "mark-to-market" method of valuation. Applicant also states that it will not own portfolio securities having maturities exceeding one year, and its average portfolio maturity will not exceed 120 days. Applicant further states that its experience has been that with respect to municipal securities maturing in 120 days or less, there is normally a negligible discrepancy between market value and the amortized cost value of such securities. On the basis of the foregoing, Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit its shareholders by enabling Applicant to more effectively maintain its $10.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities.

In view of the foregoing, Applicant requests exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

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 purpose of distribution, redemption and repurchase, at $10.00 per share.

1. Included within the procedures to be adopted by the board of directors of each Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $10.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and 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 directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determine 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 its 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 paragraph 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 February 17, 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

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *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 instruments published by reputable sources.

[2] 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.

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 shall 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 postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-3438 Filed 1-28-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5351]

Exim Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Exim Capital Corp. (Exim), 290 Madison Avenue, New York, New York 10007, a Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1980) for approval of a conflict of interest transaction.

It is proposed that Exim purchase $100,000 of cumulative preferred stock of Taylord Trading Corp. (Taylord), 1234 Broadway, New York, New York 10001. The funds will be used for working capital.

The sole stockholder of Taylord is Hongsoon Chun, brother of Victor Chun, President of Exim.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1980) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than February 13, 1981, submit to SBA, in writing, relevant comments on the proposed transaction.

Any such communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 22, 1981.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-3320 Filed 1-28-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/362]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on February 11, 1981, of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to 12:00 noon. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review the results of the January meeting of the Experts Group of the OECD Working Group on Information, Computers and Communications Policy (ICCP) and prepare for the ICCP Working Party meeting in February.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: January 23, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-3324 Filed 1-28-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 738]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its December 1980 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV (c)(4) of guidelines published in the **Federal Register** on August 24, 1978.

Dated: January 16, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Meeting of the International Radio Consultative Committee (CCIR) Study Group 8 of the International Telecommunications Union (ITU) Geneva, November 26–December 19, 1980

Representative

Lawrence M. Palmer, International Staff, Federal Communications Commission.

Chairman

Herbert T. Blaker, Communications Regulatory Policy, Rockwell International, Arlington, Virginia.

Advisers

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce.
Richard Dupre, Spectrum Management Division, Federal Aviation Administration, Department of Transportation.
John Gilsenan, Private Radio Bureau, Federal Communications Commission.
Wendell R. Harris, Common Carrier Bureau, Federal Communications Commission.
Gordon F. Hempton, Private Radio Bureau, Federal Communications Commission.
Raymond Johnson, Chief, Spectrum Management, Federal Aviation Administration, Department of Transportation.
Fred Matos, Spectrum Analysis Branch, National Telecommunications and Information Administration, Department of Commerce.
Samuel R. McConoughey, Common Carrier Bureau, Federal Communications Commission.
Robert C. McIntyre, Private Radio Bureau, Federal Communications Commission.
John E. Miller, Office of Communications, National Aeronautics and Space Administration, Washington, D.C.
Walter A. Pappas, Frequency Staff, United States Coast Guard, Department of Transportation.

Neal Pike, Private Radio Bureau, Federal Communications Commission.
Frank L. Rose, Office of Science and Technology, Federal Communications Commission.
Thomas M. Sullivan, Electromagnetic Compatibility Analysis Center, Department of Defense.
Thomas Walsh, Spectrum Plans and Policy Staff, National Telecommunications and Information Administration, Department of Commerce.

Private Sector Advisers

William Borman, Program Coordinator, Motorola, Inc., Washington, D.C.
Charles Dorian, Director, Maritime Operations, COMSAT General Corporation, Washington, D.C.
E. Merle Glunt, American Radio Relay League, Mount Union, Pennsylvania.
Yaroslav Kaminsky, Air Transportation Systems Division, The Mitre Corporation, McLean, Virginia.
William H. Keller, Mobile Services Planning, American Telephone and Telegraph Company, Basking Ridge, New Jersey.
Harold L. Leaming, External Affairs and Planing, Aeronautical Radio, Inc., Annapolis, Maryland.
Neal H. Shepherd, Mobile Radio Products, General Electric Company, Lynchburg, Virginia.
Daniel W. Swearingen, Manager, Mobile Systems, COMSAT General Corporation, Washington, D.C.

United States Delegation to the Committee for Scientific and Technological Policy (CSTP) Ad Hoc Group on Code of Conduct for the Transfer of Technology Organization for Economic Cooperation and Development (OECD) Paris, December 1–2, 1980

Representative

William R. Brew, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State.

Alternate Representative

David Stewart, Office of the Legal Adviser, Department of State.

Advisers

Stephen Bond, U.S. Mission, Geneva.
David Braun, Antitrust Division, Department of Justice.
Dieter Hoinkes, Patent and Trademark Office, Department of Commerce.
Richard Schepard, Special Consultant, Department of State.

Private Sector Adviser

Lawrence Pearson, Council of the Americas, New York, New York.

United States Delegation to the Meeting of Technical Committee I of the Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS) Lima, December 1–3, 1980

Representative

Randolph L. Smith, Common Carrier Bureau, Federal Communications Commission.

Alternate Representative

Frank R. Netro, Office of Science and Technology, Federal Communications Commission.

Private Sector Adviser

Richard Szigeti, Manager, Rates and Tariffs, FTCC, Inc., New York, New York.

United States Delegation To the Third Session of the IOC Association for the Caribbean and Adjacent Regions (IOCARIBE) Cancun, Mexico, December 1–5, 1980

Representative

Harris B. Stewart, Jr., Center for Marine Studies, Old Dominion University, Norfolk, Virginia.

Alternate Representative

Donald K. Atwood, Director, Ocean Chemistry Laboratory, National Oceanic and Atmospheric Administration, Miami, Florida.

Adviser

Al Jones, NMFS Southeast Fisheries Center, National Oceanic and Atmospheric Administration, Miami, Florida.

Private Sector Adviser

Manuel L. Hernandez Avila, Department of Marine Sciences, University of Puerto Rico, Mayaguez, Puerto Rico.

United States Delegation to the Forty-Third Session of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, December 1–5, 1980

Representative

Henry H. Bell, Rear Admiral, USCG, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

Norman Lemley, Chief, Survival Systems Branch, Merchant Marine Technical Division, United States Coast Guard, Department of Transportation.
Laura Rodin, Information and Analysis Staff, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.
John F. Simmons, Jr., Shipping Attaché, American Embassy, London.
Gerard P. Yoest, International Affairs Division, Office of Public and International Affairs, United States Coast Gurad, Department of Transportation.

Private Sector Advisers

John F. Fay, Acting Secretary-Treasurer, Seafarers International Union of North America, Brooklyn, New York.
William H. Hannan, Vice President, American Bureau of Shipping, New York, New York.
Donald C. Hintze, Captain, USCG (Ret.), National Oceans Industry Association, Washington, D.C.
Edward H. Middleton, Technical Adviser, Maritime Institute for Research and Industrial Development, Washington, D.C.
William L. Rich, Jr., Captain, Director of Research, International Organization of Masters, Mates and Pilots, AFL-CIO, New York, New York.

United States Delegation to the Eleventh Session, Committee of Experts on Transport of Dangerous Goods, United Nations Economic and Social Council (ECOSOC) Geneva, December 1–10, 1980

Representative

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation.

Alternate Representative

Edward A. Altemos, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation.

Advisers

Lt. Kevin J. Eldridge, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard.
Charles W. Schultz, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation.

Private Sector Adviser

Richard E. Phillips, Superintendent, Transportation Equipment, Ethyl Corporation, Baton Rouge, Louisiana.

United States Delegation to the United Nations Negotiating Conference on Tin (Resumed Session), United Nations Conference on Trade and Development (UNCTAD), Geneva, December 1–19, 1980

Representative

The Honorable Michael B. Smith, Deputy U.S. Trade Representative, Geneva.

Alternate Representatives

Ralph R. Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.
Frederick McEldowney, Office of the U.S. Trade Representative, Geneva.

Advisers

Timothy Dulaney, Office of Raw Materials and Oceans Policy, Department of the Treasury.
Paul P. Pilkauskas, American Embassy, London.
Marc P. Santucci, Office of the U.S. Trade Representative, Executive Office of the President.
William Sugg, International Commodities Division, Department of Commerce.

Private Sector Advisers

Wilbert R. Bothe (Dec. 8–12), Vice President, National Steel Corporation, Pittsburgh, Pennsylvania.

Charles L. Dimler, III (Dec. 1–5), Vice President, MRI Corporation, Clark, New Jersey.
James J. Ferrigan (Dec. 1–5), Bethlehem Steel, Bethlehem, Pennsylvania.
Lowell Hoffman (Dec. 11), Vice President, National Can Corporation, Chicago, Illinois.
George B. Keagle (Dec. 15–19), Dirctor of Purchasing, U.S. Steel Corporation, Pittsburgh, Pennsylvania.
Laverne Kramer (Dec. 15–19), President, Kestner Solder Corporation, Chicago, Illinois.
Daniel J. McEvoy (Dec. 8–12), Vice President, Amalgamet, Inc., New York, New York.
Malcolm Owings (Dec. 17–19), Vice President, Continental Can Company, Chicago, Illinois.
Lawrence Shepard (Dec. 8–19), Public Advocates Inc., San Francisco, California.
William A. Silverstein (Dec. 8–12), Vice President, Associated Metals and Minerals Corporation, New York, New York.

United States Delegation to the Meeting on Antarctic Mineral Resources, Washington, D.C., December 8–12, 1980

Representative

Morris D. Busby, Deputy Assistant Secretary for Oceans and Fisheries Affairs, Department of State.

Alternate Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Department of State.

Advisers

John C. Behrendt, United States Geological Survey, Department of the Interior.
Martin Belsky, Assistant Administrator for Policy and Planning, National Oceanic and Atmospheric Administration, Department of Commerce.
Samuel Bleicher, Deputy General Council, National Oceanic and Atmospheric Administration, Department of Commerce
Susan F. Burk, Office of the Assistant Secretary of Defense, Department of Defense.
David Colson, Office of the Legal Adviser, Department of State.
John A. Dugger, International Affairs, Department of Energy.
Katherine Gillman, Senior Staff Member, Council on Environmental Quality.
Robert J. Hofman, Scientific Program Director, Marine Mammal Commission
Mark Lore, Deputy Chief, Commodity Policy Division, Department of State.
Robert A. Monks, Ocean Affairs Officer, Office of Oceans and Polar Affairs, Department of State.
Alan B. Sielen, Programs Division, Office of International Affairs, Environmental Protection Agency.

Private Sector Advisers

Joseph Bennett, Division of Polar Programs, National Science Foundation.
Leonard C. Meeker, Center for Law and Social Policy, Washington, D.C.
Robert H. Rutford, Acting Chancellor for Research and Graduate Studies, University of Nebraska, Lincoln, Nebraska.

United States Delegation to the Fourth Session of the Panel on the Regulation of Air Traffic Services of the International Civil Aviation Organization (ICAO) Montreal, December 8–19, 1980

Member

Joseph R. Chesen, International Air Transport Division, Civil Aeronautics Board.

Advisers

Edward A. Corboy, Air Transport Committee, Civil Aeronautics Board.
James Gansle, Office of International Policies and Programs, Department of Transportation.

Private Sector Advisers

Thomas V. Lydon, Manager, International Services, Air Transport Association of America, Washington, D.C.

United States Delegation to the Twenty-Third Session of the Harmonized System Committee, Customs Cooperation Council (CCC),Brussels, December 8–19, 1980

Representative

Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission.

Alternate Representative

Dale O. Torrence, Senior Attorney (Customs), U.S. Customs Service, Department of the Treasury.

Advisers

Ruth Kappler, Commodity Industry Analyst, U.S. International Trade Commission.
Walter Neece, Chief, Industry and Commercial Classification Branch, Bureau of the Census, Department of Commerce.
Dennis C. Sequeira, Customs Attaché, U.S. Mission to the European Communities, Brussels.

Private Sector Adviser

Robert E. Milligan, Director, Commercial Planning, National Steel Corporation, Pittsburgh, Pennsylvania.

[FR Doc. 81-3370 Filed 1-28-81; 8:45 am]
BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-005]

New York Vessel Traffic Service; Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on Friday, Feburary 27, 1981, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9 a.m. The agenda for the meeting is as follows:

1. Discuss progress in completion of the New York Vessel Traffic Service.
2. Status report on the application of marine traffic engineering concepts to New York Harbor.
3. Presentation of feasibility study for improvements to Arthur Kill Channel to Howland Hook Marine Terminal.
4. Discuss proposal for modification of the boundaries of New York Harbor anchorages 20, 20 A & B, and 21 (A, B & C).

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance at this meeting is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from Captain D. J. Linde, Executive Director, New York Harbor Vessel Traffic Service Advisory Committee, U.S. Coast Guard, Governors Island, New York, NY 10004 or by calling (212) 668-7954.

Issued in New York, NY on January 23, 1981.

R. P. Cueroni,
Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 81-3433 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-81-2]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal

Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: February 18, 1981.

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

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

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21095	Transamerica Airlines	14 CFR 121.578(b)	To exclude petitioner's L-382 and 1-188 all-cargo aircraft from compliance with the Ozone elimination system installation and maintainence requirements.
21070	Mr. Charles Brian Mellor	14 CFR 61.129(b)(3)(ii)	To allow petitioner ot obtain a commercial pilots certificate without complying with the cross country flight requirements.
18718	Flight Safety International	14 CFR 61.58(c)	Renewal of present exemption which permits petitioner's trainees to complete a 24-month pilot-in-command and Category II pilot authorization check in an FAA-approved flight simulator rather than in an airplane.
21148	Merle Norman Cosmetics	14 CFR 135.89(b)(3)	To permit petitioner to operate its Gruman Gulfstream II under the Oxygen provisions of § 121.333(c)(2).
21104	Trans-West Air Charter	14 CFR 135.89(b)(3)	To allow petitioner to operate its Learjet 24 aircraft up to and including FL 410 without requiring one pilot to wear and use an oxygen mask at all times above FL 350.
21198	Pocono Airlines Inc	14 CFR 135.261(b)	To reduce the required 10-hour rest period to 8 hours for flightcrews.
17399	Flying Tiger Line	14 CFR 121.583(a)(8)	A 2-year extension of exemption 2520A which permits petitioner to transport employees/dependents on its DC-8 cargo flights.
21250	Briles Wing Helicopter Inc	14 CFR 135.117	To permit the ground crew to conduct the before takeoff briefing of helicopter passengers.
20254	Royale Airlines	14 CFR 135.225	Amendment te exemption 3082 to allow take-offs from Fort Polk when visibility is restricted to one-half mile rather than three-quarter mile allowed by the present exemption.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20415	Imperial Helicopters	CFR 135.159(a) and (c)	To the extent necessary, to permit petitioner to operate its helicopters under VFR conditions at night without required flight instruments. *Denied 1/14/81.*
20785	Herbert F. Diamond	14 CFR 61.39(a)(1)	A 1-year extension of the validity period of petitioner's instrument rating written examination. *Denied 1/13/81.*
20052	Tulsa County Area Vocational-Technical School District No. 18.	14 CFR 147.31(c) and (1) (iv)	Reconsideration of denial of petition to allow petitioner to credit students with training given prior to its certification. *Granted 1/8/81.*
21195	Boeing Commercial Airplane Co	14 CFR Parts 21 and 25	To permit the type certification of Model 747-238B airplanes with (1) the location of the flap position indicator in the lower left-hand corner of the pilot's center instrument panel and (2) servo altimeters configured with dial markings at 50-foot increments rather than at 20 feet. *Granted 1/8/81.*
21232	United Air Carriers Inc	14 CFR 121.155 SFAR 38	Relief from the exclusive-use provisions and the certificate issuance procedures. *Granted 1/9/81.*
20373	Sierra Academy of Aeronautics	14 CFR 141.35(b)(4) and 141.35(d)(4)(i).	To permit Mr. Robert Penix to be designated the chief flight instructor for Sierra Academy's helicopter training courses without meeting the requirement of having given 100 hours of flight instruction within the preceding year in the category of aircraft used in the course. *Granted 1/7/81.*
20689	United Air Carriers	14 CFR 121.291(a) & (b)	To allow petitioner to commence passenger-carrying operations over water in its DC-8-60 without first conducting a full seating capacity emergency evacuation and a full-scale ditching demonstration. *Granted 12/31/80.*
21245	New York Air	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1985—2 DC-9. *Granted 12/31/80.*
21228	Scandinavian Airlines System	14 CFR Parts 21 and 91	To permit petitioner to operate 2 Boeing 747-283B airplanes of U.S.-registry using the FAA-approved B-747 MMEL and to maintain those airplanes under a continuous airworthiness maintenance program. *Granted 1/8/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20037	McDonnell Douglas	14 CFR Parts 21 and 91	Amendment to exemption No. 2917 to substitute a DC-9-15F for a DC-9-15 so that it may be operated under Part 91 of the FARs in accordance with the DC-9 (MMEL) by petitioner's parent organization, McDonnell Douglass Corp. *Granted 12/30/80.*
20642	Aeroamerica, Inc	14 CFR 141.35(d)(4)(i)	To allow Rondo R. Pletscher to be chief instructor of a Boeing rating course without meeting chief instructor recent experience requirements. *Granted 12/29/80.*
13204	Executive Air Fleet	14 CFR 121.155 and SFAR 38	Extension of Dec. 31, 1980, termination date of Exemption No. 2030E. The exemption allows petitioner to operate notwithstanding the "exclusive use" provisions. *Partial Grant 12/30/80.*

[FR Doc. 81-2831 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on February 17-18, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Sixth Meeting Held on October 29-30, 1980; (3) Review of First Draft Report on DABS Minimum Operational Performance Standards; (4) Consideration of Comments Received on the First Draft Report; (5) Discussion of the Task Procedures Working Group Report; (6) Assignment of Tasks; and, (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may prsent oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 19, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-2830 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Active Beacon Collision Avoidance System (BCAS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Active Beacon Collision Avoidance System (BCAS) to be held on February 19-20, 1981 in RTCA Conference 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review Committee Terms of Reference; (3) Review of U.S. National Aviation Standard for Active Beacon Collision Avoidance System; (4) Identification of Critical Issues; (5) Assignment of Tasks; and, (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 19, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-2829 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on February 12-13, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review of Revised Committee Terms on Reference; (3) Consideration of United Kingdom Draft Proposal on Explosion Testing; (4) Assignment of Tasks for Drafting Changes to Explosion Test Procedures of RTCA Document No. DO-160A, "Environmental Conditions and Test Procedures for Airborne Equipment"; and (5) Other Business

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 12, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-3274 Filed 1-28-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Spartanburg County, S.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an

environmental impact statement will be prepared for a proposed highway project in Spartanburg County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Sonny C. Gresham, District Engineer, Federal Highway Administration, Suite 758, Strom Thrumond Federal Building, 1835 Assembly Street, Columbia, South Carolina 29201, Telephone: (803) 765–5411.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the South Carolina Department of Highways and Public Transportation, will prepare an environmental impact statement (EIS) on the proposed upgrading of relocation of Interstate 85 in Spartanburg County, South Carolina. The proposed improvement would generally extend from the I–85 and SC 129 interchange northwest of the City of Spartanburg easterly to near US Route 221, a distance of approximately ten miles. Extensive commercial and industrial growth in the area and its resultant increases in traffic volume as well as substantial increases in thru traffic counts has limited the traffic service capacities of I–85 and its 1950's vintage interchange configurations.

Alternatives under consideration include (1) taking no action; (2) widening exisitng 4-lanes to 6-lanes with extensive modification to existing interchanges; (3) construction of a multi-lane freeway on new location either to the north or south of the present alignment.

A scoping process is being conducted to ensure that the full range of issues related to this proposed action is addressed and all significant issues identified. A letter of intent inviting written comments and suggestions thereon has been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who may be interested in this proposal. Informational sessions are planned to be held in the project area. Formal location and design public hearings will be conducted to further involve local citizens in the process. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be available for public and agency review and comments. A formal scoping meeting will be held with the public, federal, state and local agencies for the purpose of identifying the significant environmental issues to be addressed in the EIS. The Scoping Meeting will be held at the USC-Spartanburg Campus on February 17, 1981, at 2 p.m. in the Tukey Auditorium. The USC-Spartanburg Campus is located at the intersection of I–85 and I–585 outside the City of Spartanburg.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: January 16, 1981.

B. G. Cloyd,

Division Administrator, Columbia, South Carolina.

[FR Doc. 81–2912 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–22–M

Solicitation of Problem Statements for Highway Safety Research and Development

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: In order to be responsive to the needs of the highway community, the Federal Highway Administration (FHWA) hereby solicits problem statements from the public for the entire FHWA safety research and development program for fiscal years 1983 and 1984. The text of the solicitation notice which was issued as an FHWA Notice and was sent to State and local governments is set forth below.

DATE: Problem statements must be received on or before April 29, 1981.

ADDRESS: Submit written problem statements to the Director, Office of Highway Safety (HHS–12), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Harry Taylor, Office of Highway Safety, 202–426–2131; or Mrs. Kathleen S. Markam, Office of the Chief Counsel, 202–426–0346, 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.

(Catalog of Federal Domestic Assistance Program Number 20.600, State and Community Highway Safety)

Issued on: January 19, 1981.

John S. Hassell, Jr.,

Federal Highway Administrator.

Solicitation of Problem Statements for Highway Safety Research and Development

1. *Purpose.* To solicit problem statements for highway safety research and development for Fiscal Years 1983 and 1984.

2. *Background.* a. Section 403 of Title 23, U.S.C. authorizes funds to conduct research and development related to the Highway Safety Standards for which the Federal Highway Administration (FHWA) is responsible, as well as other safety-related activities such as training for highway safety personnel. In the past 7 years, appropriations under this legislation have varied between $7 and $9 million per year. The Offices of Research and Development established Category 1 of the Federally Coordinated Program (FCP), "Improved Highway Design and Operation for Safety," as a framework for conducting research and development. Objectives and current content of the Category 1 program have been cooperatively developed with the Office of Highway Safety and other FHWA offices based in a significant part on past solicitations. The current content of the Category 1 program is reflected in the FCP documentation which has been distributed to all FHWA offices, State highway agencies, and Governors' Highway Safety Representatives (GHSR).

b. To be responsive to the needs of the highway community, the Office of Highway Safety is soliciting problem statements for the entire FHWA safety research and development program.

c. Requests for problem statements are being made biennially. This solicitation is also intended to expand and improve on the previous annual annual solicitations for Project 1A, "Traffic Engineering Improvements for Safety." Project 1A is still underway and its purpose, which remains the same, is "to conduct research and development to improve traffic engineering techniques and procedures which may be implemented on a widescale basis to increase the safety and efficiency of highway operations." Therefore, the request for problem statements is intended to serve a twofold purpose: (1) To solicit problem statements for all Category 1 research and development for Fiscal Years 1983 and 1984, and (2) to further solicit specific problem statements for selection under Project 1A for Fiscal Years 1982 and 1983. (Because Project 1A is designed to meet immediate needs, its lead time is 1 year less.) Under Project 1A, problem statements will be selected for study which are related to improving traffic control devices and traffic engineering techniques which will serve immediate needs, and which have a high potential for implementation. See Attachment 1 for the list of completed Project 1A reports.

d. Attachment 2 indicates procedures to be followed in submitting problem statements.

3. *Action* a. Additional copies of this Notice will be furnished to FHWA Division Offices (60 copies) to permit distribution to GHSR and State highway agencies, and through these offices as appropriate to local jurisdictions.

b. State highway agencies, GHSR's local jurisdictions, Washington Headquarters, Regional and Division Offices, and other Federal agencies which have a responsibility for highways are urged to submit problem statements.

c. The GHSR and/or State highway agencies are asked to distribute this Notice to local jurisdictions by January 10 or the week after receipt, and to assist them in submitting appropriate problem statements.

d. The FHWA Division Administrators are requested to coordinate the solicitations with GHSR's and State highway agencies. The deadline for submitting statements to be considered for incorporation into the Fiscal Years 1983 and 1984 program is March 15, 1981.

Attachment 1—Completed Project 1A Research

1. Efficacy of Red and Yellow Turn Arrows in Traffic Signals—November 1975 submitted by the District of Columbia Highway Department.

2. Right-Turn-On-Red, Vol. 1—Final Technical Report and Vol. II—Executive Summary—May 1976.

Submitted by the National Advisory Committee on Uniform Traffic Control Devices, North Carolina Division, cities of Baton Rouge, Louisiana, and Wheat Ridge, Colorado.

3. Guidelines for Flashing Traffic Control Devices—July 1976.

Submitted by the cities of Charlotte, North Carolina, and Knoxville, Tennessee.

4. Traffic Controls for Construction and Maintenance Worksite—Research Report—October 1976—Office and Filed Functions—May 1977.

Submitted by the Ohio State Highway Department, cities of Eugene, Oregon, and Seattle, Washington.

5. Safety Aspects of the National 55 M.P.H. Speed Limit—November 1976.

Submitted by Illinois DOT and the FHWA Office of Research.

6.Traffic Engineering Services for Small Political jurisdictions—January 1977.

Submitted by Georgia, Office of Safety.

7. Sign and Markings for Low Volume Rural Roads—May 1977

Submitted by the U.S. Forest Service.

8. Development of Procedures for Identifying Hazardous Locations—December 1977.

Submitted by Illinois DOT, Pennsylvania DOT, Georgia State Highway Department, and the city of Ann Arbor, Michigan.

9. Vehicle Detector Placement for Highway Speed, Isolated Traffic Actuated Intersection Control—May 1977.

Submitted by Alameda County, California, Los Angeles, County, California, and the Texas State Highway Department.

10. Accident and Speed Studies in Construction Zones—June 1977.

Submitted by the FHWA—Office of Safety.

11.Motorists Requirement for Active Grade Crossing Warning Devices—October 1977.

Submitted by the FHWA—Office of Engineering.

12. Effectiveness of Speed Control Signs for Rural School Zones and Small Committees—July 1979.

Submitted by the Mississippi State Highway Department and San Diego County, California.

13. A Study of clearance Intervals, Flashing Operation, and Left-turn Phasing—May 1980.

Submitted by Cities of Fresno, California, Santa Ana, California, Pennsylvania DOT, and the Florida DOT.

14. Safety Aspects of Curb Parking—September 1978.

Submitted by the FHWA Office of Traffic Operations, Texas.

State Highway Department, and the Central Midlands Regional Planning Council (Columbia, South Carolina).

15. Safety Features of Stop Signs at Rail-Highway Grade Crossings—April 1978.

Submitted by the Nebraska Department of Roads.

16 . Safety Evaluation to Priority Techniques for High Occupancy Vehicles—February 1979.

Submitted by the FHWA Office of Research.

17. Passing and No Passing Zones—Signs, Markings, Laws, and Warrants—September 1978.

Submitted by the National Advisory Committee on Uniform Traffic Control Devices.

18. Effectiveness of Freeway Lighting—February 1980.

Submitted by the FHWA Office of Traffic Operations and the city of Brownsville, Texas.

19. Ideal Street Spacing for Balanced Progression—May 1980.

Submitted by Sacramento County, California.

20. Problems Associated with Power Failures at Signalized Intersections—June 1980.

Submitted by Puerto Rico DOT, Erie County, New York, and the city of Santa Ana, California.

21. Effects on symbol Sign Recognition—August 1980.

Submitted by Iowa DOT and the National Advisory Committee on Uniform Traffic Control Devices.

22. Development of Criteria to Designate Routes for Transporting Hazardous Materials—July 1980.

Submitted by the FHWA Office of Safety.

23. Safety Aspects of Using Vehicle Hazard Warning Lights—September 1980.

Submitted by the FHWA Bureau of Motor Carrier Safety.

24. Criteria for Traffic Sign Removal—September 1980.

Submitted by the New York DOT.

25. Visibility of Circular Traffic Signal Indications.

Submitted by the National Advisory Committee on Uniform Traffic Control Devices, and FHWA Region 7.

26. Safety Benefits for Alternative Highway Geometric and/or Operational Improvements.

Submitted by the Alabama State Highway Department.

Attachment 2—Administrative Procedures for the Office of Highway Safety Solicitation of Problem Statements

I. *Purpose.* This establishes administrative procedures relating to the Office of Highway Safety's solicitation for highway safety research and development.

II. *Background.* The Office of Highway Safety is initiating this solicitation to obtain assistance and guidance in the identification of critical subjects for long-range and immediate highway safety research and the establishment of priorities for refinement of existing research.

III. *Administrative Procedures.* Problem statements for candidate research and development efforts for Fiscal Years 1983–84 are solicited from those agencies which have a direct responsibility for developing programs for highway and street facilities. Such agencies are:

1. Office of the Governor's Representative for Highway Safety,
2. The State highway or transportation agencies,
3. Local political subdivisions,
4. FHWA program offices,
5. FHWA field offices, and
6. Offices of other Federal agencies having responsibility for highways.

A summary of the tentative organization of the highway research and development program for Fiscal Year 1983 is attached for informational purposes (Appendix A). Problem statements are welcomed in the listed subject areas or in any other areas of highway safety. To obtain additional information about the Federally Coordinated Program (FCP) for Research and Development in Highway Transportation, please contact the State Highway agency or the Federal Highway Administration Division Office for access to the detailed documentation of the current program or the 1979 FCP Annual Report. Also for access to the Annual Report, contact the Governor's Highway Safety Representative (GHSR).

The intent of this notice is to identify highway safety problems, not to encourage the submission of unsolicited proposals for research.

Problem statements should be solicited by FHWA field offices through normal channels from State Highway or transportation agencies or the GHSR. It is believed that the highway safety program coordinators in the Regions and Divisions should coordinate this solicitation process. The GHSR and/or State highway agencies should solicit problem statements from the local political subdivisions. (It has been said by officials that have responsibility for local roads that often the notice is not getting to interested local jurisdictions. In order to alleviate any problems, the response time is being extended. Also, the Division Office is asked to personally contact the responsible GHSR or State highway official to inform them of the significance of the solicitation.) Problem statements submitted by local political subdivisions, through their respective State offices, should then be furnished to the FHWA Division Offices, which in turn will forward the statements through normal channels to the Director, Office of Highway Safety (HHS-12). The problem statements must be submitted to the Director by March 15, 1981. Problem statements can be submitted at any time, but will only be considered on an annual basis.

The form used for submitting problem statements should consist of a one or two page description (see Appendix B) containing the following information:

1. Problem title,
2. Problem summary (concise statement of problems or needs),
3. Objectives (expected accomplishments at conclusion of study or studies),
4. Urgency/priority,
5. Implementation,
6. Submitter (name of submitting organization, individual to represent submitter for further contact if needed),
7. Date of submission, and
8. Project designation (if appropriate).

Attachments

Appendix A—Highway Safety Projects (Category 1) Under the Federally Coordinated Program of Highway Research and Development

Project 1A Traffic Engineering Improvements for Safety.
Task 1A-1 Traffic Control Devices.
Task 1A-2 Highway Design, Construction and Maintenance.
Project 1B Ride Quality of Commerical Motor Vehicles and the Impact on Truck Driver Performance.
Task 1B-1 Scoping the Ride Quality Research.
Task 1B-2 In-Service Measurements of Truck Dynamics and Ride Quality.
Task 1B-3 Road Surface Characteristics Affecting Truck Ride Quality.
Task 1B-4 Computer Simulation of Truck Ride Quality.
Task 1B-5 Effects of Truck Ride Quality on the Driver.
Task 1B-6 Recommended Measures for Improved Truck Ride.
Task 1B-7 Project Synthesis.
Project 1C Analysis and Remedies of Freeway Traffic Disturbances.
Task 1C-1 Freeway Traffic Modeling.
Task 1C-2 Freeway Control Experimentation.
Task 1-3 Strategies and Criteria for Their Use.
Task 1C-4 Human Factors.
Project 1E Safety of Pedestrians and Abutting Property Occupants.
Task 1E-1 Feasibility, Cost-Effectiveness and Design of Pedestrian Accommodations.
Task 1E-2 Pedestrain Safety-Measurement and Guidelines.
Task 1E-3 Improving the Bicycle Environment.
Project II Traffic Lane Delineation Systems for Adequate Visibility and Durability.
Task 11-1 Systems for Improved Wet-Night Visibility with Adequate Snowplow Resistance.
Task 11-2 Systems for Improved Durability, Reduced Cost, and Rapid Drying.
Task 11-3 Equipment and Methods for Installation and Maintenance.
Project 1J Improved Geometric Design.
Task 1J-1 Evaluation and Optimization of Geometric Design Criteria.
Task 1J-2 Corrective Geometry.
Task 1J-3 Minimizing Hazardous Effects.
Task 1J-4 Optimization of Interchange Design.
Project 1K Accident Research and Countermeasure Effectiveness.
Task 1K-1 Identification of Safety Problems and Potential Countermeasures.
Task 1K-2 Evaluation of Countermeasures.
Project 1M Operational Safety Improvements for Two-Lane Rural Highways.
Task 1M-1 Problem Identification and Safety Performance Projection.
Task 1M-2 Operational Analyses and Concept Development.
Task 1M-3 Employment of New Technology.
Task 1M-4 Testing and Evaluation.
Project 1N Safety of Bicyclists, Moped Operators, and Pedestrians.
Task 1N-1 Increasing Pedestrian Safety Through Engineering Improvements.
Task 1N-2 Safe Accommodation of Bicyclists by Design Modifications.
Task 1N-3 Moped Operators' Safety Problems and Their Resolution.
Task 1N-4 Effective Strategies for Accommodating Pedestrians, Bicyclists, and Moped Operators in Their Interactions With Other Travel Modes.
Project 10 Railroad-Highway Grade Crossings.
Task 10-1 Railroad-Highway Grade Crossings.
Project 1P Visual Guidance for Night Driving.
Task 1P-1 Requirements for Adequate Visual Guidance.
Task 1P-2 Modifiers of Visual Guidance Needs.
Task 1P-3 Developing Guidelines for Providing Improved Visual Guidance.
Project 1t Advanced Vehicle Protection Systems.
Task 1T Simulation of the Interaction of Heavy Vehicles with Protective Barriers.
Task 1T-2 Development of Critiera to Contain Heavy Vehicles.
Task 1T-3 Prototype Designs.
Task 1T-4 Mechanics of Energy Transfer.
Task 1T-5 Development of Design Criteria for Energy Management During Vehicle-Obstacle Collisions.
Task 1T-6 Prototype Designs for Advanced Protective Devices.
Project 1U Safety Aspects of Increased Size and Weight of Heavy Vehicles.
Task 1U-1 Accident Investigations of Large Trucks.
Task 1U-2 The Effect of Large Trucks on the Safety of Traffic Operations.
Task 1U-3 The Effect of Truck Size on the Interaction of Trucks with Other Vehicles.
Task 1U-4 Safety Impacts of Heavy Truck Dynamics.
Task 1U-5 Cost Trade-off Analysis of the Safety Effects of Large Trucks.
Project 1V Roadside Safety Hardware for Non-Freeway Facilities.
Task 1V-1 Performance of Appurtenances on Irregular Roadsides.
Task 1V-2 Performance of Appurtenances on Non-Freeway Facilities.
Task 1V-3 Resolution of Gaps in Roadside Safety Research.
Project 1W Measurement and Evaluation of Pavement Surface Characteristics.
Task 1W-1 Seasonal and Short-Term Changes in Pavement Friction.
Task 1W-2 Improved Measurement Systems for Skid Resistance.
Task 1W-3 Road Topography, Vehicle Response, and Traffic Safety.
Task 1W-4 Services for Pavement Condition Evaluation.
Project 1X Highway Safety Program Effectiveness Evaluation.
Task 1X-1 Safety Information System.
Task 1X-2 Evaluation Methodology.

Task 1X–3 Highway Safety Management.
Project 1Y Traffic Management in Construction and Maintenance Zones.
Task 1Y–1 Traffic Control Techniques.

Appendix B

I. *Problem Title:* Removal of Multi-Way Stop Signs Without Creating a Traffic Hazard.

II. *Problem Statement:* The Manual on Uniform Traffic Control Devices has provided for many years traffic warrant guidelines for installing multiway stop controls at street intersections. Hundreds of these installations have been installed with or without the benefit of the warrants.

Many of the multi-way controlled intersections should be removed to allow for improved traffic flow and to reduce fuel consumption. The traffic engineer's main concern when converting the intersection to a two-way stop condition is to not create undue hazards to the motorist who uses the facilities daily.

III. *Objectives:* A. Develop rational criteria that warrant the conversion of intersection control from multi-stop control to two-way or no control. B. Develop procedures which should be employed to carry out the actual implementation of the removal of a multi-stop intersection control. These procedures would address such issues as advance public information needs, transition methods of changing control devices, and follow-up information needs.

IV. *Urgency/Priority:* This study should be given a high priority because of the current emphasis on energy conservation.

V. *Implementation:* Guidelines would be developed that could easily be used by engineers that have traffic engineering responsibilities in local jurisdictions.

VI. *Submitter:* Mr. John H. Doe, Traffic Engineer, Fresno County Department of Public Works, Traffic Division, 4499 East Kings Canyon Road, Fresno, California 93702, Telephone: 209/488–3828.

VII. *Date of Submission:* January 12, 1981.

[FR Doc. 81–2953 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Solano County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Solano County, California.

FOR FURTHER INFORMATION CONTACT: C. G. Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2521.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation and the City of Fairfield, will prepare an environmental impact statement (EIS) on a proposal to construct State Route 12 as a limited access highway bypass of the City of Fairfield, Solano County, California.

The proposed improvement will have an overall length of approximately four miles and will include construction of an interchange of State Route 12 and Interstate Route 80.

There is a need to relieve congestion in the downtown area of Fairfield. The proposed project will satisfy this need by moving the State highway to a bypass alignment, thereby removing through traffic from the downtown commercial district. The proposed alignment is in the southern part of Fairfield through an area of little development. Industrial development is planned near this alignment.

The alternatives under consideration are: (1) No action; and (2) constructing a limited access highway on new alignment. Incorporated into and studied with the various build alternatives will be design variations of grade, alignment, and number of lanes. Transportation system management strategies will also be considered with each alternative. Upgrading the existing facility is not considered to be a viable alternative.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public notice will be given of the time and place of meetings and a public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: January 20, 1981.

C. G. Clinton,

District Engineer, Sacramento, California.

[FR Doc. 81–3065 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement for Robeson County, North Carolina

AGENCY: Federal Highway Administration (FWHA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Robeson County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed US 74 improvement from Maxton Bypass to I–95 in Robeson County. This project is a segment of the planned development and completion of a four-lane freeway or expressway from Asheville and Charlotte to Wilmington. Planning, environmental and location studies are being initiated.

Alternatives under consideration include (1) the "no-build", (2) improving the existing NC 74 roadway, and (3) a major relocation alternative for construction of a new facility.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

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 reviews of Federal and federally assisted programs and projects apply to this program.

Issued on January 16, 1981.

Roger Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 81–3429 Filed 1–28–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement for Salisbury, Rowan County, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advice the public that an environmental impact statement will be prepared for a proposed highway project in Salisbury, Rowan County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on the proposed extension of Salisbury Boulevard from I–85 to Stokes Ferry Road (SR 1004), in Salisbury, Rowan County, North Carolina. The purpose of the project is to provide a circumferential thoroughfare through the southern area of Salisbury. The project will connect with several major radial thoroughfares. The project is 1.5 miles in length running along existing and new location. Existing and future land use along the project is industrial and residential.

It is anticipated that the project will be a multi-lane facility with curbs and gutters. Additional alternatives to be studied include the "No build" and "transit" alternatives. Traffic projections for 1982 range from 2,300 vehicles per day near Stokes Ferry Road to 9,400 vehicles per day near I–85. Traffic projections for the year 2002 range from 4,000 vehicles per day near Stokes Ferry Road to 17,200 vehicles per day near I–85.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials have been held in the study area as a part of project studies. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

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.

Roger Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 81-3428 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. EX79–1; Notice 4]

Model A and Model T Motor Car Reproduction Corp.; Grant of Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Model A and Model T Motor Car Reproduction Corp. of Detroit, Michigan ("Model A" herein) for renewal of certain 1-year exemptions expiring September 1, 1980, from several Federal motor vehicle safety standards. The basis of the grant is that compliance would cause substantial economic hardship.

Notice of the request for renewal was published on August 9, 1980 and an opportunity afforded for comment (45 FR 51700). Notice of Model A's original petition was published on July 23, 1979 (44 FR 43135) and notice of grant of the petition on September 27, 1979 (44 FR 55687).

Model A produces a replica of a 1928 Ford Model A roadster. It was exempted from all or a portion of seven Federal motor vehicle safety standards, expiring September 1, 1980. The petitioner stated that it had been able to achieve compliance with three of these standards, specifically, Motor Vehicle Safety Standards Nos. 105, *Hydraulic Brake Systems*, 108 *Lamps, Reflective Devices and Associated Equipment*, and 206 *Door Locks and Door Retention Components*.

It requested a further 1-year exemption from the four remaining standards, asserting its belief that the Model A replica may, in fact, meet three of these. Each will be discussed separately.

Standard No. 203 Impact Protection for the Driver From the Steering Control System

Petitioner employs the "energy absorbing" steering column used on Ford Fairmont vehicles but did not know in 1979 whether the steering wheel would meet the standard. It termed testing costs prohibitive. In granting the exemption the agency commented that one year would enable Model A to determine whether or not the design complied and, if not, to develop an alternative design. During the exemption period the company concluded that it could not use a Model A replica steering wheel and it now uses the full Fairmont steering wheel and control system. The company appears to consider testing costs prohibitive in seeking a further exemption.

Standard No. 214 Side Door Strength

In its original petition Model A agrued that its configuration met the intent of the standard to provide protection against impacts from the side. The height above the pavement of the vehicle's 4-inch box frame approximates that of the front bumper heights required by the bumper standard, 49 CFR Part 581, so that in a side crash, the bumper should impact Model A's frame, not its door. In granting the petition, NHTSA commented that a 1-year exemption would allow Model A to verify its theory or to take remedial measures. During the exemption period the company prepared drawings of the frame system and Part 581 bumper systems which verify its theory. Therefore, Model A feels that it meets the spirit of the standard.

Standard No. 301–75 Fuel System Integrity

In 1979 petitioner explained that:

"The fuel system was specially designed * * * utilizing Ford engine compartment components and a fuel tank of 14-gauge welded steel construction * * *. This same tank is being used on Ford, Chevrolet, Dodge, International Harvester and Jeep Truck products as an auxiliary tank and is located in the Model A replica forward of the rear axle between the steel frame of the vehicle."

Cost of testing was given as the primary agrument for hardship. NHTSA provided a 1-year exemption with the comment that this time would allow a better judgment both by the manufacturer and the agency of the actual state of the vehicle's compliance. Model A now reports that engineering studies have been conducted and demonstrate a "close compliance" based upon Ford's previous testing. Presumably the cost of testing is still burdensome for the company.

With respect to the final standard, No. 202 *Head Restraints*, the company has not succeeded in its efforts to conform. The petitioner's original request was

based upon the theory that design changes necessitated by conformance could destroy the character of the vehicle and its sales market. In granting a 1-year exemption NHTSA commented that this aspect of passenger protection should and could be provided. During the year Model A said that it has considered several alternative designs. To comply with the standard, however, head restraints would have to be placed 12 inches above the belt line of the vehicle. "Because of the large moment force associated with the design, massive structural components would be necessary which would severely limit the leg room in the [rumble] seat of the Model A and restrict the rearward visibility of the driver." The company, therefore, requested an additional year in which to continue working on the problem.

Model A has produced 2,000 cars as of June 25, 1980. From its second fiscal year of operation ending March 31, 1980, it had a net loss before taxes of approximately $300,000. The company argued that a renewal of its exemption would be in the public interest by providing continuing employment for 290 persons ("133 of which are receiving training or were trained under Federal and State CETA Programs and the Federal WIN Program"). Petitioner presented no new arguments that continued exemption would be consistent with traffic safety objectives, but its previous arguments were that the vehicles would be used only occasionally and their limited number would insure that no significant hazard to traffic safety would be presented.

No comments were received on the petition.

Pursuant to Section 123(c)(1) (15 U.S.C. 1410(c)(1)), an exemption granted on a hardship basis may be renewed upon the same findings under which the original exemption was granted—that compliance would cause the petitioner substantial economic hardship, that the petitioner has in good faith attempted to conform, and that the renewal is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

The NHTSA notes with approval the ability of the manufacturer to achieve compliance with three safety standards from which it had been previously exempted. With respect to two of the four remaining standards, Standards Nos. 203, and 301, the manufacturer may, in fact, conform since it has employed hardware used in vehicles certified as meeting those standards. Although the manufacturer has a basis for certification of compliance with Standards Nos. 203 and 301 it has pursued the conservative but legally appropriate course of petitioning for temporary exemption. As for Standard No. 214, a similarly conservative course is followed even though the drawings prepared while the exemption was in effect appear to verify its theory of compliance. Its problems of compliance with Standard No. 202 continue even though several alternative designs have been considered. With a renewal of this exemption for an additional year, NHTSA trusts that a solution will be found. NHTSA notes also that petitioner's production run of 2,000 units is for less than that which it anticipated, and that funds which might have been used for testing have not been generated. In summary, to require compliance, or demonstration of compliance, at this time, with standards that the petitioner had in good faith attempted to meet, would cause substantial economic hardship.

In addition, the same public interest factors that supported the original petition continue to exist, principally, the necessity of providing continuing employment for almost 300 people in an economically depressed area. The limited number of vehicles likely to be produced makes it less likely than before that they will present a significant hazard to traffic safety.

Accordingly, petitioner has met its burden of persuasion, and NHTSA Exemption No. EX79–1 is hereby extended to September 1, 1981 with respect to the following Federal motor vehicle safety standards; 49 CFR 571.203, Standard No. 203 *Impact Protection for the Driver From the Steering Control System*, 49 CFR 571.202, Standard No. 202 *Head Restraints*, 49 CFR 571.214, Standard No. 214 Side Door Strength, and 49 CFR 571.301, Standard No. 301, *Fuel System Integrity*.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on: January 19, 1981.

Joan Claybrook,

Administrator.

[FR Doc. 81-3136 Filed 1-26-81; 8:45 am]

BILLING CODE 4910-59-M

Safety Defect Investigation of General Motors Intermediate Station Wagons with Electro-Clear Rear Window Defoggers; Public Proceeding Cancelled

The National Highway Traffic Safety Administration has cancelled the public proceeding announced in the **Federal Register** of January 22, 1981 (46 FR 7124) regarding its initial determination of a safety-related defect in General Motors Corporation intermediate-size station wagons equipped with Electro-Clear rear window defoggers, and manufactured during the period from January 1, 1979 through December 31, 1979. The meeting was to be held at 10 A.M. on February 12, 1981, in Room 2230 of the Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 23, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-3309 Filed 1-28-81; 8:45 am]

BILLING CODE 4910-59-M

Cancellation of Public Meeting on Safety, Bumper and Consumer Information Programs

Note:—This document originally appeared in the **Federal Register** for Tuesday, January 27, 1981. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

On December 8, 1980, the National Highway Traffic Safety Administration issued a notice (45 FR 80948) that it would hold a public meeting on January 28, 1981, to answer questions received in writing from the public and industry regarding the Agency's safety, bumper and consumer information programs.

The public meeting has been canceled. The agency will provide written answers to the questions submitted by the public and industry. Copies of those answers will be available, in the near future, for inspection in the agency's docket section, room 5109, 400 Seventh Street, SW, Washington, D.C. 20590. After they have been placed on file in the agency's docket section, copies of the answers also will be available from the agency's Office of Public Affairs and Consumer Participation, room 5232, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued on January 26, 1981.

Carl E. Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 81-3260 Filed 1-26-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-20]

Customs Approved Public Gauger; Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs

Notice is hereby given pursuant to the provisions of section 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Columbia Inspection, Inc., 7200 N. Fessenden Street, Portland, Oregon 97203, to gauge imported petroleum and petroleum products in the Customs districts of Portland, Oregon, Seattle, Washington, Houston, Texas and Los Angeles, California, in accordance with the provisions of section 151.43 of the Customs Regulations is approved.

Dated: January 23, 1981.

A. Piazza,

Director, Entry, Procedures and Penalties Division.

[FR Doc. 81-3436 Filed 1-28-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Renovation for Supply, Processing and Distribution, Veterans Administration Medical Center, Lake City, Florida; Finding of No Significant Impact

The Administration (VA) has assessed the potential environmental impacts that may occur as a result of the Renovation for Supply, Processing and Distribution, (SPD), Veterans Administration Medical Center, Lake City, Florida.

The project consists of 1,631 gross square feet (gsf) of new construction and 7,292 gsf of interior renovation in the basement level of building no. 64. The project will renovate and expand the existing SPD and will: correct deficiencies, separate functions, provide for an energy conservation system and extend the loading dock area. The station has no known historical significance.

The project described was the only alternative developed because of the proximity to the existing SPD and service area. Few domino moves will be required by the interior expansion.

No action would mean the SPD would continue to function with a space deficiency of 2,826 net square feet. The existing design does not provide an efficient work flow nor a proper separation of clean and soiled areas.

Temporary construction related impacts will exist through project completion and include: noise, dust, fumes and the rerouting of service traffic. The environmental impacts will be minimal.

The project will comply with all Federal, State and local codes as well as VA regulations on environmental protection (38 CFR Part 26). Mitigating actions will be implemented as they apply to specific project impacts identified.

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: January 22, 1981.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81-3381 Filed 1-28-81; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; System of Records Amended

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the **Federal Register**, a notice of the existence and character of their system of records. Accordingly, the VA (Veterans Administration) published and adopted a notice of its inventory of personal records on September 27, 1977 (42 FR 49726).

Notice is hereby given that the Veterans Administration is adding a new system of records entitled "Vietnam Veterans Readjustment Counseling Program" (64VA116). Pub. L. 96-22, as codified in 38 U.S.C. 612A, provides that veterans of the Vietnam era are eligible for counseling to assist them in their assimilation back to civilian life. The purpose of this new system of records is to enable VA counselors and program officials to maintain records sufficient to provide continuity of care, and satisfy management reporting and monitoring needs.

Notice is also given that the Veterans Administration is adding Appendix 2, "List of All Outreach Program Vet Centers Current as of December 10, 1980," to its inventory of personal records published on September 27, 1977 (42 FR 49726).

The use of the personally identifiable information and data in this system is restricted solely to Outreach Program counseling centers (called "Vet Centers") and the office of the system manager and does not have any routine uses as defined by the Privacy Act of 1974 (5 U.S.C. 552a(a)(7)). Therefore, the requirement to give 30 days prior public notice before compiling this new system does not apply.

A "Report on New System" and an advance copy of the revised system notice were sent on October 24, 1980, to the Speaker of the House, the President of the Senate, and the Office of Management and Budget, as required by the provisions of 5 U.S.C. 552a(o), and guidelines issued by the Office of Management and Budget (40 FR 45877), October 3, 1975.

Notice is hereby given that this description is effective the date of approval by the Administrator of Veterans Affairs.

Approved: January 21, 1981.

Max Cleland,

Administrator.

64VA116

System Name: Vietnam Veterans Readjustment Counseling Program—Va.

System Location: (a) Counseling Folder: maintained at each individual center (called Vet Centers) and at VA medical centers providing readjustment counseling throughout the country. The locations of all Vet Centers and VA medical centers providing readjustment counseling are listed in VA Appendix 2 at the end of this document. Certain information extracted from the counseling folder is maintained at the St. Paul, Minnesota, VA Data Processing Center (DPC).

(b) Client Information File: certain information extracted from the counseling folder is maintained at the St. Paul, Minnesota, VA Data Processing Center (DPC).

Categories of Individuals Covered by the System: Individuals who request Vietnam veterans readjustment counseling, and/or receive readjustment counseling, including veterans, family members, or other counselees who are eligible.

Categories of Records in the System: (a) Counseling Folder: all written notes, forms, applications, and documentation deemed necessary to provide continuity of care by the counselors and/or program officials. This would include all information collected for the computerized data base.

(b) Client Information File: unique veteran identification number, team or medical center number, marital status, birth date, service dates, branch of service, whether served in Vietnam, service connection, types of problems, severity of problems, actions to be taken, source of action, status of action, number of contacts that day, and other statistical information about services provided that veteran.

Authority for Maintenance of the System:

Section 103, Pub. L. 96–22, June 13, 1979.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

None.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage: (a) Counseling Folder: paper documents stored in file folders.

(b) Client Information File: stored on magnetic tapes.

Retrievability: (a) Counseling Folder: filed or indexed alphabetically by last name or unique Client Number.

(b) Client Information File: indexed by Vet Center or Station Number in conjunction with unique Client Number.

Safeguards: (a) Counseling Folder: access to records at Vet Centers will be controlled by Vet Center staff during working hours. During other hours, records will be maintained in locked file cabinets. In high crime areas, Vet Center offices are equipped with alarm systems. Access to readjustment counseling records at VA medical centers will be restricted to the Outreach counseling staff on a need-to-know basis.

(b) Client Information File: the file area at the DPC is locked after duty hours and the building is protected from unauthorized access by the Federal Protective Service.

Retention and Disposal: (a) Counseling Folder: the records will be retained at the Outreach Center or medical center of origin and VA Central Office for approximately three years after the date of last activity and/or after termination of the Outreach program, whichever is later. Destruction will be by shredding.

(b) Client Information File: maintained for the duration of the program. Destruction will be by erasing the tapes.

Appendix 2—List of all Outreach Program Vet Centers Current as of December 10, 1980

Vet Center, 2145 Highland Avenue, Birmingham, Alabama 35205
Vet Center, 550 West 8th Avenue, Rm. 101 Anchorage, Alaska 99501
Vet Center, 807 N. 3rd. Street, Phoenix, Arizona 85004
Vet Center, 813 West 3rd Street, Little Rock, Arkansas 72201
Vet Center, 251 W. 85th Place, Los Angeles, California 90003
Vet Center, 2449 W. Beverly Blvd., Montebello, California 90640
Vet Center, 616 16th Street, Oakland, California 94612
Vet Center, 859 S. Harbor Blvd., Anaheim, California 92805
Vet Center, 1520 State Street, Suite 110, San Diego, California 92101
Vet Center, 1708 Waller Street, San Francisco, California 94117
Vet Center, 2969 Mission Street, San Francisco, California 94110
Vet Center, 1648 E. Santa Clara, San Jose, California 95116
Vet Center, 361 S. Monroe Street, Suite 5, San Jose, California 95128
Vet Center, 7222 Van Nuys Blvd., Suite E, Van Nuys, California 91406
Vet Center, 1406 Pacific Avenue, Venice, California 90291
Vet Center, 1820 Gilpin Street, Denver, Colorado 80218
Vet Center, 370 Market Street, Hartford, Connecticut 06120
Vet Center, 363 Whalley Avenue, New Haven, Connecticut 06510
Vet Center, Van Buren Medical Center, 1411 N. Van Buren Street, Wilmington, Delaware 19806
Vet Center, 1101 Pennsylvania Ave., S.E., Washington, D.C. 20003
Vet Center, 402 H Street, N.E., Washington, D.C. 20002
Vet Center, 423 N. Andrews Avenue, Ft. Lauderdale, Florida 33301
Vet Center, 228 Pearl Street, Jacksonville, Florida 32202
Vet Center, 2615 Biscayne Blvd., Miami, Florida 33137
Vet Center, 250 31st Street, South, St. Petersburg, Florida 33712
Vet Center, 43 14th Street, N.E., Atlanta, Georgia 30309
Vet Center, 1291 Kapiolani Blvd., Honolulu, Hawaii 96814
Vet Center, 103 W. State Street, Boise, Idaho 83702
Vet Center, 547 W. Roosevelt Road, Chicago, Illinois 60607
Vet Center, 1100 W. Garfield Avenue, Oak Park, Illinois 60304
Vet Center, 528 W. Berry Street, Fort Wayne, Indiana 46802
Vet Center, 811 Massachusetts Avenue, Indianapolis, Indiana 46204
Vet Center, 2001 Cottage Grove Avenue, Des Moines, Iowa 50312
Vet Center, 310 S. Laura Street, Wichita, Kansas 67211
Vet Center, 821 S. 2nd Street, Louisville, Kentucky 40203
Vet Center, 1529–31 N. Claiborne, New Orleans, Louisiana 70116
Vet Center, 175 Lancaster Street, Rm. 213, Portland, Maine 04101
Vet Center, 1420 W. Patapsco Avenue, Patapsco Plaza Shopping Ctr, Baltimore, Maryland 21230
Vet Center, Mondawmin Shopping Center, 1153 Mondawmin Concourse, Baltimore, Maryland 21215
Vet Center, 7 Elkton Commercial Plaza, Elkton, Maryland 21921
Vet Center, 480 Tremont Street, Boston, Massachusetts 02116
Vet Center, 362 Washington, Street, Brighton, Massachusetts 02135
Vet Center, 15 Bolton Place, Brockton, Massachusetts 02401
Vet Center, 5514 Woodward Avenue, Detroit, Michigan 48202
Vet Center, 18411 W. Seven Mile Road, Detroit, Michigan 48219
Vet Center, 3338 University Ave., S.E., Minneapolis, Minnesota 55414
Vet Center, 522 North State Street, Jackson, Mississippi 39201
Vet Center, 3600 Broadway, Suite 19, Kansas City, Missouri 64111
Vet Center, 2345 Pine Street, St. Louis, Missouri 63103
Vet Center, 2708 Montana Avenue, Billings, Montana 59101
Vet Center, 2510 Harney Street, Omaha, Nebraska 68131
Vet Center, 214 S. 8th Street, Las Vegas, Nevada 89102
Vet Center, 14 Pearl Street, Manchester, New Hampshire 03104
Vet Center, 626 Newark Avenue, Jersey City, New Jersey 07306
Vet Center, 601 Broad Street, Newark, New Jersey 07102
Vet Center, 4603 4th Street, N.W., Albuquerque, New Mexico 87107
Vet Center, 165 Cadman Plaza, East, Brooklyn, New York 11201
Vet Center, 226 E. Fordham Road, Rm. 217/220, Bronx, New York 10458
Vet Center, 114 Elmwood Avenue, Buffalo, New York 14201
Vet Center, 166 W. 75th Street, Manhattan, New York 10023
Vet Center, 148–43 Hillside Avenue, Queens, New York 11428
Vet Center, #4 Market Square, Fayetteville, North Carolina 28301
Vet Center, 1300 S. 13½ Street, Fargo, North Dakota 58103
Vet Center, 31 E. 12th Street, 4th Floor, Cincinnati, Ohio 45202
Vet Center, 11511 Lorain Avenue, Cleveland, Ohio 44111
Vet Center, 4959 N. High-Street, Columbus, Ohio 43214
Vet Center, 438 Wayne Avenue, Dayton, Ohio 45410
Vet Center, 14206 Euclid Avenue, East Cleveland, Ohio 44112
Vet Center, 4111 North Lincoln Blvd., #10, Oklahoma City, Oklahoma 73105
Vet Center, 2450 S.E. Belmont, Portland, Oregon 97214
Vet Center, 1107 Arch Street, Philadelphia, Pennsylvania 19107
Vet Center, 954 Penn Avenue, Pittsburgh, Pennsylvania 15222
Vet Center, Suite LC 8–a/LC 9, Medical Center Plaza, La Riviera, Rio Piedras, San Juan, Puerto Rico 00921
Vet Center, 172 Pine Street, Pawtucket, Rhode Island 02860

Vet Center, 230 N. Phillips Avenue, Sioux Falls, South Dakota 57102
Vet Center, 3366 Rivers Avenue, No. Charleston, South Carolina 29405
Vet Center, Sterick Building, 8 North 3rd Street, Memphis, Tennessee 38103
Vet Center, 500–A Lancaster-Kiest Center, Dallas, Texas 75216
Vet Center, 2121 Wyoming Street, El Paso, Texas 79903
Vet Center, 3121 San Jacinto Street, Suite 106, Houston, Texas 77004
Vet Center, 717 Corpus Christi, Laredo, Texas 78040
Vet Center, 107 Lexington Ave., San Antonio, Texas 78205
Vet Center, 216 E. 5th Street, South, Salt Lake City, Utah 84102
Vet Center, RFD #2, Tafts Corners, Williston, Vermont 05495
Vet Center, Room 140–A, Federal Bldg., US Courthouse, Veterans Drive, St. Thomas, Virgin Islands 00801
Vet Center, 7450½ Tidewater Drive, Norfolk, Virginia 23505
Vet Center, 1322 E. Pike Street, Seattle, Washington 98122
Vet Center, 3591 South D Street, Tacoma, Washington 98408
Vet Center, 1014 6th Avenue, Huntington, West Virginia 25701
Vet Center, 1610 N. Water Street, Milwaukee, Wisconsin 53202
Vet Center, 1810 Pioneer Street, Cheyenne, Wyoming 82001

VA Medical Center Providing Vietnam Veteran Readjustment Counseling

Wilkes-Barre VA Medical Center, 1111 East End Boulevard, Wilkes-Barre, Pennsylvania 18711

[FR Doc. 81-3276 Filed 1-28-81; 8:45 am]
BILLING CODE 832-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 19
Thursday, January 29, 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

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 26, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public of the following matters:

Application of Golden State Sanwa Bank, San Francisco, California, for consent to merge under its charter and title with First City Bank, Rosemead, California, and to establish the five offices of First City Bank as branches of the resultant bank.

Recommendation regarding First Pennsylvania Bank, N.A., Bala-Cynwyd, Pennsylvania.

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. 44,652-L—State Bank of Clearing, Chicago, Illinois

Case No. 44,655-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Memorandum and Resolution re: First State Bank of Northern California, San Leandro, California

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: January 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-155-81 Filed 1-27-81; 11:25 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 2, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

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.

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: January 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-156-81 Filed 1-27-81; 11:24 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 2, 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)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Valley Independent Bank, a proposed new bank, to be located at 1448 Main Street, El Centro, California.

Islanders' Bank, a proposed new bank, to be located at the southwest corner of the Intersection of Blair Avenue and Park Avenue, Friday Harbor, Washington.

Application for consent to merge and establish branches:

The Mitsubishi Bank of California, Los Angeles, California, for consent to merge under its charter and title with First National Bank of San Diego County, Escondido, California, and for consent to establish the eleven offices of First National Bank of San Diego County as branches of the resultant bank.

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. 44,540-L—Northern Ohio Bank, Cleveland, Ohio

Case No. 44,601-NR—United States National Bank, San Diego, California

Case No. 44,634-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,635-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,636-L—Franklin National Bank, New York, New York

Case No. 44,637-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,645-L—The Rochelle, Bank and Trust Company, Rochelle, Illinois

Case No. 44,648-L—Birmingham Bloomfield Bank, Birmingham, Michigan

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)).

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: January 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-154-81 Filed 1-27-81; 11:24 am]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, February 3, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel, Compliance, Litigation, and Audits.

* * * * *

DATE AND TIME: Thursday, February 5, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
Draft AO 1980–147—Robert D. Hunter, Treasurer, Yearout Campaign Committee
Draft AO 1981–2—William J. Coyne, Member of Congress
Draft AO 1981–5—Paul Findley, Member of Congress
Appropriations and budget
Managment plan
Pending legislation
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Majorie W. Emmons,

Secretary to the Commission.

[S-181-81 Filed 1-27-81; 2:44 pm]

BILLING CODE 6715-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 8160, January 26, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 28, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAM–6: RM80–7, Final Rule Governing the Maximum Level Price for Pipeline, Distributor, or Affiliate Production; RM80–6, Pricing of Pipeline and Affiliate Production under the Natural Gas Act
CAG–12: RP78–78, Natural Gas Pipeline Company of America

Lois D. Cashell,

Acting Secretary.

[S-151-81 Filed 1-27-81; 9:59 am]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Wednesday, February 4, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Bank Membership—The Williamsburg Savings Bank, Brooklyn, New York
Application for Bank Membership—Buffalo Savings Bank, Buffalo, New York

[S-152-81 Filed 1-27-81; 11:01 am]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., January 29, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Implementation of "Fifty-Mile Rule" at East and Gulf Coast Ports.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S-153-81 Filed 1-27-81; 11:34 am]

BILLING CODE 6730-01-M

8

[USITC SE-81-1]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, February 5, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Screw jacks (Docket No. 710).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-160-81 Filed 1-27-81; 2:05 pm]

BILLING CODE 7020-02-M

9

OCCUPATIONAL SAFETY AND HEALTH, REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on February 12, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: January 27, 1981.

[S-158-81 Filed 1-27-81; 1:26 pm]

BILLING CODE 7600-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on February 18, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: January 27, 1981.

[S-157-81 Filed 1-27-81; 1:26 pm]

BILLING CODE 7600-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on February 26, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: January 27, 1981.

[S-159-81 Filed 1-27-81; 1:26 pm]

BILLING CODE 7600-01-M

federal register

Thursday
January 29, 1981

Part II

Department of Transportation

Urban Mass Transportation Administration

Bus Rehabilitation Program Policy and Procedures; Final Rule

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 640

[Docket No. 80-A]

Bus Rehabilitation Program Policy and Procedures

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: The Urban Mass Transportation Administratrion (UMTA) is issuing a final policy and regulation for grants to aid in bus rehabilitation projects for mass transit systems. On February 11, 1980 UMTA published its proposed policy and guidelines for Federal grants for bus rehabilitation. Changes have been made as a result of comments received.

DATES: This regulation is effective on February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472-6997.

SUPPLEMENTARY INFORMATION: This regulation is considered to be significant under the criteria established by the Department of Transportation (DOT) pursuant to Executive Order 12044. Under the DOT Order, a Regulatory Evaluation has been prepared. This Evaluation has been placed in the public docket for this regulation. Copies of the Evaluation are available from the Docket Clerk, Urban Mass Transportation Administration, Room 9320, 400 7th Street, SW., Washington, D.C. 20590.

The provisions of OMB Circular A-95 apply to this Final Rule. This Final Rule covers the following programs as listed in the Catalog of Federal Domestic Assistance (CFDA).

20.205—Highway Research, Planning, and Construction (only funds used for mass transportation under 23 U.S.C. 103(e), and 142)
20.500—Urban Mass Transportation Capital Grants
20.507—Urban Mass Transportation Capital and Operating Assistance Formula Grants

A notice of proposed rulemaking (NPRM) was published on February 11, 1980 (45 FR 9244). Comments were invited through March 27, 1980. A total of 100 written comments were received. In developing the final regulation, UMTA has given consideration to all comments received. Based upon comments received, changes have been made to the regulation. The sections that have been revised or that are the subject of major interest are discussed below.

Discussion of Comments Received and Changes to the Regulation

The purpose of the NPRM was to propose a flexible and cost-effective approach to expand transit capacity through Federal funding of rehabilitation of buses and to request comments on this regulation and the potential impacts of an on-going bus rehabilitation program.

Many commentors requested clarification of the definition of "rehabilitation" and identification of the conditions under which rehabilitation is more cost-effective than purchasing new buses. Based upon the responses to the NPRM and the experience to date with rehabilitated buses, UMTA has confirmed its initial determination that very little useful, objective data are available at the present time for quantitative measurements or specific assessments of the impacts, outlined in the NPRM, of a long-term bus rehabilitation program. This regulation, therefore, establishes policy and requirements for implementation of bus rehabilitation activities. The requirements do not impose detailed bus rehabilitation procedures nor establish a minimum threshold level of rehabilitation work but rather set forth the overall concept of rehabilitation by describing and prioritizing eligible rehabilitation work. UMTA will continue to encourage bus rehabilitation and monitor operators' experience with rehabilitated buses such as reliability and operating costs to develop more precise data for establishing the economic feasibility of a long-term bus rehabilitation alternative.

Many of the commentors questioned the fundamental necessity of the proposed funding formula which stated that the cost of rehabilitation may not normally exceed sixty percent of the average annual amortized value of a new bus based on a twelve year life, multiplied by the number of years the bus life is extended. Some commentors interpreted the example used in applying the formula as a fixed limitation upon eligible costs and the extended useful life of a rehabilitated bus. The example used in the NPRM was for illustrative purposes only. While we agree with the commentors that there is no simple procedure with which to judge the worthiness of the bus rehabilitation alternative because of the unique characteristics of each transit operator's needs, it is because of this very concern that UMTA proposed, and will retain, a funding formula in order to increase the probability that a worthwhile investment is being made.

Several commentors objected to the 60% cap in the proposed formula stating that it put an unrealistic limitation upon bus rehabilitation costs which could range from $30,000 to $70,000 per bus. Using the current price of an inaccessible bus at $120,000 and applying the proposed formula using a 60% cap for 5 years extended life, the UMTA share would be $24,000, plus $16,000 which would be the Federal share (80%) of $20,000 for accessibility features for the handicapped. In recognition of the concern that the proposed formula utilizing a 60% cap is somewhat restrictive, and to accommodate a more realistic median figure, (approximately $32,000 Federal share for 5 years, $64,000 for 10 years) the 60% cap has been raised to 70%. UMTA will provide additional funding for accessibility features for handicapped persons above and beyond this level.

The following examples illustrate the application of the formula allowing for the increased costs of bus rehabilitation to be 70 percent of the average annual amortized capital cost of a new bus (normally 12 years), multiplied by the number of years the rehabilitated bus life is to be extended, using an 80% Federal share.

Example No. 1

The first example assumes the cost of a new bus without handicapped accessibility features to be $120,000; 70% cap; the extended life to be 5 years.

$120,000 ÷ 12 years (life of new bus) (average annual amortized value)	$10,000
70 percent (cap) of $10,000	7,000
5 years (extended life) × $7,000 (total project cost)	35,000
Accessibility features	+ 20,000
	55,000
80 percent (Federal share) of $55,000	44,000

Example No. 2

The second example assumes the cost of a new bus without handicapped accessibility features to be $120,000; 70% cap; extended life to be 8 years.

$120,000 ÷ 12 years (life of new bus) (average annual amortized value)	$10,000
70 percent (cap) of $10,000	7,000
8 years (extended life) × $7,000 (total project cost)	56,000
Accessibility features	+ 20,000
	76,000
80 percent (Federal share) of $76,000	60,800

Example No. 3

The third example assumes the cost of a new bus without handicapped

accessibility features to be $120,000; 70% cap; extended life to be 10 years.

$120,000 ÷ 12 years (life of new bus) (average annual amortized value)	$10,000
70 percent (cap) of $10,000	7,000
10 years (extended life) × $7,000 (total project cost)	70,000
Accessibility features	+ 20,000
	90,000
80 percent (Federal share) of $90,000	72,000

In applying the formula, applicants should use the cost of an inaccessible bus because UMTA will provide additional funding on an 80% Federal, 20% local share basis for handicapped accessibility features or other improvements which add components to the bus' original specifications. UMTA realizes that the cost of a new inaccessible bus will fluctuate with the current market value and did not intend, in using the funding example in the NPRM, to set a limit upon this base price, nor upon the number of years a rehabilitated bus' life may be extended. The bus remanufacturers who commented were very positive in projecting the extended life of rehabilitated buses far beyond a 5 year minimum. UMTA encourages applicants to strive for the maximum extended useful life in order to achieve the best possible return on the investment made.

The majority of the comments received on the number of buses to be rehabilitated requested that the limitation of the number of buses to be rehabilitated of 100 buses or 20% of the applicant's fleet, whichever is less, be removed. As indicated in the NPRM, UMTA is concerned about the many unknown impacts of a long term bus rehabilitation program. UMTA's long term policy on bus rehabilitation will depend upon an assessment of these impacts over a lengthy period of time. Until such impacts are known, UMTA believes it prudent to continue to limit the number of buses participating in the program. It was also pointed out that no time limit was established for the number of buses to be rehabilitated at one time and that the limitation on the number of buses was prejudicial to larger transit operators. In recognition of these concerns, UMTA has changed the limitation on the number of buses to read "20% of an applicant's fleet," and has revised the regulation to indicate that the limitation will be imposed through the end of Fiscal Year 1983. This latter change will allow greater participation in the program while maintaining a reasonable limitation until the long-term impacts are ascertained.

Many requests were made to include the eligibility of 30 foot buses and commuter buses in the rehabilitation program. Although the NPRM did not state specifically that commuter buses are eligible, UMTA intended that commuter buses be included in the definition of standard transit buses. UMTA will consider funding the rehabilitation of buses less than 35 feet on a case-by-case basis.

Several comments were received concerning proposed § 640.5(b) which stated that, as a general rule, each bus to be rehabilitated be at least 12 years old. Suggestions were made that other factors, such as mileage, be used instead of or in conjunction with vehicle age to allow greater flexibility for participation in the program. In response to this concern, § 640.5(b) has been revised to include a 500,000 mileage standard in addition to the 12 year age. This mileage figure is chosen because manufacturer's maintenance procedures manuals state that with proper maintenance, buses should have a useful life of 12 to 15 years or 500,000 miles capable of 40,000 miles the twelfth year. Other commentors on this section objected to the 12 year old age requirement. As stated in the NPRM, this general position is based upon bus manufacturers guidelines and UMTA's experience that buses properly maintained will last from 12 to 15 years before requiring major rehabilitation and UMTA's desire that rehabilitation work not substitute for a good local bus maintenance program. However we recognize that extraordinary circumstances may justify a rehabilitation effort for vehicles less than 12 years old or vehicles with less than 500,000 miles. UMTA will evaluate such requests on a case-by-case basis.

Several comments were received concerning proposed § 640.5(e) which allows for the performance of bus rehabilitation activities by in-house or outside resources. The comments mainly addressed the intent of this section and pointed out that the regulation lacked clarity in that no guidelines were proposed for evaluating the relative merits of the use of either in-house or outside resources.

UMTA believes it would not be possible to develop standard guidelines for such evaluations that could apply nationally because of the diversity among transit operators specific circumstances and needs. For this reason, UMTA believes the decision of whether to perform bus rehabilitation activities in-house or use outside contractors is best left to the grant recipient. However, UMTA wishes to make it clear that normal procurement procedures and grantee labor agreement procedures must be followed. UMTA's main concern is that the rehabilitation work be done as expeditiously as possible within a predetermined time limit and budget so that the cost-effective goal of the bus rehabilitation policy is achieved.

One commentor requested that contracts with outside resources include a 12 month, 50,000 mile warranty on all rehabilitation work rather than the six month warranty proposed in § 640.5(f) of the NPRM. Proposed § 640.5(f) states that contracts include "at least" a six month warranty on all parts and labor. UMTA believes six months is a fair minimum but encourages grantees to secure a warranty for one year, if possible. A warranty for greater than six months may require additional funding. UMTA will fund the additional cost associated with a one year warranty above and beyond the funding level determined by the formula.

A few commentors questioned the need for an inspector at the site where bus rehabilitation is carried out, as proposed in § 640.5(g). This section appears to have been interpreted by some commentors as requiring an inspector if rehabilitation work is done in-house. The purpose of this section is to provide for the protection of the transit operator if work is performed by outside resources. Commentors pointed out that a full time inspector may not be necessary and that periodic inspections may be more practical. UMTA expects applicants to use their judgement in determining the extent of involvement by an inspector as long as the requirements of §§ 640.105 (f), (g) and 640.107(b) are met.

Several comments were received concerning § 640.5(h), as set forth in the proposed rule, which requires each rehabilitated bus to be equipped with features to make the bus accessible to handicapped persons, if structurally feasible. This requirement is contained in the Department's regulation implementing Section 504 of the Rehabilitation Act and other statutes. Any change in the requirement would be beyond the scope of this rulemaking. However, it should be noted that two exemptions from this requirement have been granted by the Department to date. These exemptions were granted based upon the findings that the applicants would achieve program accessibility for fixed route bus fleets, through new bus acquisitions or replacements, substantially in advance of the time required by the Department's 504 regulation (49 CFR Part 27) and that such an exemption would not materially affect the time in which program accessibility would be achieved. No

revision is made to this section of the regulation. However, the Department will consider requests for exemptions from the requirement of 49 CFR 27.67(c) on a case-by-case basis.

Several commentors expressed confusion regarding items eligible for assistance under the bus rehabilitation program formula. It is UMTA's intent that only those items that would restore the bus to near its original condition be included within the funding formula. This is done in order to maximize the use of available funds for basic rehabilitation work. UMTA will fund the Federal share of such projects as described in § 640.109(a). In addition to funding accessibility features, UMTA will consider providing the additional Federal share for eligible items such as tinted glass, air conditioning, noise reduction devices, and safety features, in addition to the rehabilitation formula funding level.

Although UMTA is not specifying a minimum level of rehabilitation work, we are concerned that many of the eligible items listed in § 640.107(d), if taken individually, would be considered operational or maintenance items. Because of our concern that the bus rehabilitation program not substitute for, or interfere with, routine bus maintenance activities, § 640.107 requires that the need to rehabilitate a bus is to be determined first on the basis of substantial deterioration of structural components and that the bus require a reasonable number of items from the supplementary and mechanical categories.

The section numbering system in the final rule is different from that in the NPRM. For example, §§ 640.1 and 640.3 in the NPRM are now §§ 640.101 and 640.103, respectively. The other section numbers have been changed likewise. This change does not represent a different ordering of the sections nor any change in their substance unless otherwise indicated. Accordingly, Title 49 of the Code of Federal Regulations is amended by adding a new Part 640 to read as follows:

PART 640—BUS REHABILITATION PROGRAM, POLICY AND REGULATIONS

Sec.

640.101 Purpose and policy.
640.103 Applicability.
640.105 Requirements.
640.107 Eligibility criteria.
640.109 Funding determination.
640.111 Project requirements.

Authority: 49 U.S.C. 1602 and 1604; 23 U.S.C. 103 and 142; 49 CFR 1.51.

§ 640.101 Purpose and Policy.

(a) The purpose of this part is to set forth the Urban Mass Transportation Administration's policies and procedures for the administration of its bus rehabilitation program for urban transit buses.

(b) UMTA will participate in the funding of the rehabilitation of buses subject to the conditions stated in this Part, in order to provide a limited and definitive framework within which to explore the many unknown impacts of an ongoing bus rehabilitation program.

§ 640.103 Applicability.

(a) This policy is applicable to the following funds administered by UMTA—Discretionary Grant Funds (Section 3) 49 U.S.C. 1602; Formula Grant Funds (Section 5) 49 U.S.C. 1604; Interstate Transfer Funds 23 U.S.C. 103(e); and Federal-Aid Urban System funds 23 U.S.C. 142.

(b) The bus rehabilitation program applies to standard transit buses used in mass transit service, including commuter buses used in standard transit service, that are 35 feet and over.

(c) UMTA will consider funding the rehabilitation of other vehicles, using the requirements of this Part to the extent feasible, on a case-by-case basis.

(d) The requirements in § 640.105 apply to all bus rehabilitation proposals. However, UMTA will consider the merit of each proposal for funding of bus rehabilitation, and will review proposals on a case-by-case basis if the proposal varies from the requirements.

§ 640.105 Requirements.

(a) Through the end of Fiscal Year 1983, UMTA will participate in bus rehabilitation projects of 20 percent of an applicant's bus fleet.

(b) Buses must be selected for a rehabilitation project in lots based on a common feature that gives reasonable assurance that they are part of an identifiable group with roughly similar rehabilitation needs (e.g., date of entering service, mileage, visible signs of corrosion).

(c) As a general rule, each bus to be rehabilitated should be at least 12 years old or have accumulated 500,000 miles. If a prospective grantee believes that extraordinary conditions or circumstances warrant the rehabilitation of buses that are less than 12 years old or have accumulated less than 500,000 miles, UMTA will review the specific circumstances of such a proposal on a case-by-case basis, and, in addition to requiring a sound program for the rehabilitation work, will pay particular attention to the grantee's program for routine bus maintenance.

(d) The rehabilitation of a bus is intended to extend its service life to at least seventeen years from the date of the bus' original entry into service, but in no case should the extended service life of a bus last less than five years. The extent of UMTA's participation in a given project is based upon the number of years a bus' service life is prolonged.

(e) The full cost of rehabilitation may not normally exceed seventy precent (70%) of the average annual amortized value of a new bus (based on a twelve year life), multiplied by the number of years the bus life is projected to be extended. The Federal share will be determined as described in § 640.109(a). This formula does not include the retrofit of accessibility features for the handicapped or other improvements which add components to the bus' original specifications. UMTA will fund the Federal share of the additional costs of handicapped accessibility features on rehabilitated buses and will consider funding the Federal share of additional costs of new equipment such as noise suppression devices, safety equipment, and air conditioning apart from the funding formula.

(f) Bus rehabilitation activities may be performed with grantee in-house capability or such capability may be procured from outside sources. Normal procurement procedures and grantee labor agreement procedures must be followed. Bus rehabilitation may not be a substitute for routine bus maintenance, and, if performed in-house, must not in any way interfere with regular bus maintenance activities. UMTA's operating assistance program is the primary source of funds in support of regular operational maintenance.

(g) Bid documents for rehabilitation must require rehabilitation to a performance level commensurate with the bus' original condition, within the limits of readily available parts, and provide a balance among structural, cosmetic and mechanical rehabilitation. Contracts for work must include at least a six month warranty on parts and labor.

(h) If the rehabilitation work is done through a contract with outside resources, grantees shall have an inspector at the site where bus rehabilitation work is carried out. The inspector will be responsible for final determination of the extent of rehabilitation work to be done. The inspector is also responsible for monitoring the actual rehabilitation work and ensuring that the operator's interests are protected. The transit property shall have the right to inspect the contractor's records for the rehabilitation project.

(i) Each rehabilitated bus shall conform to the requirements of 49 CFR 27.67(c) regarding the addition of accessibility features for the handicapped to renovated vehicles. Such vehicles, to the extent structurally feasible, must be equipped with these features.

§ 640.107 Eligibility criteria

(a) The need to rehabilitate a bus is to be determined first on the basis of the need for structural improvements as described in § 640.107(d)(1) of this part. This determination must be made prior to the approval of supplementary cosmetic or mechanical improvements. However, buses that exceed 15 years of service life or 750,000 miles may qualify solely on the basis of major mechanical deterioration.

(b) Applicants shall ensure that—

(1) Rehabilitation work will be done according to a predetermined timely schedule and completed no later than 12 months after the award of an UMTA capital grant;

(2) Rehabilitated buses will be maintained in good operating condition;

(3) Rehabilitated buses will be used in mass transit service through the extended life of the bus as determined by the formula specified in § 640.105; and

(4) Bus rehabilitation will be undertaken as a separate and distinct activity from bus maintenance programs.

(c) If the applicant violates the terms of this regulation, UMTA may suspend all payments under the bus rehabilitation project or require that the grantee dispose of the property.

(d) The following items are eligible for assistance under the bus rehabilitation program:

(1) Structural Improvements:

(i) Stepwells.

(ii) Wheelwells, wheels, bearings.

(iii) Minor structural components.

(iv) Exterior panels.

(v) Window sashes.

(vi) Doors.

(vii) Flooring.

(viii) Accessibility features for the handicapped.

(ix) Structural framing.

(x) Front axle, rear axle, bulkheads.

(2) Supplementary Improvements:

(i) Seats.

(ii) Electrical wiring.

(iii) Lighting.

(iv) Duct Work.

(v) Signs.

(vi) Control Panels.

(vii) Steering system.

(viii) Windows.

(ix) Seats.

(x) Interior sidings.

(xi) Accessibility features for the handicapped.

(xii) Interior and exterior paint.

(3) Mechanical Improvements:

(i) Engine.

(ii) Air compressor.

(iii) Transmission and drive train.

(iv) Heating, ventilation and air conditioning system.

(v) Brake drums.

(vi) Fuel system.

(vii) Exhaust system.

(e) Buses may not be rehabilitated for the express purpose of stockpiling as described in 49 CFR Part 639.

§ 640.109 Funding Determination.

(a) Bus rehabilitation projects are eligible for UMTA capital funds on an 80% Federal/20% local share funding basis. Bus rehabilitation projects funded with Interstate transfer funds could have a federal share of as much as 85% as provided in 23 U.S.C. 103(e)(4); projects funded with Federal-aid urban systems funds could have a Federal share of 75% as provided in 23 U.S.C. 142.

(b) UMTA will participate in the additional costs of retrofitting handicapped accessibility features on rehabilitated buses beyond the amount calculated by the funding formula.

(c) UMTA will participate in the additional costs of new equipment such as noise suppression devices, safety equipment, and air conditioning beyond the amount calculated by the funding formula.

(d) Costs associated with the inspector required by § 640.105(h) are eligible project costs for UMTA funding through the bus rehabilitation program.

§ 640.111 Project Requirements.

Grants made under the bus rehabilitation program are subject to all UMTA requirements for capital projects as contained in UMTA Order 1000.2.

(49 U.S.C. 1602 and 1604; 23 U.S.C. 103 and 142; 49 CFR 1.51)

Dated: January 19, 1981.

Theodore C. Lutz,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 81-2987 Filed 1-23-81; 9:34 am]

BILLING CODE 4910-57-M

federal register

Thursday
January 29, 1981

Part III

Department of Transportation

Federal Aviation Administration

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20784; Notice No. 81-2]

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: The FAA proposes to delete the provision in § 121.155 of the Federal Aviation Regulations that a supplemental air carrier or commercial operator may not use any aircraft that it does not have sole possession, control, and use of for flight for at least 6 months. This updating of the Federal Aviation Regulations would eliminate, without any derogation of safety, an unnecessary economic burden which the present rule imposes on this segment of aviation.

DATE: Comments must be received on or before March 27, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 20784, 800 Independence Avenue, SW, Washington, D.C. 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, D.C. Comments delivered must be marked: Docket No. 20784.

Comments may be examined in the Rules Docket weekdays between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Harold E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Telephone (202) 755-8716.

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 listed above. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20784." The postcard will be date/time stamped and returned to the commenter. All communications received on or before closing date for comments 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 in the Rules Docket for examination both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

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

The Proposal

Section 121.155(a) of the Federal Aviation Regulations (FAR) requires that: "No supplemental air carrier or commercial operator may use any aircraft unless—(1) It has exclusive use of the aircraft; (2) The aircraft is listed in its operations specifications; and (3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator." Exclusive use is defined in § 121.155(d), which states that "a supplemental air carrier or commercial operator has exclusive use of an aircraft if it has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving it that possession, control, and use for at least six months."

The regulations applicable to supplemental air carriers and commercial operators are unique in this respect. The regulations applicable to domestic and flag air carriers do not require exclusive use of an aircraft and the regulations applicable to commuter air carriers and air taxi operators only require the exclusive use of one aircraft with no minimum time limit on the use. Although there may have been a need for the exclusive-use requirement at the time it was adopted, there does not appear to be any justification for continuing to apply the restriction to the supplemental air carriers and commercial operators presently operating under these regulations.

In addition, § 121.45(b)(2) still requires that supplemental air carriers and commercial operators' operations specifications contain the types and registration numbers of aircraft authorized for use.

Exemptions from the exclusive-use requirement have been granted to Executive Air Fleet Corporation (EAF) to allow the owners of the aircraft which EAF leases to continue their personal use of their aircraft under Part 91 of the regulations provided the owner has operational control of the aircraft during such use. During the period of owner use, EAF is responsible for the maintenance of the aircraft in accordance with EAF's maintenance program. These exemptions from the exclusive-use requirement in § 121.155 have continued for a number of years without any adverse affect on safety.

The exclusive-use requirements of the present rule impose an economic burden on this segment of the aviation industry that cannot be justified on safety grounds. As such, the limitation is contrary to the mandate of Executive Order 12044 to eliminate to the greatest extent possible the economic penalties imposed by Federal regulations.

The proposal also responds to the petition for rulemaking filed by Executive Air Fleet Corporation on September 15, 1980. A summary of the petition is being published elsewhere in this Federal Register. This petition requests the FAA to amend § 121.155 to except from the exclusive-use requirement aircraft which are used by a commercial operator engaged in providing aircraft management services. The exception would be limited to lease agreements that provide that the commercial operator maintain the aircraft at all times under its maintenance program, but that the owner may continue his/her personal use of the aircraft. During such times of personal use, the aircraft would be operated under Part 91 of the regulations. While the petition for rulemaking proposes only a limited exception to the present rule, the FAA now proposes to delete the rule since it is no longer justified.

The Proposed Amendment

§ 121.155 [Removed]

Accordingly the FAA proposes to amend Part 121 of the Federal Aviation Regulation by removing § 121.155.

(Sec. 313(a), 314, 601, 603, 610, and 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1424, 1430, and 1431); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified above under the caption: "For Further Information Contact."

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

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

John S. Kern,

Acting Director of Flight Operations.

[FR Doc. 81-3140 Filed 1-29-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
January 29, 1981

Part IV

Department of Education

Office of Elementary and Secondary Education

Teacher Centers Program

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 240

Teacher Centers Program

AGENCY: Department of Education.

ACTION: Correction, final regulations.

SUMMARY: Technical corrections are made to the final regulations published for the Teacher Centers Program on December 8, 1980 (45 FR 80988–80993). The corrected regulations and a portion of the preamble are reprinted in full.

FOR FURTHER INFORMATION CONTACT: Dr. A. Bruce Gaarder, Room 2010, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 472–5502.

SUPPLEMENTARY INFORMATION: On December 8, 1980, the Department of Education republished the regulations for its Teacher Centers Program with several changes mandated by the Education Amendments of 1980, Pub. L. 96–374.

Our proofreading of the regulations as published revealed several typographical and other errors, including an incorrect statement that institutions of higher education are eligible for grants to plan and establish, as well as operate, teacher centers. These errors have been corrected. Changes have been made to reflect the normal rhythm of English sentences; and certain provisions that duplicate existing general regulations have been eliminated.

For the convenience of Teacher Centers applicants, the regulations and large portions of the preamble are republished here in corrected form.

Dated: January 22, 1981.

Stewart A. Baker,

Deputy General Counsel for Regulations and Legislation.

(Catalog of Federal Domestic Assistance No. 84.006, Teacher Centers Program.)

1. On pages 80988–80989, the section entitled "Supplementary Information" is revised to read as follows:

A. Statute as Originally Enacted

Section 532 of the Higher Education Act of 1965 (the Act) as enacted by the Education Amendments of 1976 (Pub. L. 94–482), authorized the Commissioner of Education (now the Secretary) to make grants to local educational agencies (LEAs) to assist them in planning, establishing and operating teacher centers.

The statute also authorized the Commissioner (now the Secretary) to use ten percent of the program's funds to make grants to institutions of higher education (IHEs) to operate teacher centers.

The program statute defined "teacher center" as a site which serves teachers from public and nonpublic schools of a State, or an area or community within a State, in which teachers with the assistance of such consultants and experts as may be necessary, may develop and produce curricula, utilize research findings, and provide training to improve the skills of teachers to enable them to meet their students' educational needs better.

A key innovation feature of the statute is the provision that each teacher center shall be operated under the supervision of a teacher center policy board. The majority of the policy board must be representative of the elementary and secondary classroom teachers to be served by the center and must fairly reflect the make-up of all school teachers, including special education and vocational education teachers. The statute also provided that the teacher center policy board shall include individuals representative of, or designated by, the school board of the LEA served by the center and at least one person representative of or designated by the IHE (with departments or schools of education) located in the area.

The statute specifies that each applicant must submit its application through the State educational agency (SEA) of the State in which the applicant is located. Only applications recommended by the appropriate SEA may be approved by the Commissioner (now the Secretary).

A notice of proposed rulemaking for the Teacher Centers Program, inviting public comment, was published in the **Federal Register** on June 13, 1977. On January 11, 1978, the U.S. Office of Education published final regulations to implement the program (43 FR 1762).

Those January 11, 1978 final regulations—

- Broadly defined the term "site."
- Described the allowable activities of a teacher center.
- Clarified the teacher center's obligation to serve non-public school teachers.
- Listed the eligible categories of participants in teacher center activities.
- Broadly stated the teacher center policy board's authority in a definition of the term "supervision" and by a provision requiring the board to participate fully in the preparation of, and to approve, the application.
- Defined "teacher" narrowly, with respect to the selection of teacher representatives constituting the majority of the teacher center policy board, to include only regular, fulltime classroom teachers engaged in teaching elementary and secondary school students.
- Indicated that the teacher representatives on the policy board must fairly reflect the makeup of all teachers in the area to be served.
- Provided options for selecting the teacher representatives to the policy board.

B. Statutory Changes

1. Education Amendments of 1978

As enacted by the Education Amendments of 1976, (Pub. L. 94–482), the original version of the Teacher Centers Program statute provided that an applicant that was dissatisfied with the recommendation of the SEA regarding its application under the Teacher Centers Program could petition the Commissioner (now the Secretary) to request further consideration of the application by the SEA. However, the Commissioner was not compelled to request further consideration, and the SEA was not compelled to honor such a request.

Section 532(c)(2) of the Teacher Centers Program statute, as amended by the Education Amendments of 1978 (Pub. L. 95–561), significantly changed the appeal process. Under the present statute the Secretary must—upon receipt of a petition from a dissatisfied applicant—request that the SEA give further consideration to the application. In addition, Section 532(c)(3) of the current statute specifies that the SEA must then transmit the application to the Secretary along with the comments and evaluation of the SEA.

2. Education Amendments of 1980

The Education Amendments of 1980 (Pub. L. 96–374) recently amended the Teacher Centers Program statute to provide that—

- At least one applicant in each State must receive a grant for the establishment of at least one teacher center.
- Educational service agencies are eligible for grants to plan, establish or operate teacher centers.
- Teacher centers must be developed "where desirable in collaboration with one or more institutions of higher education which serve teachers."
- "The use of technology and telecommunications" is included as an allowable area of curriculum development.
- "Testing" is included as an allowable focus of inservice training.

• Each teacher center policy board must include, "where appropriate, a teacher of bilingual education."

C. Overview of These Regulations

These new regulations for the Teacher Centers Program are issued to implement the changes in the program that were made by the Education Amendments of 1978 and the Education Amendments of 1980.

The regulations are being issued at this time in order to have up-to-date regulations in place prior to inviting applications for fiscal year 1981 grants under the program.

These final regulations differ from the final regulations that were published on January 11, 1978 in the following respects:

• They are organized in conformance with the Department's standard format for regulations for discretionary grant programs.

• Section 240.22 of these regulations implements the new appeal process that was added by the Education Amendments of 1978.

• Section 240.32 of these regulations implements the requirement, added by the Education Amendments of 1980, that at least one applicant in each state must receive a grant for the establishment of at least one teacher center.

• Several other provisions in these regulations (e.g., § 240.2, § 240.5, § 240.12, and § 240.13) contain new language implementing changes resulting from the Education Amendments of 1980.

• The evaluation criteria in § 240.31 reflect the applicability of standard evaluation criteria in the Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs).

D. Waiver of Proposed Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1332(b)(2)(A)), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on those proposed regulations.

However, these new regulations for the Teacher Centers Program do not differ in any substantive way from the final regulations for the Teacher Centers Program published on January 11, 1978, with the exception of the few places where they implement changes in the Teacher Centers Program that were made by the Education Amendments of 1978 and the Education Amendments of 1980. The only other difference between the final regulations that were published on January 11, 1978 and these regulations is that these regulations are organized in conformance with the Department's standard format for discretionary grant regulations. These new regulations are being published at this time so that regulations implementing the statutory changes will be in effect in time to avoid delays in selecting teacher center projects for funding during fiscal year 1981. Thus, while these regulations implement the statutory changes in the Teacher Centers Program, they do not reflect any changes in the Department's policies or administrative practices concerning the program.

For the reasons discussed above, the publication of these new regulations for the Teacher Centers Program as a notice of proposed rulemaking would be impracticable and contrary to the public interest, under 5 U.S.C. 553(b), if grants are to be made in a timely manner for fiscal year 1981. Therefore, these regulations—which do not differ substantially from the final regulations for the Teacher Centers Program that were published on January 11, 1978, except to reflect statutory changes—are published as final regulations.

On November 14, 1980, the Secretary published a notice in the **Federal Register** of the Department's intent to publish regulations necessary to implement the Education Amendments of 1980. In that notice, the Department listed the existing regulations affected by the new law and requested comments whether those regulations required information that is already being gathered by or is available from any other agency or authority of the United States. The regulations in this document are based on regulations listed in the November 14 notice. Based on any comments received and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

The Department may publish proposed regulations for the Teacher Centers Programs within the next few months. Unlike these final regulations, those proposed regulations: (1) would not apply to grants that are made for fiscal year 1981; (2) would include policy and administrative changes designed to improve the program; and (3) would be subjected to public comment. We are interested in receiving suggestions from interested persons concerning how these regulations may be improved and whether there is a need for revised regulations in the future. These suggestions should be sent to Dr. A. Bruce Gaarder, U.S. Department of Education, Room 2010, 400 Maryland Avenue, SW, Washington, D.C. 20202.

E. Citations of Legal Authority

A citation of statutory authority is placed in parentheses on the line following each substantive provision of these regulations. References to "section" in the citations of authority following the provisions of the regulations refer to sections of the Higher Education Act of 1965, as amended.

2. On pages 80989–80993, Part 240 is revised to read as follows:

PART 240—TEACHER CENTERS

Subpart A—General

Sec.

240.1 What is the purpose of the teacher centers program?
240.2 Who is eligible to receive grants?
240.3 Who is eligible to be served by a teacher center?
240.4 What regulations apply to this program?
240.5 What definitions apply to this program?

Subpart B—What Kinds of Projects Are Assisted Under This Program?

240.10 What types of projects are assisted?
240.11 What area is served by a teacher center?
240.12 What activities may a teacher center perform?
240.13 How is the teacher center policy board formed?
240.14 How are the funds distributed among applicants?
240.15 What costs are allowable?

Subpart C—How Does One Apply for a Grant?

240.20 Where and to whom must an applicant submit its application?
240.21 What is the role of SEAs reviewing applications?
240.22 What are the procedures for appealing the SEA's recommendation?
240.23 What information must be included in an application?

Subpart D—How Does the Secretary Make a Grant?

240.30 How does the Secretary evaluate an application?
240.31 What are the evaluation criteria?
240.32 Is at least one teacher center supported in each State?
240.33 For what services are SEAs compensated?
240.34 What amount of compensation do SEAs receive?

Authority: Section 532 of Title V–B, of the Higher Education Act of 1965, as enacted by Section 153 of the Education Amendments of 1976 (Pub. L. 94–482), and amended by Section 1321 of the Education Amendments of 1978 (Pub. L. 95–561) and by Section 503–504 of the Education Amendments of 1980 (Pub. L. 96–374).

Subpart A—General

§ 240.1 What is the purpose of the Teacher Centers Program?

The purpose of the Teacher Centers Program is to meet the professional needs of teachers as defined by teacher center policy boards, thus enabling teachers to meet their students' educational needs better by—

(a) Providing financial assistance to local educational agencies (LEAs) and educational service agencies for planning, establishing, and operating teacher centers; and

(b) Providing financial assistance to institutions of higher education (IHEs) for operating teacher centers.

(Section 532; 20 U.S.C. 1119a)

§ 240.2 Who is eligible to receive grants?

The following agencies and institutions are eligible to apply for and receive grants:

(a) Local educational agencies (LEAs).

(b) Educational service agencies.

(c) Institutions of higher education (IHEs)

(d) A combination of either or any of the above agencies or institutions.

(Section 532; 20 U.S.C. 1119a)

§ 240.3 Who is eligible to be served by a teacher center?

In addition to teachers as defined in § 240.5 of this part, the persons to be served by a teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, preschool teachers, teachers of adults below the college level, counselors, principals, other admininstrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act.

(Section 532(a); 20 U.S.C. 1119a(a))

§ 240.4 What regulations apply to this program?

The following regulations apply to the Teacher Centers Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this part.

(20 U.S.C. 1221e-3(a)(1))

§ 240.5 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms in this part are defined in 34 CFR Part 77.

Applicant
Application
Department
EDGAR
Grant
Grantee
Local educational agency (LEA)
Nonpublic school
Project
Project period
Public
Secretary
State
State educational agency (SEA)

(20 U.S.C. 1232)

(b) The following terms apply specifically to this part:

"Act" means Section 532 of the Higher Education Act of 1965 as enacted by Pub. L. 94-482 and amended by Pub. L. 95-561 and Pub. L. 96-374.

(Section 532; 20 U.S.C. 1119a)

"Educational service agency" means an intermediate school district, county school district or board of cooperative education services, officially recognized by a State, which performs administrative or service functions for local educational agencies (LEAs), including but not limited to handicapped education programs, inservice and preservice training, computer services and curriculum development.

(Section 532; 20 U.S.C. 1119a)

"Institution of higher education" means an educational institution as defined in Section 1201(a) of the Higher Education Act of 1965, as amended.

(Section 1201(a); 20 U.S.C. 1141(a))

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Section 532(b); 20 U.S.C. 1119a(b))

"Teacher" means only a regular full-time classroom teacher engaged in teaching elementary or secondary school students, including a teacher of special education, vocational education, or bilingual education.

(Section 532(b); 20 U.S.C. 1119a(b))

"Testing" means the knowledge and procedures needed for complete understanding of the theory, production and use of any means, informal or formal, for measuring the achievement of students or other effects upon students resulting from school attendance.

(Section 532(a)(2)(B); 20 U.S.C. 1119(a)(2))

Subpart B—What Kinds of Projects Are Assisted Under This Program?

§ 240.10 What types of projects are assisted?

The Secretary makes grants to plan, establish, or operate teacher centers.

(Section 532(f); 20 U.S.C. 1119a(f))

§ 240.11 What area is served by a teacher center?

A teacher center serves teachers employed in both public and nonpublic schools (if nonpublic schools are located in the area to be served and choose to participate in the teacher center) of—

(a) A portion of a single school district;

(b) An entire school district; or

(c) Any number of school districts in a State.

(Section 532; 20 U.S.C. 1119a)

§ 240.12 What activities may a teacher center perform?

The teachers served by a teacher center are afforded the opportunity, where desirable in collaboration with one or more IHEs that serve teachers, to—

(a) Develop and produce curricula (including modifications or adaptations of existing curricula and the uses of technology and telecommunications) designed to meet the educational needs of the students served by the teachers;

(b) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

(c) Provide training designed to—

(1) Enable the teachers to meet their students' special educational needs better (including training to enable teachers to implement specific curricula effectively); and

(2) Familiarize the teachers with developments in curriculum and educational research, including testing and the use of research to improve teaching skills.

(Section 532(a)(2); 20 U.S.C. 1119a(a)(2))

§ 240.13 How is the teacher center policy board formed?

(a) *Composition.* Each teacher center must be operated under the supervision

of a teacher center policy board composed as follows:

(1) The majority of the members of the policy board shall be representative of all the teachers in the area to be served by the center, including—

(i) Teachers who provide special education for handicapped and exceptional children;

(ii) Teachers of vocational education; and

(iii) Where appropriate, teachers of bilingual education.

(2) The policy board must include two or more persons representative of, or designated by, the school board(s) of the LEA (or LEAs) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(4) If the area to be served includes more than one LEA or more than one IHE with a department or school of education, each agency or institution must be represented on the teacher center policy board under paragraphs (a) (2) or (3) of this section. A person designated to the teacher center policy board under paragraph (a)(3) of this section may represent more than one IHE.

(b) *Representativeness.* (1) Each grantee must assure that the majority of the board is representative of teachers by—

(i) Making the categories of teachers (e.g., vocational education teachers, special education teachers, bilingual education teachers (where appropriate), and other teachers at both elementary and secondary levels) fairly reflect the categories of teachers in the area to be served, including equitable representation of nonpublic school teachers (if there are nonpublic schools in the area to be served which choose to participate in the teacher center); and

(ii) Selecting the teacher members composing the majority of the board by one of the following options:

(A) Agreement between the LEA and the teachers' collective bargaining agent—

(*1*) As to the specific teacher representatives; or

(*2*) As to the procedures for selecting the teacher representatives.

(B) Appointment of the teacher representatives by the teachers' collective bargaining agent.

(C) Appointment of the teacher representatives by the teachers' organization with the largest number of members.

(D) Voting in which all teachers in the area to be served by the center have an opportunity to participate, either through a general or school-by-school election.

(E) Another method which permits teachers generally, either directly or through their teachers' organization, to nominate or select the teacher representatives on the board.

(F) A combination of two or more of the options in paragraphs (b)(1)(ii)(A) through (E) of this section.

(2) The options described in paragraph (b)(1)(ii) of this section apply both to teacher centers serving teachers within a single LEA and to teacher centers serving teachers in more than one LEA.

(3) In case of a teacher center serving an entire State, in addition to the options under paragraph (b)(1)(ii) of this section, the teacher members composing the majority of the board can be appointed by one or more State-level teachers' organizations.

§ 240.14 How are the funds distributed among applicants?

(a) The Secretary sets aside 10 percent of the amount appropriated under the Teacher Centers Program to fund applications from IHEs to operate teacher centers, but only if there are sufficient applications from IHEs that receive the 50 point minimum to be considered for funding under the evaluation criteria in § 240.31.

(b) After setting aside funds for grants to IHEs under paragraph (a) of this section and funds for compensating SEAs for their activities under § 240.34, the Secretary uses the remaining funds for grants to LEAs and educational service agencies.

(c) In the case of a joint grant to a combination of one or more IHEs and one or more LEAs or educational service agencies, the amount of the grant charged to the 10 percent set-aside for IHEs is determined—

(1) According to the amount budgeted in the approved application for IHEs; or

(2) If separate amounts for applicants are not budgeted in the application, according to the ratio of IHEs to all recipients of the grant.

(Section 532; 20 U.S.C. 1119a)

§ 240.15 What costs are allowable?

In addition to the costs specified as allowable in EDGAR, the following costs are allowable under the Teacher Centers Program:

(a) Released time or payment for substitutes to enable teachers to participate in activities of the teacher center.

(b) Expenses of the teacher center policy board, including payment of released time or substitutes to enable its teacher members to participate in activities of the board, but not including the expenses of preparing an application for a grant under the Teacher Centers Program.

(Section 532(a)(2) and (e); 20 U.S.C. 1119a(a)(2) and (e))

Subpart C—How Does One Apply for a Grant?

§ 240.20 Where and to whom must an applicant submit its application?

Each applicant for a grant under the Teacher Centers Program must submit an application to the Secretary through the SEA of the State in which the applicant is located.

(Section 532; 20 U.S.C. 1119a)

§ 240.21 What is the role of SEAs in reviewing applications?

The Secretary will not approve an application unless—

(a) The SEA of the State in which the applicant is located has reviewed the application, made comments thereon, recommended that the application be approved, and transmitted the application to the Secretary for approval; and

(b) The appropriate SEA has given an assurance that it will provide technical assistance to each center, and will adequately disseminate information derived from the center, including information on how the SEA will carry out the technical assistance and dissemination and a projected budget for those activities.

Cross-reference. See EDGAR 34 CFR 75.150—75.154 State approval procedures.

(Section 532(d); 20 U.S.C. 1119a(d))

§ 240.22 What are the procedures for appealing the SEA's recommendation?

(a) Any LEA, educational service agency, or IHE that is dissatisfied with the recommendation of the SEA regarding its application may petition the Secretary to request further consideration of the application by the SEA.

(b) In the event of such an appeal, the Secretary requests further consideration by the SEA.

(c) After the SEA receives a request for further consideration from the Secretary, the SEA shall transmit the application to the Secretary along with the SEA's comments and evaluation.

(Section 532(c)(2) and (f); 20 U.S.C. 1119a(c)(2) and (f))

§ 240.23 What information must be included in an application?

(a) Each application must include—

(1) Designation of the specific area, school district(s), and schools, both

public and nonpublic, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application and has approved it as submitted;

(3) A statement of the means for assuring equitable participation by nonpublic school teachers on the teacher center policy board and in receiving the center's services, or documentation that there is no nonpublic school in the area to be served, or that nonpublic schools in the area to be served have chosen not to participate;

(4) A one-page abstract of the proposed project; and

(5) A plan of operation which must include a statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined.

(b) With respect to an application to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(c) An IHE shall include in its application, in addition to other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those LEAs with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board.

(Section 532(f); 20 U.S.C. 1119a(f))

Subpart D—How Does the Secretary Make a Grant?

§ 240.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 240.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses at the beginning of that criterion.

(d) An application must receive a minimum of 50 points to be considered for funding.

§ 240.31 What are the evaluation criteria?

In evaluating an application the Secretary considers:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly; and

(vi) A clear description of how the applicant will provide for participation of teachers employed at nonprofit private schools that choose to participate in the teacher center.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel who will be used on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will be required to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications for a position, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce date that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Authority of policy board.* (10 points)

The Secretary reviews each application for information that shows the extent of the teacher center policy board's authority and responsibility for supervision of the project.

(g) *Potential for increasing teacher effectiveness.* (20 points)

The Secretary reviews each application for information that shows the potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students.

(h) *Adequacy of dissemination.* (3 points)

The Secretary reviews each application for information that shows the adequacy of provisions for dissemination of the results of the project.

(i) *Size, scope, and duration.* (5 points)

The Secretary reviews each application for information that shows the appropriateness of size, scope, and duration of the project so as to secure productive results.

(j) *Potential impact on inservice training.* (15 points)

The Secretary reviews each application for information that shows the potential of the teacher center to affect and improve the grantee's overall program of inservice training for teachers.

(k) *Representativeness of policy board.* (10 points)

The Secretary reviews each application for information that shows the representativeness of the teacher center policy board required under § 240.13.

(l) *Support of new or expanded activities.* (5 points)

The Secretary reviews each application for information that shows the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources.

(Section 532; 20 U.S.C. 1119a)

§ 240.32 Is at least one teacher center supported in each State?

In selecting projects for funding, the Secretary ensures that, in each fiscal year for which funds are appropriated under the Teacher Centers Program, at least one teacher center in each State receives funds under the program if at least one applicant in that State submits an approvable application. If necessary to meet this requirement, the Secretary may waive the 50 point minimum in § 240.31.

(Section 531; 20 U.S.C. 1119)

§ 240.33 For what services are SEAs compensated?

The Secretary compensates SEAs for the cost of the following services performed in connection with the Teacher Centers Program:

(a) Reviewing and commenting on applications.

(b) Submitting applications to the Secretary after approval.

(c) Providing technical assistance to funded centers. Allowable technical assistance expenses of the SEA may include—

(1) Consulting services rendered at the teacher center site;

(2) Workshops and conferences to provide information to centers (including an exchange of information among teacher centers); and

(3) Activities of the SEA to obtain information incidental and necessary to the provision of technical assistance to funded centers in its State.

(d) Disseminating information resulting from activities of funded centers.

(Section 532 (c) and (d); 20 U.S.C. 1119a (c) and (d))

§ 240.34 What amount of compensation do SEAs receive?

The Secretary sets aside one-tenth of the amount appropriated for the Teacher Centers Program for the compensation of SEAs, to be disbursed according to the following stipulations:

(a) Compensation for the combined services noted in paragraphs (a) and (b) of § 240.33 is at a rate per application set by the Secretary not to exceed prevailing rates for similar services.

(b) The remainder of the sum reserved for SEAs is made available to carry out functions described in paragraphs (c) and (d) of § 240.33.

(c) An SEA is compensated for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the center bears to the total funds awarded to teacher centers in the fiscal year.

(Section 532(d); 20 U.S.C. 1119a(d))

[FR Doc. 81-3335 Filed 1-28-81; 8:45 am]

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Thursday
January 29, 1981

Part V

Department of Transportation

Research and Special Programs Administration

Intermodal Portable Tanks

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 174, 176, 177, and 178

[Docket No. HM-167; Amdt. Nos. 107-8, 171-60, 172-65, 173-144, 174-40, 176-13, 177-53, 178-65]

Intermodal Portable Tanks

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 use of two new packaging specifications for intermodal portable tanks. These new portable tank specifications are designated Specification IM 101 and IM 102.

Included in the final rule are requirements governing the maintenance and usage of such tanks and the procedures whereby the Associate Director for Hazardous Materials Regulation, MTB, may designate agencies to approve DOT Specification IM 101 and IM 102 portable tanks. This rule also indicates those hazardous materials that are authorized for transportation in Specification IM 101 and IM 102 portable tanks and sets out certain safety requirements. Certain other special provisions necessary to ensure safe transportation of authorized hazardous materials in intermodal portable tanks are contained in the IM Tank Table which is published separately. (See "ADDRESS.")

These regulatory actions will facilitate the international transport of hazardous materials by implementing standards that, while not identical, are compatible with recognized worldwide standards for portable tank design and construction developed by the intergovernmental Maritime Consultative Organization (IMCO) and the United Nations (UN) Committee of Experts on the Transport of Dangerous Goods. Also, this rule will eliminate a substantial number of DOT exemptions for these types of tanks and thereby reduce administrative burdens associated with filing and processing exemption requests.

EFFECTIVE DATE: This amendment is effective May 1, 1981.

ADDRESS: Copies of the IM Tank Table and any subsequent amendments are available from the Associate Director for Hazardous Materials Regulation through the Dockets Branch (DCA-22), Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906) or Hattie M. Mitchell (202-426-2075), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On December 11, 1978, the MTB published a notice of proposed rulemaking (NPRM) under Docket HM-167, Notice No. 78-12 (43 FR 58050) which proposed to authorize the use of two new packaging specifications for portable tanks. Specifications for these proposed intermodal (IM) portable tanks were based primarily on international standards. Interested persons were invited to participate in the rulemaking process, and all comments received were given full consideration by the MTB.

The majority of the commenters were in agreement with the MTB that the requirements to be adopted under HM-167 should be compatible with standards in the "Recommendations on Multimodal Tank Transport" adopted by the UN Committee of Experts, and standards specified in the IMCO Code.

Based on these comments and the desire of the MTB to harmonize HM-167 with international standards, the IM portable tank specifications are designated as IM 101 and IM 102 (instead of the proposed IM 100 and IM 101) to correspond with the similarly designed and constructed IMCO Type 1 and IMCO Type 2 portable tanks. In addition, measurements in the final rule are specified in metric and nonmetric units to eliminate possible discrepancies in conversions.

A major effort has been made to harmonize this rule with the UN Recommendations by use of an IM Tank Table patterned after the lists of dangerous goods permitted for transport in portable tanks which appear in the IMCO and UN recommendations. Prior to use of an IM tank for transportation of a hazardous material, the person offering the material must determine from the Table if the tank is authorized for the material and, if so, what special requirements apply. Some of the requirements are maximum allowable working pressure, pressure relief device configuration, and bottom outlet configuration for various materials authorized for transportation in an IM portable tank.

The Impact of Rulemaking on Existing Exemptions

It is the MTB's intention that, to the maximum extent possible, existing intermodal portable tanks authorized for use under an outstanding exemption be covered under this rule thereby eliminating the need for the exemption. The MTB has decided, however, that in order to be allowed to be re-marked as a specification IM portable tank, an existing intermodal tank must, as a minimum, conform to the basic provisions of this rule.

Accordingly, each owner or manufacturer of an intermodal portable tank which is in service under a DOT exemption or was constructed under a DOT exemption on or before May 1, 1981, should examine the tank and the tank drawings to determine if the tank meets the requirements of an IM 101 or IM 102 specification portable tank. In order to be marked and used as an IM 101 or IM 102 tank, the tank must be modified, re-rated and re-marked as specified by § 173.32a(d) herein according to the proper specification by May 1, 1983. The following tanks may be re-marked as a DOT specification tank:

1. A tank in full compliance with an IM 101 or IM 102 specification.
2. A tank that is modified and brought into full compliance with an IM 101 or IM 102 specification. (These modifications may include but are not limited to, the resetting, replacement, or the addition of pressure relief devices).
3. A tank which, while otherwise in conformance with an IM 101 or IM 102 specification, has its pressure relief device sited on the top of the tank within 12 degrees of the top longitudinal centerline, provided the inlet of each pressure relief device is in the vapor space of the tank.
4. A tank constructed of austenitic stainless steels which, while otherwise in conformance with the IM 102 specification (e.g. § 178.270-5), has an absolute minimum equivalent head and shell thickness of not less than 3.0 mm (0.118 inches).
5. A tank with an outside diameter greater than 1.8 m (5.9 feet) constructed of other than the reference mild steel which, while otherwise in conformance with the IM 101 specification, has a minimum shell thickness not less than the value derived from the formula in § 178.270-5(c) based on a required thickness of the reference steel equal to 6 mm (0.236 inches).

The requirement for location of pressure relief devices along the top longitudinal centerline is to preclude

discharges of liquid lading to an extent considered practical. This requirement will increase the level of safety at no additional cost for newly constructed portable tanks. The MTB has sought, in relaxing the location requirement for pressure relief devices on existing portable tanks, to reduce required modifications while maintaining safety.

For the minimum wall thickness, the UN/IMCO standards specify nonequivalent metric and nonmetric values of 3.00 mm/0.125 inches for IMCO Type 2 portable tanks and 6.00 mm/0.250 inches for IMCO Type 1 portable tanks. In the final rule, for new construction, the MTB has equated the more conservative nonmetric value to its equivalent metric value (i.e., 3.18 mm/0.125 inches and 6.35 mm/0.250 inches). For existing tanks, however, the MTB has determined that a tank under exemption built to the UN/IMCO metric standards provides adequate safety, and absent other areas of nonconformance, tanks meeting these standards may be re-marked as DOT specification tanks.

The owner of a portable tank under exemption which is remarked as an IM 101 or IM 102 portable tank is required to forward to the Associate Director for HMR and to retain at his principal place of business a written report containing the following information:

1. A statement certifying that each tank or series of identical tanks manufactured to a single design is in compliance, except as authorized herein, with the applicable IM 101 or IM 102 specification (§§ 178.270, 178.271, 178.272).

2. The identification of the person certifying the portable tank.

3. The applicable DOT exemption number and the serial number of each tank covered by the report.

4. A summary of the modifications made to the tank to bring it into conformance with the IM 101 or 102 specifications including authorized deviations.

Hazardous materials offered for transportation in tanks which are re-marked as specification tanks, are subject to the authorizations, conditions and limitations of this final rule without regard to previous authorizations, conditions and limitations under an exemption.

After September 1, 1981, any exemption affecting a portable tank of a type covered by this final rule will not be renewed upon its expiration unless the owner or manufacturer of the tank has submitted information to the Associate Director for Hazardous Materials Regulation stating a valid reason why the tank cannot be brought into compliance with the requirements of this amendment.

A representative listing of exemptions affected by this rule is as follows:

IM Portable Tank Exemptions

3188	6556	7257	7610
4007	6564	7270	7620
5634	6569	7442	7629
5668	6757	7483	7633
5854	6799	7493	7665
5912	6858	7503	7671
5972	6864	7516	7695
6128	7005	7520	7701
6253	7010	7576	7714
6398	7014	7584	7720
6500	7066	7596	7739
7752	7908	8057	8243
7759	7925	8109	8245
7772	7931	8110	8251
7793	7938	8158	8274
7795	7997	8163	8275
7819	8000	8171	8290
7820	8002	8182	8294
7830	8005	8203	8298
7849	8012	8217	8323
7850	8015	8222	8325
7882	8021	8226	8346
7893	8046	8227	8374
7896	8047	8234	8375
7897	8056	8240	8417
7901	8252	8259	8370
8372			

AAR's Comments on the Design, Test, and Usage of IM Portable Tanks for Rail Service

The Association of Amercian Railroads (AAR) made numerous comments and recommendations with respect to the design and construction of IM portable tanks as authorized for rail transport. Because these comments relate only to rail transportation they are discussed collectively rather than in the review by sections.

AAR suggested that "AAR.600 Specifications For Acceptability of Tank Containers in COFC Service" (AAR.600) be used as a guideline for IM portable tanks in rail service. AAR pointed out that HM-167 should recognize, as does AAR.600, both the rigors of normal transportation and the extra measures of performance necessary in accident situations. The MTB and the Federal Railroad Administration (FRA), which assisted MTB in the preparation of this rule, agree with the AAR's concept of considering both normal and accident environments in setting the minimum design requirements for packagings, and these unique and severe aspects were fully considered in this rulemaking.

Minimum Design Pressure

AAR contended that the railroad industry would not accept tanks with a design pressure of less than 35 psig. This would, in effect, prohibit all IM 102 and a large number of IM 101 portable tanks from rail service. The MTB believes AAR's comment results from a misunderstanding of the permitted usage of IM 101 and IM 102 portable tanks. Unlike many DOT specification packagings which are authorized for an entire generic group of hazardous materials such as flammable liquids, IM portable tanks are authorized only for particular materials or for a limited generic group of materials according to design pressure and other characteristcis of the tank. For example, an IM 102 portable tank with a design pressure of 15 psig when used for

flammable liquids would be limited to flammable liquids, having no other hazards, with a vapor pressure below 9.2 psia at 149°F., and a flash point at 32°F. or above. Thus, a tank with a relatively low working pressure is authorized only for hazardous materials of relatively low hazard for which the tank provides an adequate level of safety. In addition, in most cases, the design of specification IM 101 and IM 102 portable tanks is controlled by the minimum thickness requirement as discussed below. Therefore, the MTB does not agree with the AAR recommendation that the working pressure of tanks authorized for rail transport must be 35 psig or higher.

Minimum Tank Wall Thickness. The AAR recommended that the minimum tank wall thickness acceptance criteria adopted in the final rule be equivalent to the thickness of plates criteria specified in AAR.600. AAR.600 requires for all tank sizes used to transport a hazardous material, regardless of the hazard severity of that material, a tank wall thickness of:

(1) ⅜ inch (0.375 inches, 9.5 mm) carbon steel; or,

(2) 8 MSG (0.1644 inches, 4.2 mm) austenitic stainless steel.

The AAR supported these wall thickness requirements by stating "Tanks in hazardous materials service via rail must have added integrity to withstand possible accidents and the ⅜" mild carbon steel thickness of AAR.600 is a calculated equivalent, taking necessary safety factors into account. The selection of 8 gauge for a minimum stainless wall is based on a comparison of the puncture data of carbon steel and stainless steel." The AAR comments did not specifically address the various minimum tank wall thickness requirements proposed in the NPRM.

In the final rule, based on consideration of the size of the tank, the tank material and the hazard properties of the material being shipped, the MTB has adopted the following minimum tank wall thickness requirements:

• For large diameter (greater than 5.9 feet) IM 101 portable tanks fabricated of austenitic stainless steel, the minimum wall thickness required is approximately 0.188 inches (depending on the properties of the material of construction) and therefore is greater than the 0.164 inches recommended by the AAR. These IM 101 portable tanks are similar in design to the majority of the IMCO type 1 portable tanks.

• For large diameter IM 101 tanks fabricated of mild steel, the minimum wall thickness required is 0.250 inches. This value for mild steel is related to the minimum wall thickness required for austenitic stainless steel by the equation in new § 178.270–5(c) which was adopted from the UN Recommendations, such that the puncture resistances for these materials are equivalent. Thus, for mild steels, the MTB believes the 0.250 inches minimum thickness requirement, even though less than the 0.375 inches recommended by the AAR, is comparable to the thickness for austenitic stainless steels supported by the AAR.

• For small diameter (5.9 feet or less) IM 101 portable tanks and for IM 102 (IMCO type 2) portable tanks, the MTB has adopted in this rule minimum tank thickness requirements that are consistent with the UN recommendations and the IMCO Code. These thickness requirements are in accord with other regulations calling for packaging integrity proportional to both the severity of hazard and the quantity of the material being transported in a packaging. As discussed earlier with respect to the minimum design pressure requirements, IM 102 tanks are limited to the carriage of hazardous materials of relatively low hazard.

The MTB does not believe that the AAR has sufficiently supported its view concerning an inadequacy in the minimum wall thickness requirements proposed in the NPRM and has not adopted the AAR's recommended minimum thickness requirements.

Dynamic Shock Loading

The AAR recommended that the tank and frame design loads for IM portable tanks authorized for rail be 2 "g" vertical combined with 3.5 "g" longitudinal and 1.5 "g" lateral for consistency with the loads encountered in rail transportation. The MTB agrees that the severity of longitudinal shock loading in the rail mode—which can exceed 3.5 "g" during switching operations and certain over the road operations such as start, stop, slack run-out and slack run-in—must be considered in order to provide an adequate level of safety through the entire life of an IM portable tank. However, the MTB and the FRA believe that the most efficient method of dealing with this shock load environment with respect to the total multi-modal transportation system is not through increased structural requirements on the specification IM 101 and IM 102 portable tanks which would result in increased unit cost, tare weight, and less efficient transportation of hazardous materials. Rather, the MTB and the FRA believe IM 101 and IM 102 portable tanks, when shipped by rail, should be shipped under conditions approved by the Associate Administrator for Safety, FRA, including a requirement that rail cars have end-of-car cushioning or its equivalent. Such cushioning reduces over-the-road shock to below 2 "g" longitudinal and substantially reduces coupling shocks. The requirement for FRA approval of IM portable tanks has been added in § 174.63. In addition, a requirement that IM portable tanks not be coupled with excessive force has been added in § 174.84 to reduce high longitudinal shocks.

Safety Vents

The AAR pointed out that the current regulations do not authorize the use of safety vents (frangible discs) for flammable liquids shipped by tank car. The MTB agrees that such a requirement is valid for all bulk shipments of flammable liquids via rail and, accordingly, has added such a requirement for IM portable tanks in § 173.32c.

Also, in consideration of the fact that the AAR prohibits tank cars from having gravity actuated vacuum vents, the MTB has added a requirement that any vents or valves on a portable tank must be designed to provide total containment of the hazardous material in an overturn accident situation.

Portable Tanks in TOFC Service

The AAR expressed the view that the TOFC shipment of IM portable tanks is unsafe for two reasons. First, the AAR believes that there is an increased risk associated with TOFC securement, i.e., the securement of the portable tank to the motor vehicle chassis and the securement of the motor vehicle chassis to the flatcar. Second, the AAR believes that "* * * the combined center of gravity for the flatcar, chassis, and container is approximately 139" and this grossly exceeds the 98" maximum center of gravity for freight cars allowed by paragraph 2.1.3, AAR Specification M–1002."

Even though the AAR did not submit any data, calculations, or test results to support its position, the MTB feels that there may be some merit in the AAR's views. In order to obtain sufficient data to evaluate TOFC service, all sections of this rule pertaining to TOFC service have been removed and will become a part of a new rulemaking action (HM–177) entitled "Transportation of Hazardous Materials in TOFC Service". The MTB has scheduled a public hearing for February 25, 1981, at which time it will receive data, calculations and test results pertaining to the transportation of hazardous materials in TOFC service. MTB is particularly interested in receiving data, calculations, and test

results showing the effectiveness of TOFC securement and the safety effect of a high center of gravity on TOFC service. The notice of the public hearing appears elsewhere in this issue of the Federal Register.

Review By Sections

The following is an analysis and explanation by section of differences between this final rule and the NPRM. Persons interested in significant features of this rule that were not changed from the NPRM are referred to the discussion in the NPRM. Additionally, this review contains a discussion of substantive comments received in response to the NPRM.

Section 107.3. The definition of "approval agency" has been clarified and a definition of "competent authority" has been added.

Sections 107.401–107.405. These sections have been completely revised. Under Part 107, Subpart E, approval agencies will be designated as such by the MTB rather than subjected to an approval process as proposed in the NPRM. It is MTB's desire that IM portable tanks approved by an approval agency designated by MTB be acceptable to other governments in the implementation of their requirements, including international standards. Agencies will be designated by the MTB if they meet the requirements and conditions specified by § 107.402.

Approval agencies may be commercial enterprises or agencies of other governments. One commenter stated "* * * on the subject of Approval Agency * *** rather than leave open to any number of acceptable approving agencies, I feel consideration should be given to another approach. I suggest that those agencies previously qualified, assuming they would still qualify, be designated as 'Approval Agencies'. On those others who apply and are qualified I believe it would be advantageous to limit the number to those who can in combination serve the need of the field but not saturate with its attendent possible problems." The MTB believes any person meeting the required qualifications should be designated as an approval agency. No effort will be taken to restrict the number of qualified applicants seeking designation as approval agencies or to impede competition in the field.

Another commenter objected to excluding IM tank manufacturers and owners from eligibility as approval agencies. The commenter contended that self-certification would not compromise safety nor jeopardize compliance. The commenter further argued that DOT presently allows manufacturer certification of certain other packagings. The MTB believes IM portable tanks should be certified by an independent inspection agency because IM portable tanks will be authorized for a broad range of hazardous materials and will be exposed to significantly different modal environments. An additional reason for the designated approval agency process is to establish a basis for their acceptability to other national governments. It is anticipated that domestic and foreign approval agencies recognized by foreign governments will apply for designation as approval agencies under this final rule. Therefore, the number of agencies necessary to approve a tank used in international transport will be minimized in that one approval agency may be able to issue approvals acceptable to many national administrations and for various modes of transport thereby reducing the burdens encountered by IM tank manufacturers.

One other commenter questioned whether in proposed § 107.404(a)(5) (which is § 107.405(b) in this final rule), it was the MTB's intent to require notification every time an inspector is hired or fired by the competent authority and all changes in managerial structure, geographic area of service, clients, etc. The commenter contended that the requirement should be revised to require notification to the Associate Director, Office of Hazardous Materials Regulation (OHMR) of only substantive changes in the information submitted in the application for designation as an approval agency. The MTB agrees with the commenter and an applicant is required by the final rule to submit considerably less information in an application than was proposed in the Notice. The MTB believes all required information is essential and is needed to evaluate an agency's continued qualifications to perform the applicable packaging approval function.

The procedures proposed in § 107.406 whereby the Associate Director for HMR may suspend to terminate a designation granted under this subchapter are adopted with a number of modifications in § 107.405 of this rule. It should be noted that § 107.405(a)(3) specifies that failure of a competent authority to recognize qualified designated approval agencies domiciled in the United States may be the basis for suspension or termination of a designation made by the Associate Director for HMR of a foreign approval agency. MTB believes this provision is necessary to assure that IM tank manufacturers will not be unnecessarily burdened with required use of different inspection agencies serving the same purpose. Obviously, if the United States recognizes the approval agency designated by another government, equal treatment should be expected of that government relative to designated approval agencies domiciled in the United States.

Section 171.7. Paragraphs (c) and (d) of this section have been amended to reflect a reference appearing in § 178.270–3 to the "ISO 82–1974(e) Steel-Tensile Testing."

Section 171.8. Definitions are added for "IM Tank Table" "intermodal portable tank" or "IM portable tank", "outage" or "ullage" and "p.s.i." or "psi."

Section 172.203. A new paragraph (1) has been added to require that any material described on shipping papers by an n.o.s. entry in § 172.101 or § 172.102 and offered for transportation in an IM portable tank have the technical name, component, chemical element or group contributing to the hazard or hazards of the material shown in parentheses.

Section 173.32a. Based on the comments the MTB received on this section several changes were made.

A commenter indicated that it appears that if an approved agency supervises the manufacture of portable tanks, it cannot remain an independent party. MTB agrees and the duties of an approval agency have been revised to reflect that these duties include functions such as review of tank designs and the witnessing of all required tests but do not extend to actually supervising the manufacture of the tanks.

This same commenter suggested that, in paragraph (a), provision to be made to permit an owner or a manufacturer to submit test data on tank designs to reduce the need for certain calculations and to provide consistency with § 178.270–2(c). Another commenter recommended that three sets of all engineering data, rather than two sets, be submitted to an approval agency (as required by § 107.404(b)) in order that the third set could be retained by a field inspector who may even be located in a different geographical location than the main office of the agency. The MTB agrees with both commenters and has made the recommended changes.

Paragraph (d) has been revised, as discussed under the section titled "Impact of This Rulemaking on Existing Exemptions", to permit re-marking of certain portable tanks covered by a DOT exemption.

The MTB has revised proposed paragraph (e) (paragraph (f) herein) in

agreement with a commenter who pointed out that only modifications affecting conformance with § 178.270, that is, the structural integrity of the tank, its support structure or its ability to retain lading, should require prior approval by an approval agency and not minor cosmetic modifications. Also, as suggested by a commenter, an owner or a manufacturer desiring modification of a tank may use another approval agency if the initial approval agency is no longer operating or is not available.

A new paragraph (g) has been added to contain procedures whereby the Associate Director for HMR may terminate an approval certificate if:

1. Information upon which the approval was based is fraudulent or substantially erroneous; or

2. Termination of the approval is necessary to adequately protect against risk to life and property.

However, except in emergency situations, before the Associate Director for HMR may terminate an approval certificate, the owner or manufacturer and the approval agency must be informed of the reasons for the termination and be provided with an opportunity to comment or to achieve compliance.

Section 173.32b. A commenter objected to use of the term "hydrostatic" and suggested that it be replaced with the word "pressure." The commenter contended that hydrostatic applies to the use of water only. While historically the term may have applied in practice to the use of water, most technical references apply the term to any liquids. Therefore, the MTB has not changed its use of the term and any suitable liquid may be used. However, requirements on hydrostatic testing in paragraph (a)(1) have been revised based on a comment that inspection of a tank for corrosion and dents while it is under pressure may not be safe. In addition, requirements in paragraph (a)(2) have been revised to require that spring loaded pressure relief valves must be removed from a tank and tested at least every two and one-half years.

Also, based on objections from several commenters of the cost and inconvenience of using an approval agency to perform the visual inspection, the MTB is permitting the 2½ year interval visual inspection to be satisfied by an owner or his agent or, as proposed in the NPRM, by an approval agency. The MTB has revised these requirements to require that a visual inspection be performed at the time a hydrostatic test is due.

A new paragraph (c) has been added to inform owners of portable tanks meeting the definition of a container (49 CFR 450.3(3)) that these tanks must be offered for international transportation in accordance with the applicable requirements of Parts 450 through 453 of this title. The applicable provisions of these parts are primarily limited to the container frame and attachments for portable tanks.

Based on several comments, in paragraph (d), an alternate location has been provided for test markings. The markings for the hydrostatic test and the visual inspection test required by this section may be marked on the side of a tank near the identification plate, or may be stamped on the identification plate.

The MTB also agrees with a commenter that relief devices in deteriorated or damaged portable tanks that are being repaired or retested, need not be retested unless there is reason to believe that the relief devices are damaged or deteriorated. However, in either case, the valves must be removed from the tank and visually inspected for damage or deterioration. The provisions on damage or deteriorated portable tanks (proposed paragraphs (c) and (d)) have been consolidated in paragraph (e).

The recordkeeping requirements for this section are contained in a new paragraph (f).

Section 173.32c. The MTB has made several modifications to the basic requirements governing the use of specification IM 101 and IM 102 portable tanks proposed in this section.

A new requirement has been added in paragraph (c) of this section to prohibit the filling of an IM portable tank for which the prescribed periodic test and inspection under § 173.32b has become due. The MTB believes this requirement is justified in order to ensure proper maintenance of tanks. The requirement does not apply to any tank filled prior to the test due date.

Two commenters objected to the 55,000 pound gross weight limitation for IM portable tanks in the proposal as being too restrictive when compared to the ISO limit of 67,000 pounds for a 40 foot van. The MTB agrees with the commenters and has deleted the restriction. However, the MTB has added a requirement in paragraph (i) of the rule to specify that in no case may an IM portable tank be loaded to a weight that exceeds the maximum gross weight specified on the tank identification plate. The 55,000 pound gross weight restrictions also has been removed from § 173.32(a)(2).

In paragraph (j), the MTB has specified for IM portable tanks a minimum filling density of 80% by volume to limit dynamic instability that would result from lesser filling densities.

Also, a new paragraph (k) has been added to clarify that there may not be any leakage of material through a frangible disc or tell-tale device. For additional discussion, see the section review of § 178.270–11.

A large number of commenters, responding to the proposal for rear-end protection, expresed their views that the bumper requirements specified in 49 CFR 178.340–8 are not necessary for portable tanks and would place a severe economic burden on shippers. The commenters expressed the view that (1) the bumper requirements in § 178.340–8 are intended to protect the piping under cargo tanks in rear under-ride accidents, (2) that this is not a danger with portable tanks which are carried on trailers and have no exposed piping which could be damaged in under-ride accidents, and (3) the ISO frame and the head thicknesses used in IM portable tanks would provide greater inherent impact resistance when compared to cargo tanks. The MTB agrees with the commenters and has deleted the proposed bumper requirements. However, the MTB has added a requirement in paragraph (l) to preclude overhang or projection of any part of an IM portable tank when loaded on a highway or rail transport vehicle, to assure the protection provided by vehicle itself.

The procedures proposed in paragraph (d) authorizing the Associate Director for HMR to approve, under certain conditions, hazardous materials for transportation in IM portable tanks have been deleted and placed, with modifications, in new § 173.32d.

Section 173.32d. This section contains requirements whereby a person may request the Associate Director for HMR for approval to add a material to the IM Tank Table or to delete an entry from the Table. The procedures for filing an application and the required information to be included in the application are contained in the preface to the IM Tank Table. Note that paragraph (d) specifies that additions to the Table have interim status until opportunity is provided for public comment on each addition.

Section 173.116. Several commenters contended that the proposal relative to outage in paragraph (i) does not relate to UN, IMCO, or DOT cargo tank requirements and, therefore, should not be adopted. The MTB agrees with the commenters and has deleted the proposed outage requirement. See § 173.32c for requirements on filling density.

Section 173.118a. Except for an editorial change, this section was adopted as proposed in the notice.

Section 173.119 through 173.630. These sections contain various amendments to authorize carriage of hazardous materials in specification IM 101 and IM 102 portable tanks. The MTB received many comments requesting authorization to ship various hazardous materials not proposed in the notice in IM 101 and IM 102 specification portable tanks. Many of these comments dealt with specifying tank constructional features necessary to safely ship various hazardous materials. The MTB has adopted the use of the IM Tank Table to provide a clearer and more concise format for the large number of hazardous material involved and to provide harmony with international standards. The MTB carefully reviewed all the comments on hazardous materials, the UN Recommendations and IMCO Code, and the existing regulations in setting the standards in the IM Tank Table. Some materials discussed in various comments are still under review and may be added to the IM Tank Table at a later date.

Sections 174.63 and 174.84. The MTB has revised the heading to § 174.63 to include IM portable tanks and has added a new paragraph (d) to provide for COFC service under conditions approved by the Associate Administrator for Safety, FRA. Section 174.84 has been revised to provide that flat cars carrying IM portable tanks may not be coupled with excessive force. Also, see discussion of AAR's comments above.

Section 176.340. This section is adopted as proposed in the notice.

Section 177.834. This section is revised to provide that IM portable tanks may not be stacked on each other or placed under other freight during transportation by motor vehicle.

Section 178.270–1. The MTB agrees with the commenters on the proposal to this section that a vapor pressure of 43 psia at a temperature of 122°F. instead of 150°F. should be used in order to provide agreement with the criteria used for the IMCO Type 1 and Type 2 portable tank, and accordingly has revised paragraph (a). In addition, the MTB notes that this criteria prohibits the shipment of several flammable liquids (ethylene oxide, etc.), which are considered as a gas in most international regulations, in specification IM 101 tanks. This presents no conflict with DOT regulations, however, since DOT requires the shipment of these materials in high pressure tanks.

Section 178.270–2. The MTB disagrees with the commenter who stated that other acceptable experimental methods for stress analysis of a tank should be permitted to be approved by an approval agency, instead of the Associate Director for HMR, to expedite handling of such approvals. Section UG–101 of the ASME Code, which is the basis for the approval, is adaptable and should be used. Any other experimental methods need to be approved by the MTB to centralize data on such methods and to minimize duplicative review efforts.

Section 178.270–3. Sections 178.270–3 and 178.270–4 are interrelated and as a result of the incorporation of comments received, the MTB has revised both sections. Several commentors expressed confusion with respect to the materials authorized in proposed § 178.270–3 for the construction of IM 101 and IM 102 intermodal portable tanks and objected to the restriction that only ASME Code specified materials would be authorized. It is the intent of the MTB to limit the materials of construction to steel. The MTB has replaced the word "steel" with the words "carbon and alloy steels" to clarify that all types of steel manufactured to a recognized national code and meeting the specified criteria are authorized for the construction of IM 101 and IM 102 portable tanks. Materials other than steel, such as aluminum, nickel, and monel, are not authorized.

The MTB has also, in § 178.270–3, expanded the authorization for steels and the criteria for the determination of the maximum allowable stress value to permit the use of non-ASME materials by using ASME criteria for the determination of the maximum allowable stress value for the actual steel used. Two methods of deriving the maximum allowable stress values are offered. The first method allows the maximum allowable stress value to be based on the actual measured yield and tensile strengths of the group of plates used to fabricate the tank shell. The yield and tensile strength value is limited to not greater than 120 percent of the minimum values at 93°C. (200°F.) specified in the national standard used to manufacture the steel. This limiting value was chosen because yield and tensile strengths may vary in a plate. The MTB feels that 120 percent is the maximum safe variation from the guaranteed minimum national standard value. The second method allows the maximum allowable stress value to be based on the specified minimum yield and tensile strengths at 93°C. (200°F.) specified by the national standard used to manufacture the material.

Several commenters stated that the evaluation of the maximum allowable stress value at 300°F. is excessive and is not specified in either the UN Recommendations or IMCO Code. Upon review the MTB agrees that 300°F. is excessive. However, good design practice, the UN Recommendations and the IMCO Code state that in choosing a material and in determining the wall thickness for a tank, the maximum and minimum filling or working temperatures should be taken into account. Therefore, since the working pressure is based on a product vapor pressure at 149°F. for all IM 101 and IM 102 portable tanks and tank shell temperatures over the ullage volume have been measured to be in the range of 200°F, the MTB believes it is reasonable to require the stress evaluation temperature to be at least 200°F. and has amended § 178.270–3 accordingly.

A commenter stated that a gauge length of L/D=4 for the tensile test specimen should replace the L/D=5 in § 178.270–3. The MTB disagrees. A gauge length of five is used to provide harmony with the UN Recommendations for multimodal tank transport. In addition, the relationship [$L_o=5.65\ (S_o)^{1/2}$] between specimen gauge length and cross-sectional area has been added to clarify that both bar and strip specimens are authorized. Also, the MTB has specified usage of the procedures in ISO 82–1974(e) Steels-Tensile Testing. These requirements should cause no undue burden on the domestic IM portable tank industry.

Section 178.270–4. In the NPRM the MTB discussed the inconsistency between the UN/IMCO standards and the ASME requirements regarding maximum allowable stress levels for a tank. The MTB requested comments on the relative merits of both systems and also requested specific comment on the following three issues:

(a) The potential that safety would be compromised if a 3:1 factor of safety was to be applied in certain cases;

(b) Any potentially significant barriers to trade that could result from the use of the stress level limitations proposed in the NPRM that are inconsistent with those in the international standards; and,

(c) The extent to which tanks constructed to a 3:1 factor of safety are actually in use throughout the world and reports of relevant transportation experience concerning such tanks.

The MTB received 11 comments on the maximum allowable stress value. The commenters included foreign tank manufacturers, domestic and foreign shippers and carriers, and an approval agency. The opinions expressed by the commentors fell into three groups: those supporting a 3:1 factor of safety; a 4:1 factor of safety; and a 3:1 factor of

safety provided adequate safety is demonstrated.

One of the six commentors who supported the 3:1 factor of safety proposed other control measures which would in effect result in a tank with a factor of safety greater than 4:1. Cost was the principal reason for support of the 3:1 factor of safety. Other reasons cited were the adequacy of the 3:1 factor of safety and the adverse affect of inconsistent stress levels on the free movement of the tanks in international trade.

Unfortunately, the MTB did not receive any analysis or data to support either the 4:1 or 3:1 factor of safety. Thus, the MTB evaluated the two systems based on available data and the physical requirements of the two systems to define the safety and economic effects of the inconsistencies between the two systems.

For austenitic stainless steel, the ASME Code limits the maximum allowable stress at test pressure to the lower of 93.75 percent of the specified minimum yield strength determined at the 0.2 percent offset. Similarly, international standards limit stress at the test pressure to the lower of 75 percent of the specified minimum yield strength at the 1.0 percent offset. When the maximum allowable stresses for these two systems are compared for specific materials, the stress is found to be essentially equal and controlled by the 75 percent of the yield strength for the UN/IMCO. In effect, the result of using either system will be a tank having approximately the same shell thickness. The MTB believes that it is advantageous to be in harmony with UN Recommendations and the IMCO Code when possible. Therefore, for austenitic stainless steels, the MTB is adopting the UN/IMCO method as well as the ASME method for specifying the maximum allowable stress levels.

For carbon and low alloy steels, the ASME Code limits the maximum allowable stress at test pressure to the lower of 93.75 percent of the specified minimum yield strength or 37.5 percent of the specified minimum tensile strength. This method utilizes a 0.2 percent offset. The ASME Code stress levels insure at all times a minimum factor of safety of 4:1 against ultimate strength (at the maximum allowable working pressure); whereas, the UN/IMCO stress levels would permit a range in the factor of safety from approximately 4:1 to approximately 3:1 against the ultimate strength at that pressure.

In the UN Recommendations and the IMCO Code, and as the MTB proposed in the NPRM, the determination of the tank wall thickness is a function of minimum wall thickness requirements as well as the maximum allowable stress requirements. In evaluating the respective influence of each of these parameters on the side walls of a tank, the MTB found that in almost all cases the minimum wall thickness requirements exceed the thickness required by hoop stress. In most of the applications for exemption received by the MTB for IM portable tanks, the "fixed minimum" wall thickness of the cylindrical shell portion as established by the IMCO Code regulations and the UN Recommendations exceed the thicknesses required by ASME. Thus, in the side walls of the tanks, the minimum thickness requirement controls the required wall thickness and the 4:1 vs 3:1 factor of safety has little effect on the tank design.

The MTB believes that IM portable tanks must be capable of resisting the bending, torsion and shear stresses created by the cyclic application of loadings. To adequately resist such forces, careful consideration must be given to the structural reinforcements in those vital areas where the mechanically induced stresses, in addition to pressure induced stresses, are significant factors. Most tank failures result from fracture starting at a flaw, crack, or stress concentration. The more common locations of stress concentrations are at openings and attachments, and it is in such areas that it is particularly important to maintain the margin of strength and safety—through added reinforcement—provided by the ASME Code. In addition, the IM portable tank specifications and the corresponding international standard do not prescribe heat treatment or radiographic examination of welds which are important requirements in tank designs having a factor of safety below 4:1. Considering all factors in the design of the IM 101 and IM 102 portable tanks, a tank designed with a 3:1 factor of safety offers no significant economic advantage in cost over a tank designed with a 4:1 factor of safety. For these reasons the MTB has adopted the maximum allowable stress values for carbon and low alloy steel as proposed.

Section 178.270–5. A new paragraph (d) in § 178.270–5 has been added to provide greater compatibility with the UN Recommendations and to provide a better definition of the minimum wall thickness requirements for portable tanks used to transport certain hazardous materials for which the IM Tank Table requires greater thickness than the standards values specified in § 178.270–5(b). In this case, the specified minimum shell and head thickness is based on the steel defined in paragraph § 178.270–5(a) and on a tank diameter of 1.8m (5.9 feet). For other materials of construction and for different diameters, the required wall thickness varies as defined by the formula (that is, thinner wall thicknesses for stronger materials of construction, thicker walls for larger diameter tanks).

The metric and nonmetric equivalencies specified for tank shell thickness in the UN Recommendations and IMCO Code are not equivalent, but are based on the closest standard plate thickness. In the final rule, minimum shell thicknesses are specified for the reference mild steel. These thicknesses must also be used as the basis for the calculation of the equivalent minimum shell thickness for other steels. The MTB has based the minimum allowed shell thickness on the larger of the standard plate thicknesses specified in the UN Recommendations and the IMCO Code.

Section 178.270–6. A new paragraph (b) has been added to require that IM portable tanks designed for international transportation must be in accordance with 49 CFR Parts 450 through 453.

Section 178.270–7. The MTB has revised § 178.270–7 to clarify the requirements for welded joints in the tank shells. The ASME Code has been referenced for weld procedures and welder performance. Additionally, the MTB agrees with several commenters that the requirement for all longitudinal welds to be in the upper half of the tank shell is too restrictive and is not practical for low pressure tanks constructed of stainless steel, which is the predominant material used for IM portable tanks. Therefore, the MTB has deleted proposed paragraph 178.270–7(b).

Section 178.270–8. Except for an editorial change, this section is adopted as proposed in the notice.

Section 178.270–9. The MTB, in agreement with a commenter, has reduced the minimum size requirements for inspection openings. In addition, for clarity, the MTB has added the requirement that each inspection opening must be located above the liquid level in any tank. This requirement is implied by both the UN Recommendation and the IMCO Code.

Section 178.270–10. A commenter recommended that the phrase "and in any case at least three pounds per square inch" be added at the end of § 178.270–10(b) to provide protection from tank collapse due to vacuum and to provide better compatibility with the UN Recommendations. The MTB agrees and has added the phrase "and in any case

at least 0.21 bar (3 p.s.i.)" to the end of paragraph 178.270–10(b).

Section 178.270–11. This section had been completely revised. To provide closer harmony with the UN Recommendation and the IMCO Code in proposed paragraph 178.270–11(a)(1) (paragraph (a)(1) herein), the cut-off point for when a portable tank must be equipped with a spring-loaded pressure relief device has been changed from a capacity of "500 gallons or more" to "more than 500 gallons." Thus, a 500-gallon tank is excluded from the requirement for a spring-loaded pressure relief device.

Two commenters argued that a certain amount of flexibility should be provided in the siting of the pressure relief devices specified in proposed paragraph (b)(2) (paragraph (b)(1) in this rule). The MTB agrees with the necessity for flexibility in the siting location but believes it is necessary to place a boundary on the allowable siting locations. A requirement for the siting pressure relief valve inlets, in the top center of the tank has been added with a specified limitation.

Two commenters pointed out that the proposed requirement in paragraph (b)(4) that the valve disc in a spring-loaded pressure relief device must be free to turn on its seats has practical drawbacks, particularly when flame-traps and anti-ice devices are installed. The MTB agrees that these drawbacks would offset any intended safety benefits and has deleted the requirement. Proper functioning of the valves is better assured by periodic valve inspection and retesting.

Two other commenters pointed out that the use of a frangible disc on the inlet side of a spring-loaded pressure relief valve for the transportation of highly corrosive materials was not addressed in the NPRM. The added requirements in paragraph (a)(3), recommended by one commenter, are based on the UN Recommendations and the IMCO Code. If a frangible disc is inserted in series with a pressure relief valve, the space between the disc and the valve must be provided with a suitable tell-tale indicator, pressure gage, needle valve, try cock, etc, to permit detection of frangible disc leakage as a result of pinholing or disc rupture. A frangible disc will not burst at the intended internal tank pressure should pressure build up in the space between the disc and the pressure relief valve. In an extreme case in which the tank is subject to a very rapid pressure rise as for example in the case of a fire, the disc may not rupture below the tank test pressure. Any possibility of pressure build up in the region between the disc and the safety relief valve would be eliminated if an open vent is used. However, such a vent would result in the release of hazardous vapors in the event of a premature failure of a frangible disc. Therefore, any tell-tale indicator for the space between the frangible disc and the safety relief valve must be designed to preclude loss of any hazardous material during transportation. After filling and prior to transportation, the tell-tale indicator must be inspected to determine that the disc is vapor tight. Instructions for the use of the tell-tale indicator must be provided in the vicinity of the indicator at all times.

A commenter stated that in proposed paragraph 178.270–11(d) (paragraph (c) herein) the primary pressure relief device setting be related to the product (total containment pressure) and not the tank (maximum allowable working pressure—MAWP) in order to remove conflict with European land mode maximum allowable relief valve settings. The setting of primary relief valves on the basis of the maximum allowable working pressure is the method used in the UN Recommendations and the IMCO Code. This method uses total containment pressure as only one of the criteria used to authorize a hazardous material in a particular tank and allows great flexibility in the commodities authorized for shipment in a particular tank. In the case where the total containment pressure is substantially below the MAWP, a greater margin of product containment is provided. Thus, the MTB believes that a change to the proposal is not necessary.

A commenter argued that in proposed paragraph (d)(1) (also (d) herein) one standard cubic foot of air per minute per 30 square feet of exposed tank area was too small a value for a minimum relief valve capacity. The MTB agrees and has revised this paragraph to include: first, a minimum valve size and capacity for each spring-loaded relief device, and second, the minimum total relief valve capacity for each tank as specified in the MC 307 cargo tank specification. This criteria has been used in the evaluation of portable tank exemption applications for many years.

Proposed paragraph 178.270–11(d)(2) (paragraph (d)(2) herein) has been revised for clarity to provide that, regardless of the pressure relief device type and design, the pressure in a tank, even in a fire situation, may never exceed the test pressure of the tank. The minimum cross sectional area requirement for vacuum relief valves was deleted from § 178.270–11(d)(1) and placed in § 178.270–11(d)(4).

Two commenters objected to usage of the tabular requirement in proposed paragraph (d)(3) for the minimum total emergency vent capacity as too restrictive and not in full harmony with the UN Recommendations and the IMCO Code. After review of these requirements, the MTB agrees with the commenters and has added as an alternative to the table, a formula based on the Compressed Gas Association's Pamphlet S–1.2 to allow the minimum emergency vent capacity to be sized for a specific hazardous material or group of materials intended for transportation in a particular IM portable tank. When this approach is used, the tank approval certificate must specify those harzardous materials that may be transported in the tank based on the reduced vent capacity.

One commenter questioned the justification for the greatly increased values in Table I, Minimum Emergency Vent Capacity, as compared with the values stated in current regulations for cargo tanks in § 178.342–5. The MTB has three reasons for using the values given in Table 1: (1) Table 1 is identical with the corresponding table given in both the UN Recommendations and in the IMCO Code; (2) the table is designed to provide a safe total venting capacity for all hazardous materials transported in IM 101 and IM 102 intermodal portable tanks; and, (3) because of the size and intermodal nature of IM 101 and IM 102 portable tanks, the probability of these tanks being in a total fire engulfment situation is higher than for a cargo tank. Therefore, the MTB has determined that the total vent capacities required in Table I are fully justified.

Several parties recommended that the MTB eliminate the high temperature insulation requirement and authorize the use of readily available insulating materials in proposed paragraph (d)(3) (paragraph (d)(5) herein). The 1200°F. requirement for the insulation and jacket materials is in full harmony with the corresponding UN Recommendations and IMCO Code. The MTB feels it is necessary to maintain this harmony for the IM 101 and IM 102 intermodal portable tanks. Also, since the total venting requirement for the tank is substantially reduced when the requirements of (f)(4) are met, it is appropriate that the thermal integrity requirements remain high. In addition, the MTB wishes to clarify that when the effects of insulation are not used to reduce the required total venting capacity, only the provisions of § 178.270–2(e) are applicable to the

insulation. The MTB has also redefined the coefficient "F" in proposed paragraph (d) (paragraph (d) in this rule) using the same relationship used by both the UN Recommendations and the IMCO Code.

Upon further consideration the MTB has revised proposed § 178.270–11(e)(2) (now paragraph (d)(6)) to authorize flow rating at 110% of the MAWP.

Section 178.270–12. Two commenters recommended that the location for internal discharge valves be expanded to include "within its companion flange." Also, they recommended the addition of a requirement for a shear section outboard of the internal discharge valve. The MTB feels the recommendations are valid and are in harmony with both DOT and international requirements and they have been adopted in paragraphs § 178.270–12 (d) and (e).

Section 178.270–13. The § 178.270–13(d) heading has been revised and the MTB has provided that a tank identical in design, except of a smaller size, to a previously tested and approved tank need not be prototype qualification tested.

Section 178.270–14. A requirement has been added in this section that the relief valve settings must be included on the identification plate of an IM portable tank to avoid confusion during inspection and testing. The provisions concerning the identification plate have been amended by the change of entries and the size of the lettering and by the addition of metric units to provide harmony with the UN Recommendation and the IMCO Code. The location for the marking of the date and identification of the witnessing or performing party for both the last visual inspection and the last hydrostatic test has been made optional to provide operational flexibility. The markings may be on the tank or on the metal identification plate in accordance with the provisions of § 173.32b(d).

Sections 178.271 and 178.272. The IM 101 and IM 102 portable tanks must be designed and constructed in accordance with the ASME Code, with the few exceptions noted in the specification. Inspection and supervision of testing, however, must be performed by an approval agency and not ASME. Therefore, the MTB has added the statement "ASME certification and stamp not required" to both § 178.271 and § 178.272 for clarity.

Also, concerning effective dates, the MTB must comply with the Federal Reports Act of 1942 and procedures administered thereunder by the Office of Management and Budget (OMB) relating to prior clearance of recordkeeping requirements imposed by Federal regulatory action. Prior OMB clearance is required with respect to the provisions adopted herein which impose recordkeeping or report preparation requirements.

MTB will inform the public through notification in the **Federal Register** when OMB clearance of these requirements has been received. It is anticipated that this clearance process will be completed prior to the effective date prescribed herein.

In consideration of the foregoing, Parts 107, 171, 172, 173, 174, 176, 177, and 178 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. In the table of sections for Part 107, a new Subpart E heading and entries are added to read as follows:

* * * * *

Subpart E—Designation of Approval Agencies

107.401 Purpose and scope.
107.402 Application for designation as an approval agency.
107.403 Designation of approval agencies.
107.404 Conditions of designation.
107.405 Termination of designation.

2. In § 107.3, new definitions for "approval agency" and "competent authority" are added in alphabetical sequence to read as follows:

§ 107.3 Definitions.

* * * * *

"Approval Agency" means an organization or a person designated by the MTB to certify packagings as having been designed, manufactured, tested, modified, marked or maintained in compliance with applicable DOT regulations.

* * * * *

"Competent Authority" means a national agency responsible under its national law for the control or regulation of the transportation of hazardous materials (dangerous goods). The MTB is the United States Competent Authority.

* * * * *

3. In Part 107, a new Subpart E is added to read as follows:

Subpart E—Designation of Approval Agencies

§ 107.401 Purpose and scope.

This subpart establishes procedures for the designation of approval agencies to issue approval certificates for packagings as having been designed, manufactured, tested, or maintained in compliance with the requirements of this subchapter and Subchapter C of this chapter. This subpart does not apply unless made applicable by a rule in Subchapter C of this chapter.

§ 107.402 Application for designation as an approval agency.

(a) Any organization or person seeking designation as an approval agency shall apply in writing to the Associate Director for Hazardous Materials Regulation (DMT–20), Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Each application must be signed and certified to be correct by the applicant or, if the applicant is an organization, by an authorized officer or official representative of the organization. Any false statement or representation, or the knowing and willful concealment of a material fact, may subject the applicant to prosecution under the provisions of 18 U.S.C. 1001, result in the denial or termination of a designation.

(b) Each application for designation must be in English and include the following information:

(1) Name and address of the applicant, including place of incorporation if a corporation. In addition, if the applicant is not a resident of the United States, the name and address of a permanent resident of the United States designated in accordance with § 107.7 to serve as agent for service of process.

(2) If the applicant's principal place of business is in a country other than the United States, a copy of the designation from the Competent Authority of that country delegating to the applicant an approval authority for the type of packaging for which a DOT designation is sought, and a statement that the Competent Authority also delegates similar authority to U.S. Citizens or organizations having designations under this subpart from the MTB.

(3) A listing, by DOT specification (or exemption) number, of the types of packagings for which approval authority is sought.

(4) A personnel qualifications plan listing the qualification that the applicant will require of each person to be used in the performance of each packaging approval function. As a minimum, these qualifications must include—

(i) The ability to review and evaluate design drawings, design and stress calculations;

(ii) A knowledge of the applicable regulations of this subchapter;

(iii) The ability to conduct or monitor and evaluate test procedures and results; and

(iv) The ability to review and evaluate the qualification of materials and fabrication procedures.

(5) A statement that the applicant will perform its functions independent of the manufacturers and owners of the packagings concerned.

(6) A statement that the applicant will allow the Associate Director for HMR or his representative, to inspect its records and facilities in so far as they relate to the approval of specification packagings and shall cooperate in the conduct of such inspections.

(c) The applicant shall furnish any additional information relevant to the applicant's qualifications, if requested by the Associate Director for HMR.

§ 107.403 Designation of approval agencies.

(a) If the Associate Director for HMR determines that an application contains all the required information, the applicant is sent a letter of designation and assigned an identification code.

(b) If the Associate Director for HMR determines that an application does not contain all the required information, the application is denied and the applicant is sent a written notice containing all the reasons for the denial.

(c) Within 30 days of an initial denial of an application under paragraph (b) of this section, the applicant may file an amended application. If after considering the amended application, the Associate Director determines that is should be denied, he notifies the applicant, and the denial constitutes the final action of the Associate Director on the application. Within 60 days of receipt of the final denial the applicant may appeal the denial to the Director, MTB, setting forth in writing where the Associate Director erred in this determination.

§ 107.404 Conditions of designation.

(a) Each designation made under this subpart contains the following conditions:

(1) The designated approval agency may use only testing equipment that it has determined, through personal inspection, to be suitable for the purpose.

(2) Each approval certificate issued by the designated approval agency must contain the name and identification code of the approval agency.

(3) Each approval certificate must be in a format acceptable to the Associate Director for HMR.

(b) The designated approval agency shall notify the Associate Director for HMR within 20 days after the date there is any change in the information submitted under § 107.402.

(c) The designated approval agency shall comply with all of the terms and conditions stated in its letter of designation under this subpart.

(d) Nothing in this Part relieves a manufacturer or owner of a packaging of responsibility for compliance with any of the applicable requirements of this title.

§ 107.405 Termination of designation

(a) Any designation issued under § 107.403 of this subchapter may be suspended or terminated if the Associate Director for HMR determines that:

(1) The application for designation contained a misrepresentation, or the applicant willfully concealed a material fact.

(2) The approval agency failed to comply with a term or condition stated in the agency's letter of designation.

(3) The Competent Authority of an approval agency of a country outside the United States has failed to initiate, maintain or recognize a qualified U.S. approval agency.

(b) Before a designation is suspended or terminated, the Associate Director for HMR shall give to the approval agency:

(1) Written notice of the facts or conduct believed to warrant suspension or termination of the designation.

(2) Sixty days in which to show in writing why the designation should not be suspended or terminated.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

4. In § 171.7, paragraphs (c)(29), (d)(23) and (f) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(29) ISO: International Organization for Standardization, Case Postale 56, CH-1211 Geneve 20, Switzerland. Also available from the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(d) * * *

(23) "ISO 82-1974(e) Steel-Tensile Testing," First Edition 1974-08-01.

* * * * *

(f) The material listed in this section has been approved for incorporation by reference by the Director of the Federal Register. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **Federal Register.** The material incorporated by reference is available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW, Washington, D.C. 20408.

* * * * *

§ 171.8 [Amended]

5. In § 171.8 definitions for "IM Tank Table," "Intermodal portable tank or IM portable tank," "outage or ullage" and "p.s.i. or psi" are added in alphabetical sequence to read as follows:

* * * * *

"IM Tank Table" means the table (with preface) listing hazardous materials approved by the Associate Director of HMR for carriage in IM portable tanks under special conditions specified therein.

* * * * *

"Intermodal portable tank" or "IM portable tank" means a specific class of portable tanks designed primarily for international intermodal use.

* * * * *

"Outage" or "ullage" means the amount by which a packaging falls short of being liquid full, usually expressed in percent by volume.

* * * * *

"P.s.i." or "psi" means pounds per square inch.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

6. § 172.203, paragraph (l) is added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(l) *IM portable tanks.* A hazardous material described by an "n.o.s" entry in § 172.101 or § 172.102 (when authorized) and offered for transportation in an IM portable tank must be described on shipping papers in accordance with the provisions of paragraph (i)(2) of this section.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

7. The Table of Sections to Subpart B, Part 173, is amended by revising the entry for § 173.32 and adding new entries for §§ 173.32a, 173.32b, 173.32c and 173.32d to read as follows:

* * * * *

173.32 Qualification, maintenance and use of portable tanks other than Specification IM portable tanks.
173.32a Approval of Specification IM portable tanks.
173.32b Periodic testing and inspection of Specification IM portable tanks.

173.32c Use of Specification IM portable tanks.
173.32d Additions, modifications and removals of entries in the IM Tank Table.
* * * * *

§ 173.32 [Amended]

8. In § 173.32, paragraph (a)(2) is removed.

9. Sections 173.32a, 173.32b, 173.32c and 173.32d are added to read as follows:

§ 173.32a Approval of Specification IM portable tanks.

(a) *Application for approval.*

(1) An owner or manufacturer of an IM portable tank (§§ 178.270–178.272 of this subchapter) shall apply for approval to any approval agency designated to approve that tank in accordance with the procedures in Subpart E, Part 107 of this chapter.

(2) Each application for approval must contain the following information:

(i) Three complete copies of all engineering drawings, calculations, and test data necessary to insure that the design complies with the relevant specification.

(ii) The manufacturer's serial number that will be assigned to each portable tank.

(iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approving agency, reason for nonacceptance, and the nature of modifications made to the design type.

(b) *Action by approval agency.* The approval agency shall—

(1) Review the application for approval to determine whether it is complete and conforms with the requirements of paragraph (a) of this section. If an application is incomplete, it will be returned to the applicant and the applicant will be informed in what respects the application is incomplete.

(2) Review all drawings and calculations to ensure that the design is in compliance with all requirements of the relevant specification. If the application is approved, one set of the approved drawings, calculations, and test data shall be returned to the applicant. The second and third (inspector's copy) sets of approved drawings, calculations, and test data shall be retained by the approval agency.

(3) Witness all tests required in § 178.270–13 of this subchapter.

(4) Ensure, through appropriate inspection that each IM portable tank is fabricated in all respects in conformance with the approved drawings, calculations, and test data; and

(5) Upon successful completion of all requirements of this subpart, the approval agency shall:

(i) Apply its name, identifying mark or identifying number, and the date upon which the approval was issued, to the metal identification plate required by § 178.270–14 of this subchapter.

(ii) Issue an approval certificate for each IM portable tank or, in the case of a series of identical tanks manufactured to a single design, for the series of IM portable tanks. The approval certificate must include all the information required to be displayed on the required metal identification plate.

(c) *Disposition of approval certificates.* A copy of each approval certificate shall be retained by the approval agency and by the owner of each IM portable tank, and a copy shall be forwarded by the approval agency to the Associate Director for HMR.

(d) *Denial of application for approval.* If an approval agency finds that an IM portable tank cannot be approved for any reason, it shall so notify the applicant in writing and shall provide the applicant with the reasons for which the approval is denied. An applicant aggrieved by a decision of an approval agency may appeal the decision in writing within 90 days of receipt to the Associate Director for HMR.

(e) *Approval of IM portable tank under DOT exemption.* The owner or manufacturer of an IM portable tank constructed on or before May 1, 1981, which is covered by the provisions of a DOT exemption, shall examine the tank and the tank designs to determine if it meets the requirements of an IM 101 or IM 102 specification portable tank.

(1) IM portable tanks in conformance with the following requirements, or any combination thereof, may be durably remarked (certified) as a DOT specification IM101E**** or IM102E**** as applicable (with the asterisks replaced by the DOT exemption number).

(i) Any IM portable tank in full conformance with an IM 101 or IM 102 specification;

(ii) Any IM portable tank which is modified or re-rated and brought into full conformance with an IM 101 or IM 102 specification;

(iii) Any IM portable tank having the safety relief device (including its inlet) sited along the top of the tank within 12 degrees from the top longitudinal centerline, if the inlet is situated in the vapor space of the tank and the tank is otherwise in conformance with the applicable IM 101 or IM 102 specification;

(iv) Any IM portable tank constructed of austenitic stainless steels having an absolute minimum equivalent head and shell thickness of 3.00 mm (0.118 inches) or greater and which is otherwise in conformance with the IM 102 specification.

(v) Any IM portable tank with an outside diameter greater than 1.8 m (5.9 feet) constructed of other than the reference mild steel which, while otherwise in conformance with the IM 101 specification, has a minimum shell thickness not less than the value derived from the formula in § 178.270–5(c) of this subchapter based on a required thickness of the reference steel of 6 mm (0.236 inches).

(2) The owner or manufacturer of a portable tank which is certified (remarked) as meeting an IM 101 or IM 102 specification shall complete a written report. One copy of the report shall be forwarded to the Associate Director for HMR by the person making the certification within thirty days of the date of certification. A copy of the report shall be retained by the manufacturer (if he performs the certification) and the owner at his principal place of business during the period the portable tank is in his ownership and for at least one year thereafter. The report shall contain the following information:

(i) A statement certifying that each portable tank or a series of identical tanks manufactured to a single design is in compliance, except as provided by paragraph (e)(1) of this section, with the applicable IM 101 or IM 102 Specification (§§ 178.270, 178.271 and 178.272, of this subchapter).

(ii) The identification of the person certifying the portable tank and the date of the certification.

(iii) The applicable DOT exemption number and the serial number of each tank covered by the report.

(iv) A summary of any modifications made to the tank to bring it into conformance with the applicable IM 101 or IM 102 specification and the provisions of paragraph (e)(1) of this section when they apply.

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before September 1, 1981, giving the reasons why the necessary modification cannot be made.

(f) *Approval of other existing IM portable tanks.*

Portable tanks constructed on or before May 1, 1981, that have not operated under a DOT exemption must

be approved in accordance with the provisions of paragraph (b) of this section.

(g) *Modifications to approved portable tanks.*

(1) Prior to modification of any approved portable tank which may affect conformance to § 178.271 or § 178.272 of this subchapter, the owner or manufacturer desiring to make such modification shall inform the approval agency that issued the initial approval of the portable tank (or if unavailable another approval agency) of the nature of the modification and request approval of the modification. The owner or manufacturer shall supply the approval agency with three sets of all revised drawings, calculations, and test data relative to the intended modification.

(2) A statement as to whether the intended modification has been examined by any approval agency previously and judged unacceptable. An affirmative statement must be documented with the name of the approving agency, the reason for nonacceptance, and the nature of changes made to the modification since its original rejection.

(3) The approval agency shall review the request for modification, and if it is determined that the proposed modification is in full compliance with the relevant DOT specification the request shall be approved and the approval agency shall—

(i) Return one set of the approved revised drawings, calculations, and test data to the applicant. The second and third sets of the approved revised drawings, calculations, and test data shall be retained by the approval agency as required in § 107.404(a)(3) of this chapter.

(ii) Ensure through appropriate inspection, that all modifications conform to the revised drawings, calculations, and test data.

(iii) Determine the extent to which retesting of the modified tank is necessary based on the nature of the proposed modification, and ensure that all required retests are performed in accordance with § 178.270–13 of this subchapter.

(iv) If modification to an approved tank alters any information on the approval certificate, issue a new approval certificate for the modified tank and ensure that any necessary changes are made to the metal identification plate. A copy of each newly issued approval certificate shall be retained by the approval agency and by the owner of each portable tank.

(4) If it determined that the proposed modification is not in compliance with the relevant DOT specification, the request shall be denied. The procedures of paragraph (d) of this section apply to such denial.

(h) *Termination of Approval Certificate.*

(1) The Associate Director for HMR may terminate an approval issued under this section if he determines that—

(i) Information upon which the approval was based is fraudulent or substantially erroneous; or

(ii) Termination of the approval is necessary to adequately protect against risks to life and property.

(iii) The approval was not issued by the approval agency in good faith.

(2) Before an approval is withdrawn, the Associate Director for HMR gives the owner or manufacturer and the approval agency—

(i) Written notice of the facts or conduct believed to warrant the withdrawal;

(ii) Opportunity to submit oral and written evidence, and

(iii) Opportunity to demonstrate or achieve compliance with the application requirement.

(3) If the Associate Director for HMR determines that a certificate of approval must be withdrawn to preclude a significant and imminent adverse affect on public safety, he shall withdraw the certificate of approval issued by a designated approval agency. In such circumstances, the procedures of paragraphs (h)(2) (ii) and (iii) of this section need not be provided prior to withdrawal of the approval, but shall be provided as soon as practicable thereafter.

§ 173.32b Periodic testing and inspection of Specification IM portable tanks.

(a) *Periodic testing.*—(1) *Hydrostatic test.* Each Specification IM portable tank (§§ 178.270, 178.271 and 178.272 of this subchapter) and all piping, valves and accessories, except pressure-relief devices, shall be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 150 percent of its maximum allowable working pressure. Testing shall be at intervals of not more than five years. While under pressure the tank shall be inspected, for leakage, distortion, or any other condition which might render the tank unsafe for service. The hydrostatic test shall be witnessed by an approval agency. Any damage or deficiency which might render the portable tank unsafe for service shall be repaired to the satisfaction of the witnessing approval agency and the tank hydrostatically retested. Upon successful completion of the hydrostatic test, the witnessing approval agency shall apply its name, identifying mark or identifying number and the date of the test on the tank as described in paragraph (d) of this section.

(2) *Pressure relief valves.* Spring loaded pressure relief valves must be removed from the tank and tested at intervals of not more than two and one-half years.

(b) *Visual inspection.* Each portable tank and all piping, valves and accessories shall be visually inspected at intervals not exceeding two and one-half years. The inspection shall be conducted by an owner or his agent or by an approval agency, except that it must be conducted by an approval agency coincident with each hydrostatic test required by paragraph (a) of this section. In the case of insulated tanks, insulation need not be removed if, in the opinion of the person performing the visual inspection, external corrosion is likely to be negligible. If evidence of any unsafe condition is discovered, the portable tank may not be returned to service until such condition has been corrected to the satisfaction of the person performing the inspection. The inspection shall include the following:

(1) The tank shall be carefully inspected internally for corroded areas, dents, distortions, defects in welds, and other conditions that might render the tank unsafe for service;

(2) The piping, valves, and gaskets shall be carefully inspected for corroded areas, defects in welds, and other conditions, including leakage, that might render the tank unsafe for service;

(3) Devices for tightening manhole covers must be operative and there must be no leakage at manhole covers or gaskets.

(4) Missing or loose bolts or nuts on any flanged connection or blank flange must be replaced or tightened.

(5) All emergency devices and valves must be free from corrosion, distortion and any damage or defect that could prevent their normal operation.

(6) Required markings on the tank must be legible.

(7) Upon successful completion of the visual reinspection, the inspector shall mark the date of the visual reinspection on the tank as described in paragraph (d) of this section.

(c) *International shipments.* A portable tank that meets the definition of "container" in § 450.3(a)(3) of this title may not be offered for international transport unless the frame work, tank supports and lifting attachments fully comply with all applicable requirements of Parts 450–453 of this title.

(d) *Test date marking.* The month and year of the last hydrostatic test, the identification markings of the approval agency witnessing the test, and the date

of the last visual inspection must be durably and legibly marked on or near the metal identification plate in letters not less than 3 mm (0.118 inches) high when on the metal identification plate and 32 mm (1.25 inches) high when on the tank.

(e) *Damaged or deteriorated portable tanks.* Without regard to any other test requirement, any tank that shows evidence at any time of damaged or corroded areas, leakage, or other deterioration that indicates a weakness that could render the tank unsafe for service, must be inspected and tested in accordance with the requirements of paragraphs (a) and (b) of this section prior to reuse. Pressure relief devices need not be tested or replaced unless there is reason to believe the relief devices have been affected by the damage or deterioration.

(f) *Record retention.* The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required tests, (including visual inspections), and the name and address of the person performing the test, until the next retest has been satisfactorily completed and recorded.

§ 173.32c Use of specification IM portable tanks.

(a) No person may offer a hazardous material for transportation in an IM portable tank except as authorized by this subchapter and under conditions approved by the Associate Director for HMR in the IM Tank Table.

(b) Except as otherwise provided in this subpart, an IM portable tank may not be used for the transportation of a hazardous material unless it meets the requirements of this subchapter and the conditions and limitations specified in the IM Tank Table for the hazardous material.

(c) An IM portable tank for which the prescribed periodic retest or reinspection under § 173.32b of this subchapter has become due may not be filled and offered for shipment until the retest or reinspection has been successfully completed. This paragraph does not apply to any tank filled prior to the test due date.

(d) Prior to filling, each IM portable tank shall be given a complete external inspection. Any unsafe condition must be corrected prior to its use. The external inspection shall include:

(1) A visual inspection of—

(i) The shell, piping, valves and other appurtenances for corroded areas, dents, defects in welds and other defects such as missing, damaged, or leaking gaskets;

(ii) All flanged connections or blank flanges for missing or loose nuts and bolts;

(iii) All emergency devices for corrosion, distortion, or any damage or defect that could prevent their normal operation; and

(iv) All required markings on the tank for legibility.

(2) An inspection to determine that any device for tightening manhole covers is operative and adequate to prevent leakage at the manhole cover.

(e) A hazardous material may not be loaded in an IM portable tank if the part of the tank or any of its appurtenances having contact with the material during transportation would be subject to destructive attack by or a dangerous reaction with the material.

(f) A hazardous material may not be loaded in an IM portable tank unless it has pressure relief devices providing total relieving capacity meeting the requirements of § 178.270-11(d) of this subchapter.

(g) A hazardous material may not be loaded in an IM portable tank with filling or discharge connections located below the normal liquid level of the tank unless—

(1) Each filling or discharge connection located below the normal liquid level of the tank has at least two serially-mounted closures consisting of an internal discharge valve and a bolted blank flange or other suitable, liquid-tight closure on each filling or discharge connection; or

(2) When required for a hazardous material by the IM Tank Table, each filling or discharge connection located below the normal liquid level of the tank, or compartment thereof, has three serially-mounted closures consisting of an internal discharge valve capable of being closed from a location remote from the valve itself, an external valve, and a bolted blank flange or other suitable, liquid-tight closure on the outlet side of the external valve.

(h) Except during a hydrostatic test, an IM portable tank may not be subjected to a pressure greater than its maximum allowable working pressure.

(i) An IM portable tank may not be loaded to a gross weight greater than the maximum allowable gross weight specified on its identification plate.

(j) An IM portable tank or compartment thereof having a volume greater than 5,000 liters (1,900 gallons) may not be loaded to a filling density less than 80 percent by volume.

(k) The outage for an IM portable tank may not be less than 2 percent at a temperature of 122°F (50°C).

(l) Each tell-tale indicator for the space between a frangible disc and a safety relief valve mounted in series must be checked after the tank is filled and prior to transportation to ensure that the frangible disc is leak free. Any leakage through the frangible disc must be corrected prior to offering the tank for transportation. The tell-tale device must be designed to prevent the loss of any hazardous material through the device itself while the tank is in transportation.

(m) An IM portable tank containing a hazardous material may not be loaded on a highway or rail transport vehicle unless loaded entirely within the horizontal outline thereof, without overhang or projection of any part of the tank assembly.

(n) Specification IM 101 and IM 102 portable tanks used for the transportation of flammable liquids via rail may not be fitted with nonreclosing pressure relief devices except in series with spring loaded pressure relief valves.

(o) An IM 101 tank may be used whenever an IM 102 tank is authorized provided it meets the requirements of columns (5), (6), (7) and (8) of the IM Tank Table for the material to be transported.

§ 173.32d Additions, modifications and removals of entries in the IM Tank Table.

The following requirements and conditions apply to listing of hazardous materials in the IM Tank Table (the Table):

(a) A hazardous material that is not listed or authorized in the Table may be added to the Table by the Associate Director for HMR.

(b) Any person may request the Associate Director for HMR to add a material to the Table, or to delete or modify an entry in the Table. A request should contain the information specified in the preface to the Table.

(c) The decision of the Associate Director for HMR to add a material to the Table, deny addition of a material to the Table, or to delete or modify an entry in the Table, will be based on a technical analysis of available data concerning the material and analogical comparison with existing entries in the Table.

(d) Each addition of a material to the Table by the Associate Director for HMR has interim status until completion of his review of comments following publication in the **Federal Register** of proposed permanent addition of the material to the Table. Following consideration of all comments in response to the publication, the Associate Director will add the material to the Table, or terminate its interim

status, based on the information received.

(e) If the Associate Director for HMR determines that it may be necessary to remove an authorization for a material from the Table, or to modify the conditions for transportation of a material in an IM portable tank, he shall take action after subjecting the issue to public comment by publication in the Federal Register unless he determines that public safety requires immediate action.

(f) If the Associate Director for HMR denies a request for addition of a material to the Table or terminates an addition of a material under paragraphs (c) and (d) of this section, an appeal of the denial or termination may be submitted to the Director, Materials Transportation Bureau, within 60 days of receipt of the denial or termination. The decision of the Director concerning the appeal is final.

10. In § 173.118a, paragraph (b)(4) is revised to read as follows:

§ 173.118a Exceptions for combustible liquids.

* * * * *

(b) * * *

(4) Carriage aboard aircraft and vessels (for packaging requirements for transport by vessel see § 176.340 of this subchapter); and,

* * * * *

11. In § 173.119, paragraphs (a)(30), (e)(5), (f)(7) and (m)(18) are added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(a) * * *

(30) IM portable tanks, under conditions specified in the IM Tank Table.

* * * * *

(e) * * *

(5) IM portable tanks, under conditions specified in the IM Tank Table.

* * * * *

(f) * * *

(7) IM portable tanks, under conditions specified in the IM Tank Table.

* * * * *

(m) * * *

(18) IM portable tanks, under the conditions specified in the IM Tank Table. Not authorized for flammable liquids which are also organic peroxides or oxidizers.

* * * * *

12. In § 173.252, paragraph (a)(5) is added to read as follows:

§ 173.252 Bromine.

(a) * * *

(5) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. In addition, each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness or must be lined with lead at least 5.0 mm thick. The cladding material must conform to requirements of ASTM Specification B–162–69. The composite plate must confirm to requirements of ASTM Specification A–265–69. The total quantity in one tank may not be less than 88 percent nor more than 92 percent of the quantity the tank is authorized to carry.

* * * * *

13. In § 173.262, paragraphs (a)(13) and (b)(5) are added to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(13) In IM portable tanks as prescribed in paragraph (b)(5) of this section.

* * * * *

(b) * * *

(5) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table.

14. In § 173.266, paragraphs (a)(3) and (b)(10) are added to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(a) * * *

(3) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) under the conditions specified in the IM Tank Table are authorized for shipment of hydrogen peroxide solution in water containing 70 percent or less hydrogen peroxide by weight. Pressure relief devices shall be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure. In addition, the tank shall be clearly marked "FOR HYDROGEN PEROXIDE ONLY." Each tank must be equipped with pressure relief devices conforming to the requirements of the following table:

Concentration of hydrogen peroxide solution	Total venting capacity in standard cubic feet per hour (S.C.F.H.) per pound of hydrogen peroxide solution
52 percent or less	11
Over 52 percent but not greater than 60 percent	22
Over 60 percent but not greater than 70 percent	32

(b) * * *

(10) In IM portable tanks as prescribed in paragraph (a)(3) of this section.

15. In § 173.268, paragraph (k) is added to read as follows:

§ 173.268 Nitric acid.

* * * * *

(k) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Authorized for nitric acid of any concentration.

16. In § 173.269, paragraph (a)(7) is added to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(7) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Authorized only for perchloric acid not exceeding 50 percent by weight.

* * * * *

17. In §173.272, paragraph (i)(29) is added to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(29) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Sulfuric acid of concentrations greater than 62.5 percent is authorized provided the corrosive effect on steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

18. In § 173.275, paragraph (a)(6) is added to read as follows:

§ 173.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.

(a) * * *

(6) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Mixtures of these materials are not authorized in IM portable tanks.

* * * * *

19. In § 173.276, paragraph (a)(11) is added to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(11) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Authorized only for hydrazine solution containing not more than 64 percent hydrazine by weight.

20. In § 173.288, paragraph (g) is added to read as follows:

§ 173.288 Chloroformates.

* * * * *

(g) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. Authorized only for allyl chloroformate and benzyl chloroformate.

21. In § 173.289, paragraph (a)(11) is added to read as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *

(11) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), under conditions specified in the IM Tank Table. The tank must be marked "FOR FORMIC ACID ONLY."

* * * * *

22. In § 173.346, paragraph (a)(28) is added to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) * * *

(28) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter), are authorized for transportation of poison B liquids, n.o.s., with no subsidiary hazard, under conditions specified in the IM Tank Table.

23. In § 173.358, paragraph (a)(16) is added to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, organic phosphorous compound, parathion, tetraethyl dithiopyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * *

(16) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter). Authorized only for organic phosphate compound and organic phosphorus compound, liquid, depending on the toxicity of the material and for methyl parathion, under conditions specified in the IM Tank Table.

24. In § 173.359, paragraph (a)(19) is added to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithi opyrophosphate mixtures; and tetraethyl pyrophosphate mixtures; liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * *

(19) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized for these materials when shipped under conditions specified for a poisonous liquid not listed by name in the IM Tank Table.

25. The following paragraphs are added in the various sections indicated below to read as follows:

Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM Tank Table.

§ 173.135(a)(11)
§ 173.136(a)(10)
§ 173.141(a)(11)
§ 173.143(a)(3)
§ 173.145(a)(8)
§ 173.147(a)(2)
§ 173.246(a)(3)
§ 173.247(a)(20)
§ 173.247a(a)(4)
§ 173.248(a)(8)
§ 173.249(a)(14)
§ 173.250a(a)(4)
§ 173.253(a)(9)
§ 173.254(a)(6)
§ 173.255(a)(7)
§ 173.263(a)(30)
§ 173.264(a)(20)
§ 173.265(a)(5)
§ 173.267(a)(10)
§ 173.270(a)(6)
§ 173.271(a)(19)
§ 173.362a(a)(3)
§ 173.620(a)(7)
§ 173.274(a)(5)
§ 173.278(a)(2)
§ 173.279(a)(3)
§ 173.280(a)(9)
§ 173.281(a)(3)
§ 173.283(b)(3)
§ 173.290(a)(3)
§ 173.292(a)(3)
§ 173.293(a)(2)
§ 173.294(a)(12)
§ 173.296(a)(4)
§ 173.297(a)(6)
§ 173.298(a)(5)
§ 173.347(a)(9)
§ 173.348(a)(5)
§ 173.349(a)(4)
§ 173.352(a)(6)
§ 173.356(a)(3)
§ 173.360(a)(6)
§ 173.361(a)(4)
§ 173.362(a)(5)
§ 173.630(b)(5)

26. The following paragraphs are added in the various sections indicated below to read as follows:

Specification IM 101 and IM 102 portable tanks (§§ 178.270, 178.271, 178.272 of this subchapter) are authorized under conditions specified in the IM Tank Table.

§ 173.125(a)(8)
§ 173.128(a)(5)
§ 173.129(a)(3)
§ 173.131(a)(2)
§ 173.132(a)(4)
§ 173.144(a)(4)
§ 173.245(a)(35)

PART 174—CARRIAGE BY RAIL

27. In § 174.63 the heading is revised and paragraph (d) is added to read as follows:

§ 174.63 Freight containers, portable tanks and IM portable tanks.

* * * * *

(d) An IM 101 or IM 102 portable tank—

(1) May not be transported in container-on-flat car service (COFC) except under conditions approved by the Associate Administrator for Safety, FRA; and,

(2) May not be transported in trailer-on-flat-car (TOFC) service.

* * * * *

28. Section 174.84 is revised to read as follows:

§ 174.84 Switching of flatcars carrying placarded trailers, freight containers, portable tanks or IM portable tanks.

(a) A placarded flatcar or a flatcar carrying a placarded trailer, freight container, portable tank or IM portable tank under this subchapter may not be cut off while in motion.

(b) No rail car moving under its own momentum may be permitted to strike any placarded flatcar or any flatcar carrying a placarded trailer, freight container, portable tank or IM portable tank.

(c) No placarded flatcar or any flatcar carrying a placarded trailer, freight container, portable tank or IM portable tank may be coupled into with more force than is necessary to complete the coupling.

PART 176—CARRIAGE BY VESSEL

29. In the Table of Sections for Part 176, a new entry for § 176.340 is added to read as follows:

* * * * *

176.340 *Combustible liquids in portable tanks.*

* * * * *

30. A new § 176.340 is added to read as follows:

§ 176.340 Combustible liquids in portable tanks.

(a) Combustible liquids may be transported by vessel in portable tanks only as specified below:

(1) Specification IM 101 and IM 102 portable tanks (§§ 178.270, 178.271, 178.272 of this subchapter).

(2) Marine Portable Tanks (MPT) approved and constructed in accordance with 46 CFR Part 64.

(3) Portable tanks approved and maintained in accordance with 46 CFR 98.35, constructed prior to October 1, 1974. Such tanks may continue in service only until October 1, 1984.

(4) Specification 51 portable tanks (§ 178.245 of this subchapter).

(5) Portable tanks approved by the Commandant of the Coast Guard (G-MHM).

PART 177—CARRIAGE BY PUBLIC HIGHWAY

31. In § 177.834 paragraph (n) is revised to read as follows:

§ 177.834 General requirements.

* * * * *

(n) Specification 56, 57, IM 101, and IM 102 portable tanks, when loaded, may not be stacked on each other nor placed under other freight during transportation by motor vehicle.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

32. In the table of sections, entries for §§ 178.270, 178.271 and 178.272 are added to read as follows:

* * * * *

178.270 Specification IM 101 and IM 102 steel portable tanks; general design and construction requirements.
178.271 Specification IM 101 steel portable tanks.
178.272 Specification IM 102 steel portable tanks.

* * * * *

33. New §§ 178.270, 178.271 and 178.272 are added to read as follows:

§ 178.270 Specification IM 101 and IM 102 steel portable tanks; general design and construction requirements.

§ 178.270.1 Specification requirements for IM 101 and IM 102 steel portable tanks.

(a) Each IM portable tank must meet the requirements of this section in addition to the requirements of § 178.271 (IM 101) or § 178.272 (IM 102). These requirements apply to IM portable tanks of diameters no greater than 2438 mm (96 inches) that are designed to carry liquids having a vapor pressure of less than 2.97 bar-absolute (43 psia) at a temperature of 50°C. (122°F.).

§ 178.270-2 General.

(a) Each tank, including attachments and service and structural equipment, must be designed to withstand, without loss of contents, the maximum internal pressure that can be anticipated to result from the contents and the static and dynamic stresses incurred in normal handling and transportation.

(b) For the purpose of this subchapter and the IM tank table "maximum allowable working pressure" or MAWP is the maximum pressure that an IM portable tank may experience during any normal operation (including loading and unloading). The only exception to this limitation is hydrostatic testing.

(c) Each portable tank must have a cross-sectional design that is capable of being stress analyzed either mathematically or by the experimental method contained in UG-101 of the ASME Code, or other method acceptable to the Associate Director for HMR.

(d) Each portable tank must be designed so that the center of gravity of the filled tank is approximately centered within the points of attachment for lifting devices.

(e) Each portable tank that is insulated must have the insulation protected from the accumulation of moisture or foreign matter that would decrease its efficiency or corrode the tank. Required insulation must be jacketed or otherwise protected from mechanical damage and meet the provisions of § 178.270-11(d)(5).

(f) Tank lining must meet the following requirements:

(1) The material used to line the tank must be—

(i) Substantially immune to attack by the hazardous material transported;

(ii) Homogeneous;

(iii) Nonporous;

(iv) Imperforated when applied;

(v) At least as elastic as the material of the tank shell; and

(vi) Have thermal-expansion characteristics compatible with the tank shell.

(2) The lining of the tank, tank fitting and piping must be—

(i) Attached by bonding or other satisfactory means;

(ii) Continuous; and

(iii) Extended around the face of any flange.

(3) Joints and seams in the lining must be made by fusing the material together or by other equally effective means.

§ 178.270-3 Materials of construction.

(a) Each portable tank must be constructed of carbon or alloy steels. Materials included in Part UHT of the ASME Code or equivalent materials are not authorized. Any materials used in the tank shell must conform to a recognized national standard and must be suitable for the external environments in which the tank will be carried. The minimum elongation for any material must be 20 percent or greater.

(b) The maximum stress allowed for a material shall be determined using one of the following methods:

(1) 1.5 times the specified values for the material at 93° C (200° F.) in Section VIII, Division 1 of the ASME Code;

(2) Derived by test for the actual yield and tensile strengths at 93° C (200° F) for the actual group of plates used to fabricate the tank using the methods described in §178.270-3(d); or

(3) Derived from the minimum yield and tensile strengths at 93° C (200° F) specified by the national standard to which the material is manufactured using the methods described in § 178.270-3(d).

(c) Maximum allowable stress values, derived for an actual group of plates, that are based on actual tensile and yield strengths of the material at 93° C. (200° F.) shall not be greater than 120 percent of the specified minimum yield and tensile strength specified in the national standard to which the material is manufactured.

(d) The maximum allowable stress values must be derived from the following criteria:

(1) For austenitic steels;

(i) When the yield strength is determined using the 0.2 percent offset, 93.75 percent of the yield strength.

(ii) When the yield strength is determined using the 1.0 percent offset, 75 percent of the yield strength.

(2) For carbon and low alloy steels, the yield strength is determined using the 0.2 percent offset. The maximum allowable stress value is the lower of 93.75 percent of the yield strength or 37.5 percent of the tensile strength.

(e) For purposes of these specifications, tensile strength, yield strength and elongation must be determined using a specimen having a gauge length:

$$L_o = 5.65(S_o)^{1/2}$$

where:

L_o = the gauge length of the specimen—millimeters (inches); and
S_o = the cross sectional area of the specimen—square millimeters (square inches).

Tensile tests and analysis of results must be in accordance with "ISO 82-1974(e) Steels-Tensile Testing." The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length, except that for high alloy austenitic steels the yield strength shall be the stress corresponding to a permanent strain of 0.2 or 1.0 percent of the gauge length as appropriate. The elongation must be at least 20 percent.

(f) If maximum allowable stress values or minimum tank wall thicknesses are based on the actual yield strength, the actual tensile strengh, or the actual elongation for the material used to fabricate the tank, the test records or certification of test results by the material producer or tank manufacturer must be approved by the approval agency, retained by the tank manufacturer for a period not less than 15 years, and made available to any duly identified representative of the Department or the owner of the tank.

§ 178.270-4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value in a tank at the Test Pressure must be less than or equal to that specified for the material of construction at 93°C. (200°F.) in § 178.270-3 of this part.

(b) *Tank shell loadings.* Tank shells, heads, and their fastenings shall be designed to prevent stresses in excess of

two thirds those specified in § 178.270–3 of this part. The design calculations must include the forces imposed by each of the following loads:

(1) An internal pressure equal to the maximum allowable working pressure less 1 bar (14.5 psig) in combination with the simultaneously applied loadings of 3W vertically downward, 2W longitudinally, and 1W laterally acting through the center of the tank (W is the maximum permissible weight of the loaded tank and its attachments), and the requirements of paragraphs (b)(4), (5) and (6) of this section;

(2) An internal pressure equal to the maximum allowable working pressure less 1 bar (14.5 psig), in combination with the simultaneously applied loadings of 1W vertically upward, 2W longitudinally, and 1W laterally acting through the center of the tank (W is the maximum permissible weight of the loaded tank and its attachment), and the requirements of paragraphs (b)(4), (5) and (6) of this section;

(3) The load on the tank head resulting from an internal pressure equal to the maximum allowable working pressure, less 1 bar (14.5 psig), in combination with the dynamic pressure resulting from a longitudinal deceleration of 2 "g", and the requirements of paragraphs (b)(4), (5) and (6) of this section;

(4) Loads resulting from any discontinuities between tank shell and heads;

(5) Superimposed loads such as operating equipment, insulation, linings and piping; and

(6) Reactions of supporting lugs and saddles or other supports.

(c) The shell thickness used in calculating the resulting stress levels in a tank shall be exclusive of any corrosion allowance.

§ 178.270–5 Minimum thickness of shells and heads.

(a) For the purposes of this section, mild steel is steel with a guaranteed minimum tensile strength of 37 deka-newtons per square millimeter (53,650 p.s.i.) and a guaranteed elongation of 27 percent or greater.

(b) Except as otherwise provided in this subchapter, the shell and heads of each portable tank constructed of reference mild steel—

(1) With a maximum cross-sectional dimension of 1.8 meters (5.9 feet) or less, shall be at least 5mm (0.197 inches) thick; or,

(2) With a maximum cross-sectional dimension exceeding 1.8 meters (5.9 feet), shall be at least 6.35mm (0.250 inches) thick.

(c) The minimum thickness of the shell and heads of each portable tank constructed of a steel other than the reference mild steel, shall be obtained from the following formula:

Formula for metric units

$$e_1 = (10e_o)/(Rm_1 A_1)^{1/3}$$

Formula for nonmetric units

$$e_1 = (112.3e_o)/(Rm_1 A_1)^{1/3}$$

where:

e_o = Required thickness of the reference steel from § 178.270–5(b)—millimeters (inches);

e_1 = Equivalent thickness of the steel used—millimeters (inches);

Rm_1 = Specified minimum tensile strength of the steel used—deka newtons per square millimeter (p.s.i.); and

A_1 = Specified minimum percentage elongation of the steel used—percent times 100 (i.e., if 20% use 20.0).

(d) When other than the standard minimum thickness for the reference mild steel is specified for a tank in the IM Tank Table, the specified minimum shell and head thickness must be at least equal to the larger of the thicknesses calculated from the formula given in § 178.270–5(c) and the following formula:

Formula for metric units

$$3_1 = (10e_o\, d_1)/1.8(Rm_1 A_1)^{1/3}$$

Formula for nonmetric units

$$e_1 = (112.3e_o\, d_1)/5.9(Rm_1 A_1)^{1/3}$$

where:

e_1 = Equivalent thickness of the steel used—millimeters (inches);

e_o = The specified minimum shell and head thickness of the reference mild steel specified in the IM Tank Table—millimeters (inches);

d_1 = Actual outside diameter of the tank—meters (feet);

Rm_1 = Specified minimum tensile strength of the steel used—deka newtons per square millimeter (p.s.i.); and

A_1 = Specified minimum percentage elongation of the steel used—percent times 100 (i.e., if 20% use 20.0).

Note.—For paragraph (c) and (d) of this section the actual values for the tensile strength and percent elongation for the steel, as determined through tests on specimens from the group of plates to be used in the fabrication of the tank, may be substituted for the specified minimum values in the calculation prescribed in this paragraph (See § 178.270–3 of this part). Test records or certification of test results by the material producer or tank manufacturer must be retained by the tank manufacturer for a period not less than 15 years and must be made available to the Department or the owner of the tank.

§ 178.270–6 Tank supports, frameworks and lifting attachments.

(a) Each portable tank must be constructed with a permanent support structure that provides a secure base in transport. Skids, frameworks, cradles, or similar devices are acceptable. The calculated stress in tank supports, frameworks, and lifting attachments must not exceed 80 percent of the specified minimum yield strength of the material of construction under the applicable loading conditions specified in § 178.270–4(b).

(b) An IM portable tank that meets the definition of "container" in § 450.3(a)(3) must meet the requirements of Parts 450 through 453 of this title, in addition to the requirements of this subchapter.

§ 178.270–7 Joints in tank shells.

Joints in tank shells must be made by fusion welding. Such joints and their efficiencies must be as required by the ASME Code. Weld procedures and welder performance must be ASME Code qualified or must be qualified by the approval agency in accordance with the procedures in the ASME Code, Section IX, Welding and Brazing Qualifications. A record of each qualification must be retained by the manufacturer for the period prescribed in ASME Code, Section VIII, Pressure Vessels, and must be made available to any duly identified representative of the Department or the owner of the tank.

§ 178.270–8 Protection of valves and accessories.

Each valve, fitting, accessory, safety device, gauging device, and other appurtenance shall be adequately protected against mechanical damage.

§ 178.270–9 Inspection openings.

Each portable tank must be fitted with a manhole or other inspection opening sited above the maximum liquid level to allow for complete internal inspection and adequate access for maintenance and repair of the interior. Each portable tank with a capacity of more than 1894 liters (500 gallons) must be fitted with an elliptical or obround manhole at least 279 × 381 millimeters (11 × 15 inches), or 254 × 405 millimeters (10 × 16 inches), or with a circular manhole at least 381 millimeters (15 inches) in diameter. Any inspection opening and closure must be designed and reinforced as required by the ASME Code.

§ 178.270–10 External design pressure.

(a) Each portable tank not fitted with vacuum relief devices must be designed to withstand a positive external pressure differential of at least 0.4 bar >(6 p.s.i.).

(b) Each portable tank fitted with vacuum relief devices must be designed to withstand a positive external pressure differential not less than the set pressure of the vacuum relief device and in any case at least 0.21 bar (3 p.s.i.).

§ 178.270–11 Pressure and vacuum relief devices.

(a) *Relief devices required.* Each portable tank, or each independent compartment of a portable tank, must be fitted with pressure relief devices in accordance with the following:

(1) Each portable tank, or each independent compartment of a portable tank, with a capacity of more than 1893 liters (500 gallons), must be provided with a primary pressure relief device consisting of a spring-loaded pressure relief valve and, in addition, may have one or more emergency pressure relief devices that may be a spring-loaded pressure relief valve, a frangible disc or fusible element in parallel with the primary pressure relief device.

(2) Each portable tank, or each independent compartment of a portable tank, with a capacity of 1893 liters (500 gallons) or less, must be fitted with a primary pressure relief device that may either be a frangible disc or a spring-loaded pressure relief valve.

(3) If a frangible disc is inserted in series with required pressure relief valve, the space between the frangible disc and the pressure relief valve must be provided with a suitable tell-tale indicator to permit detection, prior to and during shipment, of disc rupture, pinholing, or leakage which could cause a malfunction of the pressure relief system. The frangible disc must rupture at a tank pressure within the range specified in §178.270–11(c)(1).

(b) *Location and construction of relief devices.*

(1) Pressure relief devices must be spring-loaded valves, frangible discs, or fusible elements. Vacuum relief devices must be capable of reclosing in any attitude. Each pressure relief device inlet must be situated in the vapor space of the tank. The discharge from any device must be unrestricted and directed to prevent impingement upon the tank shell or structural framework. Protective devices which deflect the flow of vapor are permissible provided the required vent capacity is maintained. Pressure and vacuum relief devices including their inlets must be sited on the top of the tank in a position as near as possible to the longitudinal and transverse center of the tank within the following limitation:

(i) Longitudinally on the tank within 107 cm(3½ feet) or ⅛ the tank length, whichever is less, from the top center of the tank; and

(ii) Transversally within 12 degrees of the tank top.

(2) Except for a relief device installed in a piping system, each relief device must provide unrestricted venting under all conditions. Each pressure relief system, including any piping, must provide a venting capacity at least equal to the venting capacity specified in § 178.270–11(d) for the tank on which the system is installed.

(3) Fusible elements, when installed, must not be protected from direct communication with external heat sources.

(4) Spring-loaded pressure relief valves must be constructed in a manner to prevent unauthorized adjustment of the relief setting.

(c) *Pressure settings of relief devices.*—(1) *Primary pressure relief devices.* The primary relief device required by paragraph (a) of this section must be set to function in a range of no less than 100 percent and no greater than 125 percent of the maximum allowable working pressure (MAWP) for tanks having a MAWP below 44 psig. For tanks having a MAWP of 44 psig or greater, the primary pressure relief device must be set to function in a range of no less than 100 percent and no greater than 110 percent of the MAWP. Spring-loaded pressure relief valves must close after discharge at a pressure not less than 90 percent of the start-to-discharge pressure and remain closed at all lesser pressures.

(2) *Emergency pressure relief devices.* Each frangible disc, other than those used as a primary relief device in accordance with paragraph (b)(2) of this section, must be designed to burst at a pressure greater than 125 percent and less than or equal to 150 percent of the MAWP. Each spring loaded pressure relief valve used as an emergency pressure relief device must be set to operate at no less than 125 percent of the MAWP and be fully open at 150 percent of the MAWP.

(3) *Fusible elements.* Fusible elements must have a nominal yield temperature greater than the highest tank operating temperature and less than or equal to 121°C. (250°F.). The pressure developed in the tank at the fusible element yield temperature must be below the test pressure of the tank.

(4) *Vacuum relief devices.* Vacuum relief devices, when used, must be designed to provide total containment of product under normal and accident conditions and must be set to open at a nominal external overpressure of not less than 0.21 bar (3 pounds per square inch) but not greater than the external pressure for which the tank is designed. Each vacuum relief device must have a minimum cross sectional flow area of 2.84 cm ^{2} (0.44 square inches).

(d) *Venting capacity of pressure relief devices.*—(1) *Pressure relief valves (spring-loaded relief valves).* Each pressure relief valve must have a minimum diameter of 31.75 mm (1.25 inches) and must have a vent capacity of at least 170 standard cubic meters per hour (SCMH) (6,000 standard cubic feet per hour (SCFH)). The minimum total pressure relief valve vent capacity for each tank shall be 340 SCMH (12,000 SCFH) per 32.5 m ^{2} (350 square feet) of exposed tank area, but in any case at least 340 SCMH (12,000 SCFH).

(2) *Total tank vent capacity.* The total vent capacity of all pressure relief devices installed on each portable tank must be sufficient with all devices operating to limit the pressure in the tank or less than or equal to the test pressure. Except as provided in paragraph (d)(3) or (d)(4) of this section, the total vent capacity must be at least equal to that shown in the following Table:

Table I.—*Minimum total vent capacity*

[Metric units table in cubic meters of air per hour at atmospheric pressure and 15°C.]

Exposed area square meters	Cubic meters free air per hour	Exposed area square meters	Cubic meters free air per hour
2	841	37.5	9,306
3	1,172	40	9,810
4	1,485	42.5	10,308
5	1,783	45	10,806
6	2,069	47.5	11,392
7	2,348	50	11,776
8	2,621	52.5	12,258
9	2,821	55	12,732
10	3,146	57.5	13,206
12	3,655	60	13,674
14	4,146	62.5	14,142
16	4,625	65	14,604
18	5,092	67.5	15,066
20	5,556	70	15,516
22.5	6,120	75	16,422
25	6,672	80	17,316
27.5	7,212	85	18,198
30	7,746	90	19,074
32.5	8,268	95	19,938
35	8,790	100	20,790

[Nonmetric units in cubic feet of air per hour at atmospheric pressure and 59°F.]

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	27,600	275	237,000
30	38,500	300	256,000
40	48,600	350	289,500
50	58,600	400	322,100
60	67,700	450	355,900
70	77,000	500	391,000
80	85,500	550	417,500
90	94,800	600	450,000
100	104,000	650	479,000
120	121,000	700	512,000
140	136,200	750	540,000
160	152,100	800	569,000
180	168,200	850	597,000
200	184,000	900	621,000
225	199,000	950	656,000
250	219,500	1,000	686,000

Note.—Interpolate for intermediate sizes.

(3) Notwithstanding the minimum total vent capacity shown in Table I, of paragraph (d)(2), a tank in dedicated service may have a lesser total vent capacity provided the approval

certificate required by § 173.32a of this subchapter specifies the hazardous materials for which the tank is suitable. The lesser total vent capacity must be determined in accordance with the following formula:

Formula for metric units

$Q = 5,660,000\ A^{0.82}(ZT)^{0.5}/(LC)(M^{0.5})$

Formula for nonmetric units

$Q = 37,980,000\ A^{0.82}(ZT)^{0.5}/(LC)(M^{0.5})$

where:

Q = The total required venting capacity, in cubic meters of air per hour at standard conditions of 15.6°C. and 1 atm (cubic feet of air per hour at standard conditions of 60°F. and 14.7 psia);

T = The absolute temperature of the vapor at the venting conditions—degrees Kelvin (°C + 273) [degrees Rankine (°F + 460)];

A = The exposed surface area of tank shell—square meters (square feet);

L = The latent heat of vaporization of the lading—calories per gram (BTU/lb);

Z = The compressibiliy factor for the vapor (if this factor is unknown, let Z equal 1.0);

M = The molecular weight of vapor;

C = A constant derived from (K), the ratio of specific heats of the vapor. If (K) is unknown, let C = 315.

$C = 520[K\{2/(K+1)\}^{(K+1)/(K-1)}]^{1/2}$

where:

$K = C_p/C_v$

C_p = The specific heat at constant pressure, in -calories per gram degree centigrade (BTU/lb°F.); and

C_v = The specific heat at constant volume, in -calories per gram degree centigrade (BTU/lb°F.).

(4) The required total venting capacity determined by using Table I or paragraph (d)(3) of this section may be reduced for insulated tanks to Q_i by the following formula:

$Q_i = FQ_t$

where:

Q_i = The total required venting capacity of the insulated tank;

Q_t = The total venting capacity required for an uninsulated tank according to Table I or paragraph (d)(3) of this section;

F = A coefficient with a value greater than or equal to 0.25 according to the following formula:

Formula for metric units

$F = 8U(649-t)/93.5 \times 10^6$

Formula for nonmetric units

$F = 8U(1200-t)/34,500$

where:

U = The thermal conductance of the insulation system taken at 38°C. (100°F.), in gram calories per hour sq. meter °C. (BTU per hour sq. feet °F); and

t = The actual temperature of the substance at loading, in °C. (°F.).

(5) Insulation, used for the purpose of reducing the venting capacity, must be approved by the approval agency. In all cases, insulation approved for this purpose must:

(i) Remain effective at all temperatures up to 649°C. (1200°F.); and

(ii) Be jacketed with a material having a melting point of 649°C. (1200°F.) or greater.

(6) The flow capacity rating of any pressure relief device must be certified by the manufacturer to be in accordance with the applicable provisions of the ASME Code with the following exceptions:

(i) The ASME Code stamp is not required; and

(ii) The flow capacity certification test for spring loaded pressure relief valves may be conducted at a pressure not to exceed 120% of the set pressure provided the stamped flow capacity rating is not greater than 83% of the average capacity of the valves tested.

(e) *Markings on pressure and vacuum relief devices.* The following information shall be plainly displayed on each pressure relief device:

(1) The pressure or, when appropriate, the temperature at which the device is set to function;

(2) Except for vacuum relief devices, the rated flow capacity of air discharged per minute at 15°C. (59°F.) and atmospheric pressure, at:

(i) The set pressure for frangible discs;

(ii) No greater than 20% above the start to discharge pressure for spring-loaded relief devices; or,

(iii) The fusing temperature for fusible elements.

(3) The manufacturer's name and catalog number; and

(4) The allowable tolerances at the start to discharge pressure and the allowable tolerances at the discharge temperature.

§ 178.270-12 Valves, nozzles, piping, and gauging devices.

(a) All tank nozzles, except for those provided for relief devices, thermometer wells, and inspection openings, must be fitted with manually operated stop valves located as near the shell as practicable either internal or external to the shell. A tank nozzle installed for a pressure relief device must not be provided with a stop valve that restricts the flow from the tank to the pressure relief device (see § 178.270-11(b)(2)). A tank nozzle installed in the vapor space to provide a filling or cleaning opening, which is closed by a blank flange or other suitable means, need not be provided with a manually operated stop valve. A tank nozzle installed for a thermometer well or inspection opening need not be provided with a manually operated stop valve.

(b) Each valve must be designed and constructed to a rated pressure not less than the maximum allowable working pressure to the tank. Each stop valve with a screwed spindle must be closed by a clockwise motion of the handwheel. All valves must be constructed to prevent unintentional opening.

(c) Each internal discharge valve shall be self-closing, located inside the tank, within the welded flange or within its companion flange.

(d) A shear section must be located outboard of each internal discharge valve seat and within 10.2 cm (4 inches) of the vessel. The shear section must break under strain without affecting the product retention capabilities of the tank and any attachments.

(e) All piping must be of suitable material. Welded joints must be used wherever practicable. The bursting strength of all piping and pipe fittings must be at least 4 times the maximum allowable working pressure of the tank. Piping must be supported in such a manner as to prevent damage due to thermal stresses, jarring or vibration.

(f) All nozzles and tank shell penetrations for nozzles shall be designed and constructed in accordance with the ASME Code.

(g) Glass liquid level gauges, or gauges of other easily destructible material, which are in direct communication with the contents of the tank are prohibited.

§ 178.270-13 Testing.

(a) *Hydrostatic test.* Each portable tank and all piping, valves, and other attachments which are subject to the pressure of the contents of the tank, except pressure relief devices, must be hydrostatically tested by completely filling the tank (including domes, if any) with water or other liquid having a similar density and viscosity and applying a pressure of at least 150 percent of the maximum allowable working pressure. The pressure shall be maintained for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, undue distortion, or other conditions which indicate weakness or which might render the tank unsafe for transportation service. Failure to successfully meet the test criteria shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass the test shall be suitably repaired and must successfully pass the prescribed tests prior to use for transporting any hazardous material.

(b) *Testing of internal coils.* Internal coils, if installed, must be hydrostatically tested to an internal pressure of 13.8 bar (200 psig) or 150

percent of the rated pressure of the coils, whichever is greater.

(c) *Tank container qualification test.* For each tank design, a prototype tank, using a framework for containerized transport, must fulfill the requirements of Parts 450–453 of this title for compliance with the requirements of Annex II of the International Convention for Safe Containers. In addition, the following tests must be completed without leakage or deformation that would render the tank unsuitable for use:

(1) *Longitudinal restraint.* The tank loaded to twice its maximum gross weight must be positioned with its longitudinal axis vertical. It shall be held in this position for five minutes by support at the lower end of the base structure providing vertical and lateral restraint and by support at the upper end of the base structure providing lateral restraint only.

(2) *Lateral restraint.* The tank loaded to its maximum gross weight must be positioned for five minutes with its transverse axis vertical. It shall be held in this position for five minutes by support at the lower side of the base structure providing vertical and lateral restraint and by support at the upper side of the base structure providing lateral restraint only.

(d) *Approval of smaller tanks of the same design.* Design approval must include the prototype testing of at least one tank of each design and each size; however, a set of tests made on a tank of one size may serve for the approval of smaller tanks with equal or lesser diameter and length) made of the same material and thickness by the same fabrication technique and with identical supports and equivalent closures and other appurtenances.

(e) *Pressure and vacuum relief devices.* Each spring loaded relief device must be tested for the accuracy of the setting prior to installation on a tank and must be effectively sealed to maintain the required setting.

§ 178.270–14 Marking of tanks.

(a) *General.* Each tank must bear a corrosion resistant metal identification plate that is permanently attached to the portable tank and readily accessible for inspection. The information required in paragraph (b), and, when appropriate, paragraph (c) of this section must be stamped, embossed or otherwise marked by an equally durable method on the plate in characters at least 3 mm (0.118 inches) high. The plate must not be painted.

(b) *Required information.* At least the following information must appear on the metal identification plate for each tank:

(1) US DOT Specification number.
(2) Country of manufacture.
(3) Manufacturer's name.
(4) Date of manufacture.
(5) Manufacturer's serial number.
(6) Identification of USA/DOT approval agency and approval number.
(7) Maximum allowable working pressure, in bar or psig.
(8) Test pressure, in bar or psig.
(9) Total measured water capacity at 20°C. (68°F.), in liters or gallons.
(10) Maximum allowable gross weight, in kg or lbs.
(11) Equivalent minimum shell thickness in mild steel, in mm or inches.
(12) Tank material and specification number.
(13) Metallurgical design temperature range, in °C. and °F.

(c) *Additional information.* The following additional information must appear on the metal identification plate when applicable:

(1) Lining material.
(2) Heating coil maximum allowable working pressure in bar and psig.
(3) Corrosion allowance, in mm or in.

(d) In addition to the markings required above, each tank used in international transport must have a Safety Approval Plate containing the information required in §§ 451.21 through 451.25 of this title.

(e) Nothing in this section shall be deemed to preclude the display of other pertinent information on the required metal identification plate.

§ 178.271 Specification IM 101 steel portable tanks.

§ 178.271–1 General requirements.

(a) Specification IM 101 portable tanks must comply with the general design and construction requirements in § 178.270 of this subpart in addition to the specific design requirements contained in this section.

(b) The maximum allowable working pressure of each tank shall be equal to or greater than 1.75 bar (25.4 psig) and less than 6.8 bar (100 psig).

(c) Each tank shall be designed and constructed in accordance with the requirements of Section VIII, Division 1, of the ASME Code except as limited or modified in this section or in § 178.270 of this subpart. ASME certification or stamp is not required.

§ 178.272 Specification IM 102 steel portable tanks.

§ 178.272–1 General requirements.

(a) Specification IM 102 portable tanks must comply with the general design and construction requirements in § 178.270 of this subpart in addition to the specific design requirements contained in this section.

(b) The maximum allowable working pressure of each tank shall be less than 1.75 bar (25.4 psig) but at least 1.0 bar (14.5 psig).

(c) Each tank shall be designed and constructed in accordance with the requirements of Section VIII, Division 1, of the ASME Code except as limited or modified in this section or in § 178.270 of this subpart. ASME certification or stamp is not required.

§ 178.272–2 Minimum thickness of shells and heads.

(a) The approval agency may authorize a minimum thickness less than that required by § 178.270–5 of this subpart where additional protection against tank puncture provides equal integrity.

(b) The shell and head thickness of a tank must be at least:

(1) 3.18 mm (0.125 inches) for a tank with a maximum cross-sectional dimension of 1.8 meters (5.9 feet) or less; or

(2) 4 mm (0.157 inches) for a tank constructed of the reference mild steel having a maximum cross-sectional dimension exceeding 1.8 meters (5.9 feet). For tanks having a maximum cross-sectional dimension exceeding 1.8 meters (5.9 feet) constructed of other steels, an equivalent head and shell thickness calculated in accordance with § 178.270–5(c) of this subpart may be used, subject to an absolute minimum of 3.18 mm (0.125 inches).

(c) The following additional puncture protection systems are authorized:

(1) An overall external structural protection, such as a jacket, which is rigidly secured to the tank with a layer of cushioning material installed between the external structural protection and the tank; or

(2) A complete framework surrounding the tank including both longitudinal and transverse structural members.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12221 and DOT implementing procedures (4411034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment are available for review in the docket.

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L. D. Santman,

Director, Materials Transportation Bureau.

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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/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

1666 1–7–81 / Revised alternative fuel price ceilings for natural gas users in Rhode Island

INTERIOR DEPARTMENT

National Park Service—

85741 12–30–80 / Provisions for protection of humpback whales within Glacier Bay National Monument

PERSONNEL MANAGEMENT OFFICE

85659 12–30–80 / Federal pay administration under the Fair Labor Standards Act

85654 12–30–80 / Grade and pay retention provisions

85651 12–30–80 / Recruitment, selection, and placement (general); reduction in force

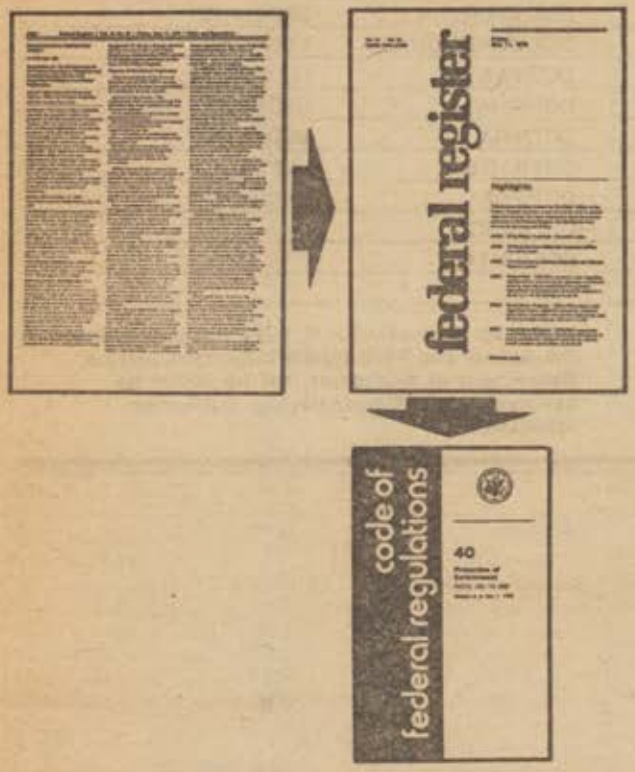
List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

[Last Listing January 28, 1981]

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