U.S. GOVERNMENT INFORMATION GPO

2-4-81
Vol. 46 No. 23
Pages 10705-10894

federal register

Wednesday
February 4, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the **Reader Aids** section at the end of this issue.

10857 **Grant Programs** HHS/HRA announces acceptance of applications for Allied Health Project Grants

10708 **Income Taxes** IRS issues rules concerning the reporting of gain from installment sales

10746 **Cotton** USDA/CCC proposes determinations with respect to the loan programs for the 1981 crops of upland and extra long staple (ELS) cotton, comments by 4-6-81

10721 **Grants—Education** ED postpones effective date to 3-30-81 for grant programs without specific regulations

10785 **Marine Mammals** Commerce/NOAA issues notice of receipt of permit application from The Federation of Japan Salmon Fisheries Cooperative Association to take marine mammals incidental to Commercial Fishing operations

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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.

10728 **Television** FCC issues interim guidelines concerning an inquiry into the future role of low-power television broadcasting and television translators in the National Telecommunications System; effective 1–8–81

10894 **Sunshine Act Meetings**

Contents

Federal Register
Vol. 46, No. 23
Wednesday, February 4, 1981

Agriculture Department
See Commodity Credit Corporation; Forest Service; Soil Conservation Service.

Air Force Department
RULES
10720 Gifts from foreign governments to members and civilian employees of U.S. Air Force; removed

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
10856 February

Army Department
NOTICES
Meetings;
10795 Historical Advisory Committee

Census Bureau
NOTICES
10792 Cubans and Haitians who entered U.S. between April 1 and October 1, 1980; estimates

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
10792 New Jersey
10792 Mississippi
10792 Washington

Coast Guard
RULES
Final rules; deferral of effective dates. See entry under Transportation Department.

Commerce Department
See Census Bureau; International Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
10746 Cotton, 1981 upland and extra long staple

Consumer Product Safety Commission
NOTICES
Meetings:
10795 Poison Prevention Packaging Technical Advisory Committee

Defense Department
See Air Force Department; Army Department.

Drug Enforcement Administration
NOTICES
Registration applications, etc; controlled substances:
10876 Alexander, Clifton Jack, M.D.; termination of proceedings

Education Department
RULES
10721 Grant award procedures for programs without specific regulations under direct grant programs, State-administered programs (EDGAR); library career training and strengthening research library resources programs; effective dates deferred
NOTICES
Meetings:
10795 Vocational Education National Advisory Council

Energy Department
See also Federal Energy Regulatory Commission.
NOTICES
Nuclear waste management:
10851 State Planning Council on Radioactive Waste Management; interim report availability

Environmental Protection Agency
RULES
Water pollution control:
10723 Toxic pollutant list; removal of bis-(chloromethyl) ether
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
10752 Bulk gasoline terminals; correction
Air quality implementation plans; approval and promulgation; various States, etc.:
10750 California
NOTICES
Air pollution control, new motor vehicles and engines:
10851 California pollution control standards and test procedures; diesel passenger cars and emissions from motorcycles; waivers of Federal preemption; hearing
Meetings:
10853 Municipal Construction Division Management Advisory Group

Federal Aviation Administration
RULES
Air carriers certification and operations:
10705 Large general aviation airplanes, safety requirements; effective date deferred

Federal Communications Commission
RULES
Radio stations; table of assignments:
10726 California
10724, 10727 New Mexico (2 documents)
10725 South Carolina
10726 South Dakota
10737 West Virginia
Television broadcasting:
10728 National telecommunications system; low power television broadcasting and television translators, future role; interim guidelines

PROPOSED RULES
Radio services, special:
10768 Multiple-address radio systems; private operational-fixed microwave service and domestic public land mobile radio service
Radio stations; table of assignments:
10778 Arizona
10779 California
10780 Georgia
10781 Iowa
10773, 10776 Kansas (2 documents)
10782 New York
10775 Washington
10772, 10784 West Virginia (2 documents)

NOTICES
Meetings:
10853 Radio Broadcasting Advisory Committee; date change
10853, 10855 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies (2 documents)

Federal Emergency Management Agency
PROPOSED RULES
Federal elevation determinations:
10754 Arizona et al.
10763 California et al.
10753 Montana
10753 Tennessee

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
10798 Air Force Department et al.
10796 Algonquin Gas Transmission Co.
10806 Arizona Public Service Co. (2 documents)
10796 Boston Edison Co. (2 documents)
10807 Columbia Gas Transmission Corp.
10807 Commonwealth Edison Co.
10808 Consumers Power Co.
10798, 10847 Duke Power Co. (2 documents)
10799 First Electric Cooperative Corp.
10799 Greenville Utilities Commission
10797 High Point, N.C.
10799 Iowa Public Service Co.
10799 Lafeyette Utilities System
10847 Missouri Power & Light Co.
10800 Missouri Power & Light Co. et al.
10800, 10801 Mitchell Energy Co., Inc. (2 documents)
10802 Mobile Oil Exploration & Producing Southeast Inc.
10847 Montana-Dakota Utilities Co.
10802 Moon Lake Electric Association
10848 National Fuel Gas Supply Corp.
10802 Natural Gas Pipeline Co. of America
10803 Northeast Utilities Service Co.
10803 Northwestern Public Service Co.
10803 Orlando Utilities Commission
10804 Pacific Gas & Electric Co.
10849 Pennsylvania Electric Co. et al.
10804 Portland General Electric Co.
10804 Potomac Electric Power Co.
10849 Public Utility District No. 1 of Douglas County, Wash.
10805 Puerto Rico Electric Power Authority
10849 Southern Indiana Gas & Electric Co.
10850 Southwestern Electric Service Co.
10805 Sun Oil Co.
10797 Tenino, Wash., et al.
10805 Transcontinental Gas Pipe Line Corp.
10850 Upper Peninsula Power Co.
10796 Water, Gas & Light Commission Board, Albany, Ga.
10850 West Lake Arthur Corp.
10805 West Penn Power Co.
10806 Western Area Power Administration
10798 Wilson, N.C.
10806 Withlacoochee River Electric Cooperative, Inc.
Natural Gas Policy Act of 1978:
10809–10838 Jurisdictional agency determinations (4 documents)

Federal Highway Administration
RULES
Final rules; deferral of effective dates. See entry under Transportation Department.

Federal Home Loan Bank Board
RULES
Federal savings and loan system:
10705 Federal associations, officers and directors; employment contracts, number of directors on board, and expanded boards of directors in mergers; correction

Federal Maritime Commission
PROPOSED RULES
10767 Military rates level; temporary suspension
NOTICES
Energy and environmental statements; availability, etc.:
10855 Port of Vancouver, Wash., and United Grain Corp. of Oregon

Federal Reserve System
PROPOSED RULES
10747 Regulatory agenda; publication schedule

Federal Trade Commission
PROPOSED RULES
10747 Product marketing, standards and certification

Fine Arts Commission
NOTICES
10795 Meetings

Fish and Wildlife Service
RULES
Endangered and threatened species; deferral of effective dates. See entry under Interior Department.
NOTICES
10857 Mitigation policy, final; correction

Forest Service
NOTICES
Meetings:
10789 Gospel-Hump Advisory Committee
10789 State Foresters Committee

Geological Survey
RULES
Mineral leases; late payment penalties; deferral of effective date. See entry under Interior Department.

NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations:
10858 Oil and gas information program; Gulf of Mexico; summary report availability
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
10859 Cities Service Co.
10858 McMoRan Offshore Exploration Co.
10858 Mesa Petroleum Co.
10859 Shell Oil Co.

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Health Services Administration; Public Health Service.

Health Services Administration
NOTICES
10856 Advisory committee reports; annual; availability
Meetings; advisory committees:
10856 March

Indian Affairs Bureau
RULES
Tribal government elections; deferral of effective date. See entry under Interior Department.

Interior Department
See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; Surface Mining Reclamation and Enforcement Office; Water and Power Resources Service.
RULES
10707 Final rules; deferral of effective dates

Internal Revenue Service
RULES
Income taxes:
10708 Installment sales; temporary
PROPOSED RULES
Income taxes:
10749 Installment sales; cross-reference

International Trade Administration
NOTICES
10793 Trade information services; fee increases

International Trade Commission
NOTICES
Import investigations:
10876 Surface grinding machines and literature for promotion
10876 Universal joint kits, components, and trunnion seals

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
10743 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; track use by various railroads
10740 Chicago & North Western Transportation Co.
10741 Des Moines Union Railway Co.
10742 Escanaba & Lake Superior Railroad Co.
Reports:
10745 Motor carrier freight commodity statistics, annual report; elimination of report form TCS
NOTICES
Freight forwarders:
10863 Released rates applications
10864 Hearing assignments
Motor carriers:
10862-10869 Permanent authority applications (3 documents)
10866 Temporary authority applications

Justice Department
See Drug Enforcement Administration.

Land Management Bureau
RULES
Final rules; deferral of effective dates. See entry under Interior Department.
NOTICES
Meetings:
10860 Riverside District Grazing Advisory Board
Sale of public lands:
10860 California
Withdrawal and reservation of lands, proposed, etc.:
10859 Idaho

Maritime Administration
NOTICES
Foreign construction cost computation:
10793 Container vessels, MA design C6-S-85a
10793 Dry bulk carriers, 48,000 dwt

National Oceanic and Atmospheric Administration
PROPOSED RULES
Marine mammals:
10785 Commercial fishing operations; incidental taking affecting Dall's porpoise and other marine mammals in North Pacific Ocean and Bering Sea
NOTICES
Environmental statements; availability, etc.:
10794 Chesapeake Bay estuarine sanctuary, Md.
Meetings:
10793 Western Pacific Fishery Management Council; amendment
10794 National acid precipitation assessment plan; draft availability

Nuclear Regulatory Commission
PROPOSED RULES
10747 Rulemaking petitions; issuance of quarterly report; availability
NOTICES
Applications, etc.:
10877 Connecticut Light & Power et al.
10879 Consolidated Edison Co. of New York
10879, 10880 Duke Power Co. (2 documents)
10879 Florida Power & Light Co.
10880 General Electric Co. et al.
10880 Georgia Power Co. et al.
10881 Metropolitan Edison Co. et al. (2 documents)
10881 Northeast Nuclear Energy Co. et al.
10882 Northern States Power Co.
10877 Nuklearna Elektrarna et al.
10882 Omaha Public Power District
10883 Portland General Electric Co. et al. (2 documents)
10884 Rio Algom Corp.
10887 Southern California Edison Co. et al.

10887 Tennessee Valley Authority
Meetings:
10888 Reactor Safeguards Advisory Committee
10888 Regulatory guides; issuance and availability

Pension Benefit Guaranty Corporation
RULES
10720 Allocation of assets in non-multiemployer plans; correction
10720 Plan sufficiency determinations and terminations; correction

Postal Service
RULES
Domestic Mail Manual:
10721 Controlled circulation applications

Public Health Service
NOTICES
Grants; availability, etc.:
10857 Allied health project

Research and Special Programs Administration, Transportation Department
RULES
Final rules; deferral of effective dates. See entry under Transportation Department.

Securities and Exchange Commission
NOTICES
Hearings, etc.:
10889 Intercapital Tax-Free Daily Income Fund Inc.
10894 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
10891 National Association of Securities Dealers, Inc.
10889 National Securities Clearing Corp.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
10790 Bear River Campground Critical Area Treatment RC&D Measure, Calif.
10791 Big Creek Watershed, Ark.
10790 Bootheel RC&D Area Critical Area Treatment Measures, Mo.
10791 Connellsville Area School District Critical Area Treatment RC&D Measure, Pa.
10790 Limestone Creek Watershed, N.C.
10790 Muddy Creek Watershed, N.C.
10791 Third East Hills Park Critical Area Treatment RC&D Measure, Pa.
Watershed planning assistance; authorization to local organizations:
10789 Wisconsin et al.

State Department
NOTICES
Meetings:
10892 International Radio Consultative Committee
10892 Law of the Sea Advisory Committee

Surface Mining Reclamation and Enforcement Office
RULES
Mining and reclamation operations; deferral of effective dates. Seen entry under Interior Department.

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Research and Special Programs Administration, Transportation Department; Urban Mass Transportation Administration.
RULES
10706 Final rules; deferral of effective dates

Treasury Department
See Internal Revenue Service.

Urban Mass Transportation Administration
RULES
Final rules; deferral of effective dates. See entry under Transportation Department.

Water and Power Resources Service
NOTICES
Contract negotiations:
10860 Huntley Project, Mont.
10860 Upper Colorado Region; interim water service contracts
Environmental statements; availability, etc.:
10861 O'Neill Unit, Nebr.; hearing

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
10789 Committee of State Foresters, Albuquerque, N.M., 3–5–81
10789 Gospel-Hump Advisory Committee, Grangeville, Idaho; 2–26–81

CIVIL RIGHTS COMMISSION
10792 Mississippi Advisory Committee, Jackson, Miss.; 2–25–81
10792 New Jersey Advisory Committee, New Brunswick, N.J.; 2–18–81
10792 Washington Advisory Committee, Wash, D.C.; 2–23–81

COMMISSION OF FINE ARTS
10795 Cancelled for 2–10–81

CONSUMER PRODUCT SAFETY COMMISSION
10795 Technical Advisory Committee on Poison Prevention Packaging, Wash, D.C.; 2–24–81

DEFENSE DEPARTMENT
Department of the Army—
10795 Department of the Army Historical Advisory Committee, Wash, D.C.; 5–1–81

ENVIRONMENTAL PROTECTION AGENCY
10853 Management Advisory Group to the Municipal Construction Division, Wash, D.C.; 3–3–81

FEDERAL COMMUNICATIONS COMMISSION
10853 Advisory Committee on Radio Broadcasting, Wash, D.C; 3–4–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
10856 National Commission on Alcoholism and Other Alcohol-Related Problems, Wash, D.C.; 2–24 and 2–25–81
Health Services Administration—
10856 EMS Communications Work Group of the Interagency Committee, Wash, D.C.; 3–10–81

INTERIOR DEPARTMENT
Land Management Bureau—
10860 Riverside District Grazing Advisory Board, Victorville, Calif. 2–26–81

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION
10795 Wash, D.C.; 2–20 and 2–21–81

NUCLEAR REGULATORY COMMISSION
10888 Advisory Committee on Reactor Safeguards, Subcommittee on San Onofre Units 2 and 3 Wash, D.C.; 2–18–81

STATE DEPARTMENT
10892 Advisory Committee on the Law of the Sea, Wash, D.C.; 2–18–81
10892 U.S. Organization for the International Radio Consultative Committee, Wash, D.C.; 3–3–81

HEARINGS

INTERIOR DEPARTMENT
Water and Power Resources Service—
10861 O'Neill Unit Final Environmental Statement, 1–21–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
Proposed Rules:
1747 ... 10746

10 CFR
Proposed Rules:
Ch. I ... 10747

12 CFR
544 ... 10705
545 ... 10705
546 ... 10705
571 ... 10705
Proposed Rules:
Ch. II ... 10747

14 CFR
43 ... 10705
91 ... 10705
121 ... 10705
123 ... 10705
125 ... 10705
135 ... 10705
145 ... 10705

16 CFR
Proposed Rules:
457 ... 10747

23 CFR
140 ... 10706
450 ... 10706
630 ... 10706
655 ... 10706
656 ... 10706
765 ... 10706

25 CFR
52 ... 10707
53 ... 10707

26 CFR
15A ... 10708
Proposed Rules:
1 ... 10749

29 CFR
2608 ... 10720
2615 ... 10720

30 CFR
211 ... 10707
221 ... 10707
231 ... 10707
250 ... 10707
270 ... 10707
700 ... 10707
716 ... 10707
785 ... 10707
948 ... 10707
950 ... 10707

32 CFR
826 ... 10708

33 CFR
117 ... 10706
157 ... 10706
161 ... 10706
162 ... 10706

34 CFR
75 ... 10721
76 ... 10721
776 ... 10721
778 ... 10721

39 CFR
111 ... 10721

40 CFR
401 ... 10723
Proposed Rules:
52 ... 10750
60 ... 10752

43 CFR
9 ... 10707
2090 ... 10707
2091 ... 10707
2200 ... 10707
2210 ... 10707
2220 ... 10707
2250 ... 10707
2260 ... 10707
2270 ... 10707
2300 ... 10707
2310 ... 10707
2320 ... 10707
2340 ... 10707
2350 ... 10707
2920 ... 10707
Public Land Orders:
5797 ... 10707
5798 ... 10707
5799 ... 10707
5802 ... 10707
5804 ... 10707
5805 ... 10707
5806 ... 10707
5809 ... 10707
5812 ... 10707
5814 ... 10707
5817 ... 10707
5818 ... 10707
5819 ... 10707
5821 ... 10707
5824 ... 10707
5825 ... 10707
5826 ... 10707
5827 ... 10707
5828 ... 10707
5830 ... 10707
5831 ... 10707
5832 ... 10707
5833 ... 10707
5834 ... 10707
5836 ... 10707
5837 ... 10707
5838 ... 10707
5839 ... 10707
5840 ... 10707
5841 ... 10707
5842 ... 10707
5844 ... 10707
5845 ... 10707
5846 ... 10707
5848 ... 10707
5849 ... 10707
5850 ... 10707
5851 ... 10707
5852 ... 10707
5853 ... 10707
5854 ... 10707
5855 ... 10707

44 CFR
Proposed Rules:
67 (4 documents) ... 10753–10763

46 CFR
Proposed Rules:
549 ... 10767

47 CFR
73 (7 documents) ... 10724–10737
Proposed Rules:
2 ... 10768
22 ... 10768
73 (10 documents) ... 10772–10784
94 ... 10768

49 CFR
173 ... 10706
179 ... 10706
192 ... 10706
195 ... 10706
460 ... 10706
613 ... 10706
635 ... 10706
639 ... 10706
640 ... 10706
642 ... 10706
1033 (4 documents) ... 10740–10743
1248 ... 10745

50 CFR
17 ... 10707
Proposed Rules:
216 ... 10785

Rules and Regulations

Federal Register
Vol. 46, No. 23
Wednesday, February 4, 1981

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 544, 545, 546, and 571

[No. 81-18]

Amendments Relating to Officers and Directors of Federal Associations

Correction

In FR Doc. 81-3494, appearing at page 9917 in the issue for Friday, January 30, 1981, make the following corrections:

(1) On page 9919, in the first column, under the heading for Part 546, in amendatory paragraph 6., in the first line, "Amend § 565.2(h) * * *" should have read "Amend § 546.2(h) * * *".

(2) Also on page 9919, in the first column, under the heading for Part 563, in amendatory paragraph 7., in the first line, "§ 56.22" should have read "§ 563.22".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 43, 91, 121, 123, 125, 135 and 145

[Docket Nos. 19779 and 20813; Amendment Nos. 43-22, 91-174, 121-169, 123-10, 125-1, 135-12, and 145-18]

Amendments of Effective Date of Part 125 and Amendments Adopted in Relation to Part 125

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Postponement of Part 125.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment consistent with the President's directive, postpones the effective date of new Part 125 and related amendments from February 1, 1981, to April 1, 1981.

EFFECTIVE DATE: January 30, 1981. New Part 125 effective date is April 1, 1981.

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:

Background

Part 125 was published in the **Federal Register** on October 9, 1980, (45 FR 67214). That part, and related amendments to Parts 43, 91, 121, 123, 135, and 145 have an effective date of February 1, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fall within the scope of the President's memorandum.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the country's economic climate.

In order to give his Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, he directed the postponement of pending regulations.

Consistent with this view, I am by this notice postponing for 60 days the effective day of Part 125.

Description of These Amendments

The effective date of Part 125 and of related amendments 43-21, 91-169, 91-107A, 121-164, 123-9, 135-7, and 145-17 is changed from February 1, 1981, to April 1, 1981. In addition, in order to preserve the application and compliance procedure timing, certain dates specified in any of the related amendments listed in the preceding sentence are revised. However, although the effective date of Amendment 91-107A is changed from February 1, 1981, to April 1, 1981, the designation date of November 29, 1980, for applicable noise rules is unchanged.

Need for Immediate Adoption

The FAA realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interest. However, in accordance with the President's directive, the economic condition of the nation is such that the government must rethink the need and expense of each new regulation. For a new Administration and any new Department head to effectively accomplish this objective, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and the impact of such a delay will be minimal. For these reasons, the FAA is convinced that good cause exists for postponing for up to 60 days the effective date of this rule for 60 days and that the end result of such a delay, a more cohesive and effective regulatory program, is in the public interest. For similar reasons and because of this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these changes effective immediately. Since this change of effective dates must be accomplished immediately and does not involve rulemaking, compliance with Executive Order 12044 is also unnecessary.

Accordingly consistent with the President's memorandum of January 29, 1981, on Postponing of Pending Regulations, the effective dates of Part 125 is postponed until April 1, 1981.

Adoption of the Amendment

Accordingly, 14 CFR Chapter 1 is amended as follows:

1. By amending the effective date February 1, 1981, of Part 125 and Amendment Nos. 43–21, 91–169, 91–107A, 121–164, 123–9, 135–7, and 145–17 to read April 1, 1981 in each case.

§§ 121.53, 123,1 [Amended]

2. By amending the date "January 31, 1981" in § 121.53(f) as adopted in Amendment 121–164 and in § 123.1(d) as adopted in Amendment 123–9, to read "March 31, 1981" in each case.

§ 125.5 [Amended]

3. By amending § 125.5 by revising the date "February 1, 1981" in paragraph (a) to read "April 1, 1981" and the dates "June 1, 1981" and "January 31, 1981" in paragraph (b) to read "August 1, 1981" and "March 31, 1981" respectively

(Secs. 307, 313, 601 through 611, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354, 1421–1431 and 1502); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Title III, Aviation Safety and Noise Abatement Act of 1979 (94 Stat. 50))

Additional Actions Pending

In addition to the amendments adopted herein, the Agency has other regulatory actions as to which it has not been able to act to carry out the President's memorandum because they have been issued by the various FAA Regions. These include, but are not limited to, airworthiness directives, airspace actions, and standard instrument approach procedures. Additional postponements of these regulations will be issued in the next several days to comply with the President's memorandum.

Issued in Washington, D.C., on January 30, 1981.

Charles E. Weithoner,

Acting Administrator.

[FR Doc. 81-4205 Filed 2-3-81; 12:57 pm]

BILLING CODE 4910-13-M

Office of the Secretary

23 CFR Parts 140, 450, 630, 655, 656, and 765

33 CFR Parts 117, 157, 161, and 162

49 CFR Parts 173, 179, 192, 195, 460, 613, 635, 639, 640, and 642

[OST Notice No. 81-2]

Postponement of Pending Regulations

AGENCY: Department of Transportation.

ACTION: Notice of Postponement of Pending Regulations.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue notices in the **Federal Register** postponing for 60 days after January 29, 1981, the effective dates of regulations that had already been issued but were scheduled to become effective during that 60-day period. This action is essential, in light of the Nation's present economic climate, to effectuate the Administration's goal of less burdensome and more rational Federal regulation. This notice, consistent with the President's directive, postpones the effective date of all the Department of Transportation regulations covered by the President's memorandum, except those covered in the Notice of Postponement issued by the Federal Aviation Administration, which I directed be issued and published in this edition of the **Federal Register**. The specific regulations covered by this notice are set forth below.

EFFECTIVE DATE: January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, C–50; Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590; Telephone (202) 426–4723.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memoradum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that have been promulgated in final form and that are scheduled to become effective during such 60-day period. The memorandum also directs agencies to refrain, for 60 days following the date of the memorandum, from promulgating any final rules. A number of specific exemptions are set forth in the memorandum. For several other circumstances, procedures are established for promulgating final rules and for making rules effective in the 60-day period following the date of the memorandum provided that appropriate consultations are held with the Office of Management and Budget.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, the President directed this postponement of pending regulations.

The Department of Transportation shares the President's goals and will do all in its power to comply with the spirit as well as the letter of the President's memorandum. Consistent with this view, I am by this notice postponing until March 31, 1981, the effective day of all Department of Transportation rules covered by the President's directive except those issued by the Federal Aviation Administration (FAA). Those regulations with pertinent information are listed below. Elsewhere in this issue of the **Federal Register** is an FAA Notice of Postponement, issued and published at my direction, that is similar to this Notice. A separate FAA notice is needed because certain rulemaking authority is assigned directly to the FAA by statute.

It should be noted that certain Departmental rules must continue to be issued and be made effective during the 60-day period following the President's memorandum. Primarily, these regulations will be responding to emergency situations or statutory or judicial deadlines and are specifically excepted from the memorandum's postponement requirements. We expect that other situations, such as those involving relaxatory rules, may also be exempted from certain of the Presidential memorandum's requirements where they meet the objectives discussed in that memorandum.

The Department recognizes that the effective dates of some of the rules listed below may have been the subject of public comment during the comment periods on the related notices of proposed rulemaking or were otherwise issues considered when the rules were promulgated. Furthermore, the Department realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interests.

However, the Department is convinced that the economic condition of the Nation is such that the government must rethink the need and burden of each of the below listed regulations. For a new Administration and any new Department head to accomplish this objective effectively, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and we believe the impact of such a delay will be minimal. For these reasons, the Department is convinced that good cause exists for postponing for up to 60 days the effective dates of the covered pending regulations and that the end result of such a delay—a more cohesive and effective regulatory program—is in

the public interest. For these reasons and because many of the covered rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately. Since this change of effective dates must be accomplished immediately and does not involve rulemaking, compliance with Executive Order 12044 is also unnecessary.

Accordingly, consistent with the President's memorandum of January 29, 1981, on Postponing of Pending Reguations, the effective dates of the following rules are postponed until March 31, 1981:

U.S. Coast Guard (USCG)

Title and CFR part number	FR citation	Previously scheduled effective date
Vessel Traffic Service (VTS), New York, N.Y. (Docket No. CGD 77-087), 33 CFR 161.	44 FR 55005; 9/24/79.	Pending.
Vessel Traffic Service (VTS), Puget Sound (Docket No. CGD 78-041a), 33 CFR 161.	45 FR 84057; 12/22/80.	2/1/81.
Inland Waterways Navigation Regulation, Great Lakes, 33 CFR 162.	46 FR 7959; 1/26/81.	2/25/81.
Drawbridge Operation Regulations: St. Croix River, Wisconsin and Minnesota, 33 CFR 117.	46 FR 9579; 1/29/81.	3/1/81.
Exemption Procedures, Segregated Ballast Tanks (Docket No. CGD 79-126) 33 CFR 157.	46 FR 3510; 1/15/81.	2/17/81.

Federal Highway Administration (FHWA)

Title and CFR part number	FR citation	Previously scheduled effective date
Urban Transportation Planning Process; Transportation Improvement Program (issued in conjunction with UMTA), 23 CFR 450, 630, 49 CFR 613.	46 FR 5702; 1/19/81.	2/18/81.
Traffic Controlled Devices on Federal-aid and other Streets and Highways, 23 CFR 655.	46 FR 2036; 1/8/81.	1/30/81.
Carpool and Vanpool Projects, 23 CFR 656.	46 FR 2298; 1/8/81.	1/30/81.
Payroll and Related Expense of Public Employees, 23 CFR 140.	46 FR 3501; 1/15/81.	2/17/81.
Archeological and Paleontological Salvage, 23 CFR 755.	46 FR 9570; 1/29/81.	2/27/81.
Urban Mass Transportation Administration (UMTA)		
Urban Transportation Planning Process/Transportation Improvement Program, 23 CFR 450, 630, 49 CFR 613.	46 FR 5702; 1/19/81.	2/18/81.
"Buy America" Requirements of Surface Transportation Assistance Act of 1978, 49 CFR 460.	46 FR 5808; 1/19/81.	2/18/81.

Federal Highway Administration (FHWA)—Continued

Title and CFR part number	FR citation	Previously scheduled effective date
Bus Rehabilitation Program (UMTA Docket 80-A), 49 CFR 640.	46 FR 6862; 1/29/81.	2/24/81.
Public Hearing Requirements, 49 CFR 635.	46 FR 5476; 1/19/81.	2/18/81.
Stockpiling of Buses (UMTA Docket 80-B), 49 CFR 639.	46 FR 5480; 1/19/81.	2/18/81.
Urban Initiatives, 49 CFR 642.	46 FR 5820; 1/19/81.	2/18/81.
Research and Special Programs Administration (RSPA)		
Incorporation by Reference (192-37 and 195-21 Docket No. PS-85), 49 CFR 192 and 195.	46 FR 10157; 2/2/81.	3/4/81.
Design and Construction of Pipelines Carrying Highly Volatile Liquids Docket No. (PS-56A), 49 CFR 192.	46 FR 39; 1/2/81.	2/2/81.
Safety Improvement Program for DOT 105 Tank Cars, 49 CFR 173, 179.	46 FR 8005; 1/26/81.	3/1/81.

(23 U.S.C. 101(e), 103, 104(f)(3), 109(d), 109(h), 109(j), 114(a), 134, 142, 146, 217, 305, 315; 33 U.S.C. 1221, 1231; 41 U.S.C. 10a, 10c, 10d, 42 U.S.C. 4332, 7401, 7506; 46 U.S.C. 391a; 49 U.S.C. 1602, 1604, 1604(i)(3), 1607, 1651 et. seq., 1672, 1803, 1804, 1808)

Issued in Washington, D.C., on January 30, 1981.

Darrell M. Trent,

Deputy Secretary.

[FR Doc. 81-4210 Filed 2-3-81; 1:28 pm]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

25 CFR Parts 52, 53

30 CFR Parts 211, 221, 231, 250, 270, 700, 716, 785, 948, 950

43 CFR Parts 9, 2090, 2091, 2200, 2210, 2220, 2250, 2260, 2270, 2300, 2310, 2320, 2340, 2350, 2920

43 CFR Public Land Orders 5797-5799, 5802, 5804-5806, 5809, 5812, 5814, 5817-5819, 5821, 5824-5828, 5830-5834, 5836-5842, 5844-5846, 5848-5855

50 CFR Part 17

Extension of Effective Dates for Final Rules

AGENCY: Department of the Interior.

ACTION: Extension of effective dates for final rules.

SUMMARY: In accordance with the President's memorandum of January 29, 1981, the Department of the Interior is extending the effective date of rules issued in final form but not yet in effect.

DATE: Effective January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Frederick N. Ferguson, Deputy Solicitor, 202-343-4813; Timothy S. Elliott, Deputy Associate Solicitor—Division of General Law, 202-343-4722.

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981 directs Federal agencies to extend the effective date of regulations issued in final form but not yet in effect for a 60-day period. The effective dates of the following regulations are therefore extended until March 30, 1981:

Date published	FR page	Subject
January 7, 1981	46 FR 1668, 1674	25 CFR Parts 52 and 53. Tribal government elections.
January 22, 1981	46 FR 7206	30 CFR 716.7. Prime farmlands exemption.
January 28, 1981	46 FR 9065	30 CFR Part 950. State-federal cooperative agreement for Wyoming.
January 23, 1981	46 FR 7894	30 CFR 716.7, 785.17. Prime farmlands exemption.
January 23, 1981	46 FR 7902	30 CFR 700.11(b). Extraction of coal; two acres or less.
January 23, 1981	46 FR 7324	30 CFR Part 948. Approval of abandoned mine reclamation plan; West Virginia.
December 26, 1980.	45 FR 84762	30 CFR Parts 211, 221, 231, 250, 270. Late payment penalties under mineral leases.
January 6, 1981	46 FR 1634	43 CFR Parts 2091, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270. Exchanges.
January 19, 1981	46 FR 5794	43 CFR Parts 2090, 2300, 2310, 2320, 2340, 2350. Federal land withdrawals; procedures.
January 19, 1981	46 FR 5772	43 CFR Parts 9 and 2920. Land use; leases, permits, easements.
January 13, 1981	46 FR 3178	50 CFR Part 17. Endangered and threatened species (2 documents).
January 19, 1981	46 FR 5730	50 CFR Part 17. Endangered and threatened species (2 documents).

In addition, the effective dates of the following Public Land Orders are postponed to March 30, 1981: 5797 [46 FR 2046]; 5798 [46 FR 2046]; 5799 [46 FR 2047]; 5802 [46 FR 2047]; 5804 [46 FR 2047]; 5805 [46 FR 2048]; 5806 [46 FR 2348]; 5809 [46 FR 6943]; 5810 [46 FR 6943]; 5812 [46 FR 6944]; 5814 [46 FR

6945); 5817 (46 FR 6946); 5818 (46 FR 6946); 5819 (46 FR 6946); 5821 (46 FR 6947); 5824 (46 FR 6948); 5825 (46 FR 7338); 5826 (46 FR 7338); 5827 (46 FR 7339); 5828 (46 FR 7340); 5830 (46 FR 7341); 5831 (46 FR 7341); 5832 (46 FR 7341); 5833 (46 FR 7342); 5834 (46 FR 7342); 5836 (46 FR 7343); 5837 (46 FR 7343); 5838 (46 FR 7343); 5839 (46 FR 7344); 5840 (46 FR 7344); 5841 (46 FR 7345); 5842 (46 FR 7345); 5844 (46 FR 7346); 5845 (46 FR 7346); 5846 (46 FR 7346); 5848 (46 FR 7347); 5849 (46 FR 7347); 5850 (46 FR 7348); 5851 (46 FR 7348); 5852 (46 FR 7349); 5853 (46 FR 7349); 5854 (46 FR 8520); and 5855 (46 FR 8520).

Dated: January 30, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-4134 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 15A

[T.D. 7768]

Temporary Income Tax Regulations; Installment Sales—General Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the general rules for reporting gains from installment sales. Changes to the applicable tax law were made by the Installment Sales Revision Act of 1980. These regulations affect all taxpayers who make installment or other deferred payment sales and provide them with the guidance to comply with the law. Except as otherwise provided in this document, the amendments are proposed to apply to installment sales occurring after October 19, 1980. In addition, the text contained in the temporary regulations serves as a text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules Section of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the general rules for reporting installment sales and the rules relating to contingent installment sales under section 453 of the Internal Revenue Code, as added or amended by the Installment Sales Revision Act of 1980, 94 Stat. 2247. This document does not contain regulations relating to installment obligations received in certain exchanges in which gain or loss is generally not recognized, nor regulations to installment sales between related parties. Those regulations will be contained in later documents, as will regulations relating to installment sales under sections 453A, 453B, 691, 1038 and 1239. These amendments are issued under the authority contained in sections 453(i) and 7805 of the Code (94 Stat. 2247, 68A Stat. 917; 26 U.S.C. 453(i), 7805). The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Significant Differences Between Old Section 453 and New Sections 453, 453A and 453B

The Installment Sales Revision Act of 1980 amends section 453 by redesignating the provisions relating to installment sales by dealers in personal property as section 453A and the provisions relating to gain or loss on the disposition of installment obligations as section 453B. The provisions of section 453 relating to sales of real property and casual sales of personal property have been deleted and replaced by new section 453. Except for rules relating to changes from the accrual method to the installment method, the statutory provisions relating to dealer transactions merely have been redesignated. Except for rules relating to receipt of installment obligations by life insurance companies and certain cancellations of installment obligations, the rules for computing gain or loss on the disposition of installment obligations remain unchanged. Therefore, the regulations relating to the unchanged provisions will simply be redesignated.

New section 453 differs significantly from the old statute. The requirement that in order to qualify for installment method reporting no more than 30 percent of the selling price be received by the seller in the taxable year of the sale has been eliminated, as have the requirements that the deferred payment casual sale of personal property or deferred payment sale of real property be for two or more payments and that the selling price of personal property exceed $1,000. The new statute changes the election provisions, providing for installment method reporting of an installment sale unless the taxpayer elects otherwise. The new statute permits installment method reporting for contingent payment sales.

The rules for installment method reporting remain substantially unchanged. Gain is recognized as payments are received; the gain recognized for any taxable years is the proportion of the installment payment received in that year which the gross profit, realized or to be realized when the contract is completed, bears to the total contract price.

Mortgages

Under both prior law and the new statute, a mortgage assumed or taken subject to by the purchaser as part of an installment sale is considered payment in the year of sale to the seller to the extent that the mortgage exceeds the seller's basis in the property. Only the seller's basis, if any, in excess of the mortgage assumed or taken subject to by the purchaser is taken into account in determining the gross profit ratio. These regulations make it clear that any mortgage encumbering the property will be treated as assumed or taken subject to, and thus constitutes payment in the year of sale to the extent that the mortgage exceeds basis, even though title to the property has not passed to the purchaser and even though the seller remains responsible for payment of the mortgage. Thus, in the case of what is known as a "wrap-around" mortgage, the purchaser is deemed to have assumed or taken subject to the underlying mortgage even though the seller agrees with the buyer to remain responsible for making payments on the mortgage.

Payment

The new statute provides that receipt of an installment note of the purchaser does not constitute payment to the seller even if that note is guaranteed by a third party. These regulations specifically define standby letters of credit as third party guarantees thus excluding as payment notes backed by standby letters of credit.

Contingent Payment Obligations

The new statute extends installment method reporting to contingent payment obligations. If the obligation has a stated maximum amount to be received, the stated maximum amount generally is used as the selling price for determining the gross profit ratio which the seller uses to report gain on the sale. When there is no stated maximum amount but the contract calls for payment over a

fixed period, basis is recovered ratably over that period. If a transaction which has neither a stated maximum amount nor a fixed period is considered a sale, basis is generally to be recovered over 15 years. For those assets for which income forecasting is an accepted measure for determining depreciation, basis may also be recovered according to forecasted income.

Because the rules set forth in these regulations may not provide a schedule of basis recovery which is reasonable for every contingent transaction, these regulations provide that a taxpayer may use an alternative method of basis recovery where the rules in the regulations would substantially and inappropriately defer basis recovery. These regulations also provide that when the general rules would substantially and inappropriately accelerate bases recovery, the Service may require a different method of basis recovery.

Private Annuities

It is anticipated that regulations will be issued in the near future explaining the relationship among sections 72, 453, 453B and 1001 for purposes of reporting a disposition of property in exchange for an annuity obligation.

Election Not To Use Installment Method Reporting

The new statute provides that an installment obligation is to be reported on the installment method unless the taxpayer elects not to use installment reporting. These regulations provide the time and manner for making the election.

An accrual method taxpayer who elects not to use installment method reporting reports the full face amount of the obligation in the year of sale. A cash method taxpayer reports the fair market value of the obligation in the year of sale. Under prior law, the cost-recovery method of reporting contingent obligations was permitted when the value of the obligation could not be ascertained. These regulations provide that the value of any installment obligation which has a fixed amount can be ascertained and that, except in rare and extraordinary circumstances, the value of an installment obligation for a contingent amount can be ascertained. Therefore, the cost recovery method will be available only in those rare and extraordinary circumstances in which the value of a contingent installment obligation cannot be ascertained.

Unstated Interest

Under the new statute as well as under prior law interest is not to be considered part of the selling price. These regulations provide rules for calculating reportable gain when the amount of interest ultimately payable on the installment obligation is uncertain.

Waiver of Procedural Requirements of Treasury Directive

The expeditious adoption of the provisions contained in this document is necessary because of the need for immediate guidance to taxpayers making installment sales and to personnel of the Internal Revenue Service who must administer the Installment Sales Revision Act of 1980. For this reason, William E. Williams, Acting Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of this regulation is Phoebe A. Mix of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

Accordingly, a new part 15A, Temporary Income Tax Regulations under the Installment Sales Revision Act is added to Title 26 of the Code of Federal Regulations and the following Temporary regulations are adopted:

§ 15A.453–0 Taxable years affected.

(a) *In general.* Except as otherwise provided, the provisions of § 15A.453–1 (a) through (e) generally apply to installment method reporting for sales of real property and casual sales of personal property occurring after October 19, 1980. See 26 CFR § 1.453–1 (rev. as of April 1, 1980) for the provisions relating to installment method reporting for sales of real property and casual sales before October 20, 1980 (except as provided in paragraph (b) of this section) and for provisions relating to installment sales by dealers in personal property occurring before October 20, 1980.

(b) *Certain limitations.* The provisions of prior law (section 453(b) of the Internal Revenue Code of 1954, in effect as of October 18, 1980) which required that the buyer receive no more than 30 percent of the selling price in the taxable year of the installment sale and that at least two payments be received shall not apply to reporting for casual installment sales of personal property and installment sales of real property occurring in a taxable year ending after October 19, 1980.

§ 15A.453–1 Installment method reporting for sales of real property and casual sales of personal property.

(a) *In general.* Unless the taxpayer otherwise elects in the manner prescribed in paragraph (d)(3) of this section, income from a sale of real property or a casual sale of personal property, where any payment is to be received in a taxable year after the year of sale, is to be reported on the installment method.

(b) *Installment sale defined*—(1) *In general.* The term "installment sale" means a disposition of property (except as provided in paragraph (b)(4) of this section) where at least one payment is to be received after the close of the taxable year in which the disposition occurs. The term "installment sale" includes dispositions from which payment is to be received in a lump sum in a taxable year subsequent to the year of sale. For purposes of this paragraph, the taxable year in which payments are to be received is to be determined without regard to section 453(e) (relating to related party sales), section (f)(3) (relating to the definition of a "payment") and section (g) (relating to sales of depreciable property to a spouse or 80-percent-owned entity).

(2) *Installment method defined*—(i) *In general.* Under the installment method, the amount of any payment which is income to the taxpayer is that portion of the installment payment received in that year which the gross profit realized or to be realized bears to the total contract price (the "gross profit ratio"). See paragraph (c) of this section for rules describing installment method reporting of contingent payment sales.

(ii) *Selling price defined.* The term "selling price" means the gross selling price without reduction to reflect any existing mortgage or other encumbrance on the property (whether assumed or taken subject to by the buyer) and without reduction to reflect any selling expenses. Neither interest, whether stated or unstated, nor original issue discount is considered to be a part of the selling price. See paragraph (c) of this section for rules describing installment method reporting of contingent payment sales.

(iii) *Contract price defined.* The term "contract price" means the total contract price equal to selling price reduced by that portion of any qualifying indebtedness (as defined in paragraph (b)(2)(iv) of this section),

assumed or taken subject to by the buyer, which does not exceed the seller's basis in the property (adjusted to reflect commissions and other selling expenses as provided in paragraph (b)(2)(v) of this section). See paragraph (c) of this section for rules describing installment method reporting of contingent payment sales.

(iv) *Qualifying indebtedness.* The term "qualifying indebtedness" means a mortgage or other indebtedness encumbering the property and indebtedness, not secured by the property but incurred or assumed by the purchaser incident to the purchaser's acquisition, holding, or operation in the ordinary course of business or investment, of the property. The term "qualifying indebtedness" does not include an obligation of the taxpayer incurred incident to the disposition of the property (*e.g.*, legal fees relating to the taxpayer's sale of the property) or an obligation functionally unrelated to the acquisition, holding, or operating of the property (*e.g.*, the taxpayer's medical bill). Any obligation created subsequent to the taxpayer's acquisition of the property and incurred or assumed by the taxpayer or placed as an encumbrance on the property in contemplation of disposition of the property is not qualifying indebtedness if the arrangement results in accelerating recovery of the taxpayer's basis in the installment sale.

(v) *Gross profit defined.* The term "gross profit" means the selling price less the adjusted basis as defined in section 1011 and the regulations thereunder. In the case of sales of real property by a person other than a dealer and a casual sale of personal property, commissions and other selling expenses shall be added to basis for purposes of determining the proportion of payments which is gross profit attributable to the disposition. Such additions to basis will not be deemed to affect the taxpayer's holding period in the transferred property.

(3) *Payment*—(i) *In general.* Except as provided in paragraph (e) of this section (relating to purchaser evidences of indebtedness payable on demand or readily tradable), the term "payment" does not include the receipt of evidences of indebtedness of the person acquiring the property ("installment obligation"), whether or not payment of such indebtedness is guaranteed by a third party (including a government agency). A standby letter of credit (as defined in paragraph (b)(3)(iii) of this section) shall be treated as a third party guarantee. Payments include amounts actually or constructively received in the taxable year under an installment obligation. Receipt of an evidence of indebtedness which is secured directly or indirectly by cash or a cash equivalent, such as a bank certificate of deposit or a treasury note, will be treated as the receipt of payment. Payment may be received in cash or other property, including foreign currency, marketable securities, and evidences or indebtedness which are payable on demand or readily tradable. However, for special rules relating to the receipt of certain property with respect to which gain is not recognized, see paragraph (f) of this section (relating to transactions described in sections 351, 356(a) and 1031). Except as provided in § 15A.453–2 of these regulations (relating to distributions of installment obligations in corporate liquidations described in section 337), payment includes receipt of an evidence of indebtedness of a person other than the person acquiring the property from the taxpayer. For purposes of determining the amount of payment received in the taxable year, the amount of qualifying indebtedness (as defined in paragraph (b)(2)(iv) of this section) assumed or taken subject to by the person acquiring the property shall be included only to the extent that it exceeds the basis of the property (determined after adjustment to reflect selling expenses). For purposes of the preceding sentence, an arrangement under which the taxpayer's liability on qualifying indebtedness is eliminated incident to the disposition (*e.g.*, a novation) shall be treated as an assumption of the qualifying indebtedness. If the taxpayer sells property to a creditor of the taxpayer and indebtedness of the taxpayer is cancelled in consideration of the sale, such cancellation shall be treated as payment. To the extent that cancellation is not in consideration of the sale, see §§ 1.61–12(b)(1) and 1.1001–2(a)(2) relating to discharges of indebtedness. If the taxpayer sells property which is encumbered by a mortgage or other indebtedness on which the taxpayer is not personally liable, and the person acquiring the property is the obligee, the taxpayer shall be treated as having received payment in the amount of such indebtedness.

(ii) *Wrap-around mortgage.* A "wrap-around mortgage" means an arrangement in which the buyer initially does not assume and purportedly does not take subject to part or all of the mortgage or other indebtedness encumbering the property ("wrapped indebtedness") and, instead, the buyer issues to the seller an installment obligation the principal amount of which reflects such wrapped indebtedness. Ordinarily, the seller will use payments received on the installment obligation to service the wrapped indebtedness. The wrapped indebtedness shall be deemed to have been taken subject to even though title to the property has not passed in the year of sale and even though the seller remains liable for payments on the wrapped indebtedness. In the hands of the seller, the wrap-around installment obligation shall have a basis equal to the seller's basis in the property which was the subject of the installment sale, increased by the amount of gain recognized in the year of sale, and decreased by the amount of cash and the fair market value of other nonqualifying property received in the year of sale. For purposes of this (ii), the amount of any indebtedness assumed or taken subject to by the buyer (other than wrapped indebtedness) is to be treated as cash received by the seller in the year of sale. Therefore, except as otherwise required by section 483 or 1232, the gross profit ratio with respect to the wrap-around installment obligation is a fraction, the numerator of which is the face value of the obligation less the taxpayer's basis in the obligation and the denominator of which is the face value of the obligation.

(iii) *Standby letter of credit.* The term "standby letter of credit" means a non-negotiable, non-transferable (except together with the evidence of indebtedness which it secures) letter of credit, issued by a bank or other financial institution, which serves as a guarantee of the evidence of indebtedness which is secured by the letter of credit. Whether or not the letter of credit explicitly states it is non-negotiable and nontransferable, it will be treated as non-negotiable and nontransferable if applicable local law so provides. The mere right of the secured party (under applicable local law) to transfer the proceeds of a letter of credit shall be disregarded in determining whether the instrument qualifies as a standby letter of credit. A letter of credit is not a standby letter of credit if it may be drawn upon in the absence of default in payment of the underlying evidence of indebtedness.

(4) *Exceptions.* The term "installment sale" does not include, and the provisions of section 453 do not apply to, dispositions of personal property on the installment plan by a person who regularly sells or otherwise disposes of personal property on the installment plan, or to dispositions of personal property of a kind which is required to be included in the inventory of the taxpayer if on hand at the close of the

taxable year. See section 453A and the regulations thereunder for rules relating to installment sales by dealers in personal property. A dealer in real property or a farmer who is not required under his method of accounting to maintain inventories may report the gain on the installment method under section 453.

(5) *Examples.* The following examples illustrate installment method reporting under this section:

Example (1). A sells Blackacre, an unencumbered capital asset in A's hands, to B for $100,000: $10,000 down and the remainder payable in equal annual installments over the next 9 years, together with adequate stated interest. A's basis in Blackacre, exclusive of selling expenses, is $38,000. Selling expenses paid by A are $2,000. Therefore, the gross profit is $60,000 ($100,000 selling price—$40,000 basis inclusive of selling expenses). The gross profit ratio is 3/5 (gross profit of $60,000 divided by $100,000 contract price). Accordingly, $6,000 (3/5 of $10,000) of each $10,000 payment received is gain attributable to the sale and $4,000 ($10,000–$6,000) is recovery of basis. The interest received in addition to principal is ordinary income to A.

Example (2). C sells Whiteacre to D for a selling price of $160,000. Whiteacre is encumbered by a lonsgtanding mortgage in the principal amount of $60,000. D will assume or take subject to the $60,000 mortgage and pay the remaining $100,000 in 10 equal annual installments together with adequate stated interest. C's basis in Whiteacre is $90,000. There are no selling expenses. The contract price is $100,000, the $160,000 selling price reduced by the mortgage of $60,000 assumed or taken subject to. Gross profit is $70,000 ($160,000 selling price less C's basis of $90,000). C's gross profit ratio is 7/10 (gross profit of $70,000 divided by $100,000 contract price). Thus, $7,000 (7/10 of $10,000) of each $10,000 annual payment is gain attributable to the sale, and $3,000 ($10,000—$7,000) is recovery of basis.

Example (3). The facts are the same as in example (2), except that C's basis in the land is $40,000. In the year of the sale C is deemed to have received payment of $20,000 ($60,000—$40,000, the amount by which the mortgage D assumed or took subject to exceeds C's basis). Since basis is fully recovered in the year of sale, the gross profit ratio is 1 ($120,000/$120,000) and C will report 100% of the $20,000 deemed payment in the year of sale and each $10,000 annual payment as gain attributable to the sale.

Example (4). E sells Blackacre, an unencumbered capital gain property in E's hands, to F on January 2, 1981. F makes a cash down payment of $500,000 and issues a note to E obliging F to pay an additional $500,000 on the fifth anniversary date. The note does not require a payment of interest. In determining selling price, section 483 will apply to recharacterize as interest a portion of the $500,000 future payment. Assume that under section 483 and the applicable regulations $193,045 is treated as total unstated interest, and the selling price is $806,955 ($1 million less unstated interest). Assuming E's basis (including selling expenses) in Blackacre is $200,000) gross profit is $606,955 ($806,955—$200,000) and the gross profit ratio is 75.21547%. Accordingly, of the $500,000 cash down payment received by E in 1981, $376,077 (75.21547% of $500,000) is gain attributable to the sale and $123,923 is recovery of basis ($500,000—$376,077).

Example (5). G sells to H Blackacre, which is encumbered by a first mortgage with a principal amount of $500,000 and a second mortgage with a principal amount of $400,000, for a selling price of $2 million. G's basis in Blackacre is $700,000. Under the agreement between G and H, passage of title is deferred and H does not assume and purportedly does not take subject to either mortgage in the year of sale. H pays G $200,000 in cash and issues a wrap-around mortgage note with a principal amount of $1,800,000 bearing adequate stated interest. H is deemed to have acquired Blackacre subject to the first and second mortgages (wrapped indebtedness) totalling $900,000. The contract price is $1,300,000 (selling price of $2 million less $700,000 mortgages within the seller's basis assumed or taken subject to). Gross profit is also $1,300,000 (selling price of $2 million less $700,000 basis.) Accordingly in the year of sale, the gross profit ratio is 1 ($1,300,000/$1,300,000). Payment in the year of sale is $400,000 ($200,000 cash received plus $200,000 mortgage in excess of basis ($900,000—$700,000)). Therefore, G recognizes $400,000 gain in the year of sale ($400,000×1). In the hands of G the wrap-around installment obligation has a basis of $900,000, equal to G's basis in Blackacre ($700,000) increased by the gain recognized by G in the year of sale ($400,000) reduced by the cash received by G in the year of sale ($200,000). G's gross profit with respect to the note is $900,000 ($1,800,000 face amount less $900,000 basis in the note) and G's contract price with respect to the note is its face amount of $1,800,000. Therefore, the gross profit ratio with respect to the note is ½ ($900,000/$1,800,000).

Example (6). The facts are the same as example (5) except that under the terms of the agreement H assumes the $500,000 first mortgage on Blackacre. H does not assume and purportedly does not take subject to the $400,000 second mortgage on Blackacre. The wrap-around installment obligation issued by H to G has a face amount of $1,300,000. The tax results in the year of sale to G are the same as example (5) ($400,000 payment received and gain recognized). In the hands of G, basis in the wrap-around installment obligation is $400,000 ($700,000 basis in Blackacre plus $400,000 gain recognized in the year of sale minus $700,000 ($200,000 cash received and $500,000 treated as cash received as a result of H's assumption of the first mortgage)). G's gross profit with respect to the note is $900,000 ($1,300,000 face amount of the wrap-around installment obligation less $400,000 basis in that note) and G's contract price with respect to the note is its face value of $1,300,000. Therefore, the gross profit ratio with respect to the note is 9/13 ($900,000/$1,300,000).

Example (7). A sells the stock of X corporation to B for a $1 million installment obligation payable in equal annual installments over the next 10 years with adequate stated interest. The installment obligation is secured by a standby letter of credit (within the meaning of paragraph (b)(3)(iii) of this section) issued by M bank. Under the agreement between B and M bank, B is required to maintain a compensating balance in an account B maintains with M bank and is required by the M bank to post additional collateral, which may include cash or a cash equivalent, with M bank. Under neither the standby letter of credit nor any other agreement or arrangement is A granted a direct lien upon or other security interest in such cash or cash equivalent collateral. Receipt of B's installment obligation secured by the standby letter of credit will not be treated as the receipt of payment by A.

Example (8). The facts are the same as in example (7) except that the standby letter of credit is in the drawable sum of $600,000. To secure fully its $1 million note issued to A, B deposits in escrow $400,000 in cash and Treasury bills. Under the escrow agreement, upon default in payment of the note A may look directly to the escrowed collateral. Receipt of B's installment obligation will be treated as the receipt payment by A in the sum of $400,000.

(c) *Contingent payment sales*—(1) *In general.* Unless the taxpayer otherwise elects in the manner prescribed in paragraph (d)(3) of this section, contingent payment sales are to be reported on the installment method. As used in this section, the term "contingent payment sale" means a sale or other disposition of property in which the aggregate selling price cannot be determined by the close of the taxable year in which such sale or other disposition occurs.

The term "contingent payment sale" does not include transactions with respect to which the installment obligation represents, under applicable principles of tax law, a retained interest in the property which is the subject of the transaction, an interest in a joint venture or a partnership, an equity interest in a corporation or similar transactions, regardless of the existence of a stated maximum selling price or a fixed payment term. See paragraph (c)(8) of this section, describing the extent to which the regulations under section 385 apply to the determination of whether an installment obligation represents an equity interest in a corporation.

This paragraph prescribes the rules to be applied in allocating the taxpayer's basis (including selling expenses except for selling expenses of dealers in real estate) to payments received and to be received in a contingent payment sale. The rules are designed appropriately to distinguish contingent payment sales for which a maximum selling price is determinable, sales for which a

maximum selling price is not determinable but the time over which payments will be received is determinable, and sales for which neither a maximum selling price nor a definite payment term is determinable. In addition, rules are prescribed under which, in appropriate circumstances, the taxpayer will be permitted to recover basis under an income forecast computation.

(2) *Stated maximum selling price*—(i) *In general.* (A) contingent payment sale will be treated as having a stated maximum selling price if, under the terms of the agreement, the maximum amount of sale proceeds that may be received by the taxpayer can be determined as of the end of the taxable year in which the sale or other disposition occurs. The stated maximum selling price shall be determined by assuming that all of the contingencies contemplated by the agreement are met or otherwise resolved in a manner that will maximize the selling price and accelerate payments to the earliest date or dates permitted under the agreement. Except as provided in paragraph (c)(2)(ii) and (7) of this section (relating to certain payment recomputations), the taxpayer's basis shall be allocated to payments received and to be received under a stated maximum selling price agreement by treating the stated maximum selling price as the selling price for purposes of paragraph (b) of this section. The stated maximum selling price, as initially determined, shall thereafter be treated as the selling price unless and until that maximum amount is reduced, whether pursuant to the terms of the original agreement, by subsequent amendment, by application of the payment recharacterization rule (discribed in paragraph (c)(2)(ii) of this section), or by a subsequent supervening event such as bankruptcy of the obligor. When the maximum amount is subsequently reduced, the gross profit ratio will be recomputed with respect to payments received in or after the taxable year in which an event requiring reduction occurs. If, however, application of the foregoing rules in a particular case would substantially and inappropriately accelerate or defer recovery of the taxpayer's basis, a special rule will apply. See paragraph (c)(7) of this section.

(B) The following examples illustrate the provisions of paragraph (e)(2)(i) of this section. In each example, it is assumed that application of the rules illustrated will not substantially and inappropriately defer or accelerate recovery of the taxpayer's basis.

Example (1). A sells all of the stock of X corporation to B for $100,000 payable at closing plus an amount equal to 5% of the net profits of X for each of the next nine years, the contingent payments to be made annually together with adequate stated interest. The agreement provides that the maximum amount A may receive, inclusive of the $100,000 down payment but exclusive of interest, shall be $2,000,000. A's basis in the stock of X inclusive of selling expenses, is $200,000. Selling price and contract price are considered to be $2,000,000. Gross profit is $1,800,000, and the gross profit ratio is 9/10 ($1,800,000/$2,000,000). Accordingly, of the $100,000 received by A in the year of sale, $90,000 is reportable as gain attributable to the sale and $10,000 is recovery of basis.

Example (2). C owns Blackacre which is encumbered by a long-standing mortgage of $100,000. On January 15, 1981, C sells Blackacre to D under the following payment arrangement: $100,000 in cash on closing; nine equal annual installment payments of $100,000 commencing January 15, 1982; and nine annual payments (the first to be made on March 30, 1982) equal to 5% of the gross annual rental receipts from Blackacre generated during the preceding calendar year. The agreement provides that each deferred payment shall be accompanied by a payment of interest calculated at the rate of 12% per annum and that the maximum amount payable to C under the agreement (exclusive of interest) shall be $2,100,000. The agreement also specifies that D will assume the long-standing mortgage. C's basis (inclusive of selling expenses) in Blackacre is $300,000. Accordingly, selling price is $2,100,000 and contract price is $2,000,000 (selling price of $2,100,000 less the $100,000 mortgage). The gross profit ratio is 9/10 (gross profit of $1,800,000 divided by $2,000,000 contract price). Of the $100,000 cash payment received by C in 1981, $90,000 is gain attributable to the sale of Blackacre and $10,000 is recovery of basis.

(ii) *Certain interest recomputations.* When interest is stated in the contingent price sale agreement at a rate equal to or greater than the applicable prescribed test rate referred to in § 1.483–1(d)(1)(ii) and such stated interest is payable in addition to the amounts otherwise payable under the agreement, such stated interest is not considered a part of the selling price. In other circumstances (*i.e.*, section 483 is applicable because no interest is stated or interest is stated below the applicable test rate, or interest is stated under a payment recharacterization provision of the sale agreement), the special rule set forth in this (ii) shall be applied in the initial computation and subsequent recomputations of selling price, contract price, and gross profit ratio. The special rule is referred to in this section as the "price-interest recomputation rule." As used in this section, the term "payment recharacterization" refers to a contractual arrangement under which a computed amount otherwise payable as part of the selling price is denominated an interest payment. The amount of unstated interest determined under section 483 or (if section 483 is inapplicable in the particular case) the amount of interest determined under a payment recharacterization arrangement is collectively referred to in this section as "internal interest" amounts. The price-interest recomputation rule is applicable to any stated maximum selling price agreement which contemplates receipt of internal interest by the taxpayer. Under the rule, stated maximum selling price will be determined as of the end of the taxpayer's taxable year in which the sale or other disposition occurs, taking into account all events which have occurred and are subject to prompt subsequent calculation and verification and assuming that all amounts that may become payable under the agreement will be paid on the earliest date or dates permitted under the agreement. With respect to the year of sale, the amount (if any) of internal interest then shall be determined taking account of the respective components of that calculation. The maximum amount initially calculated, minus the internal interest so determined, is the initial stated maximum selling price under the price-interest recomputation rule. For each subsequent taxable year, stated maximum selling price (and thus selling price, contract price, and gross profit ratio) shall be recomputed, taking into account all events which have occurred and are subject to prompt subsequent calculation and verification and assuming that all amounts that may become payable under the agreement will be paid on the earliest date or dates permitted under the agreement. The redetermined gross profit ratio, adjusted to reflect payments received and gain recognized in prior taxable years, shall be applied to payments received in that taxable year.

(iii) *Examples.* The following examples illustrate installment method reporting of a contingent payment sale under which there is a stated maximum selling price. In each example, it is assumed that application of the rules described will not substantially and inappropriately defer or accelerate recovery of the taxpayer's basis.

Example (1). A owns all of the stock of X corporation with a basis to A of $20 million. On July 1, 1981, A sells the stock of X to B under an agreement calling for fifteen annual payments respectively equal to 5% of the net profits of X earned in the immediately preceding fiscal year beginning with the fiscal year ending March 31, 1982. Each payment is to be made on the following June 15th, commencing June 15, 1982, together with

adequate stated interest. The agreement specifies that the maximum amount (exclusive of interest) payable to A shall not exceed $60 million. Since stated interest is payable as an addition to the selling price and the specified rate is not below the section 483 test rate, there is no internal interest under the agreement. The stated maximum selling price is $60 million. The gross profit ratio is ⅔ (gross profit of $40 million divided by $60 million contract price). Thus, if on June 15, 1982, A receives a payment of $3 million (exclusive of interest) under the agreement, in that year A will report $2 million ($3 million × ⅔) as gain attributable to the sale, and $1 million as recovery of basis.

Example (2). (i) The facts are the same as in example (1) except that the agreement does not call for the payment of any stated interest but does provide for an initial cash payment of $3 million on July 1, 1981. The maximum amount payable, including the $3 million initial payment, remains $60 million. Since section 483 will apply to each payment received by A more than one year following the date of sale (section 483 is inapplicable to the contingent payment that will be received on June 15, 1982 since that date is within one year following the July 1, 1981 sale date), the agreement contemplates internal interest and the price-interest recomputation rule is applicable. Under the rule, an initial determination must be made for A's taxable year 1981. On December 31, 1981, the last day of the taxable year, no events with regard to the first fiscal year have occurred which are subject to prompt subsequent calculation and verification because that fiscal year will end March 31, 1982. Under the price-interest recomputation rule, on December 31, 1981 A is required to assume that the maximum amount subsequently payable under the agreement ($57 million, equal to $60 million less the $3 million initial cash payment received by A in 1981) will be paid on the earliest date permissible under the agreement, *i.e.*, on June 15, 1982. Since no part of a payment received on that date would be treated as interest under section 483, the initial stated maximum selling price, applicable to A's 1981 tax calculations, is deemed to be $60 million. Thus, the 1981 gross profit ratio is ⅔ and for the taxable year 1981 A will report $2 million as gain attributable to the sale.

(ii) The net profits of X for its fiscal year ending March 31, 1982 are $120 million. On June 15, 1982 A receives a payment from B equal to 5% of that amount, or $6 million. On December 31, 1982, A knows that the maximum amount he may subsequently receive under the agreement is $51 million, and A is required to assume that this amount will be paid to him on the earliest permissible date, June 15, 1983. Section 483 does not treat as interest any part of the $6 million received by A on June 15, 1982, but section 483 will treat as unstated interest a computed part of the $51 million it is assumed A will receive on June 15, 1983. Assuming that under the tables in the regulations under section 483, it is determined that the principal component of a payment received more than 21 months but less than 27 months after the date of sale is considered to be .82270, $41,957,700 of the presumed $51 million payment will be treated as principal. The balance of $9,042,300 is interest. Accordingly, in A's 1982 tax calculations stated maximum selling price will be $50,957,700, which amount is equal to the stated maximum selling price that was determined in the 1981 tax calculations ($60 million) reduced by the section 483 interest component of the $6 million payment received by A in 1982 ($0) and further reduced by the section 483 interest component of the $51 million presumed payment to be received by A on June 15, 1983 ($9,042,300). Similarly, in determining gross profit for 1982 tax calculations, the gross profit of $40 million determined in the 1981 tax calculations must be reduced by the same section 483 interest amounts, yielding a recomputed gross profit of $30,957,700 ($40,000,000–$9,042,300). Further, since prior to 1982 A received payment under the agreement (1981 payment of $3 million of which $2 million was profit), the appropriate amounts must be subtracted in the 1982 tax calculation. The total previously received selling price payment of $3 million is subtracted from the recomputed maximum selling price of $50,957,700, yielding an adjusted selling price of $47,957,700. The total previously recognized gain of $2 million is subtracted from the recomputed maximum gross profit of $30,957,700, yielding an adjusted gross profit of $28,957,700. The gross profit percentage applicable to 1982 tax calculations thus is determined to be 60.38175%, equal to the quotient of dividing the adjusted gross profit of $28,957,700 by the adjusted selling price of $47,957,700. Accordingly, of the $6 million received by A in 1982, no part of which is unstated interest under section 483, A will report $3,622,905 (60.38175% of $6 million) as gain attributable to the sale and $2,377,095 ($6,000,000–$3,622,905) as recovery of basis.

(iii) The net profits of X for its fiscal year ending March 31, 1983 are $200 million. On June 15, 1983 A receives a payment from B equal to $10 million. On December 31, 1983, A knows that the maximum amount he may subsequently receive under the agreement is $41 million, and A is required to assume that this amount will be paid to him on the earliest permissible date, June 15, 1984. Assuming that under the tables in the regulations under section 483 it is determined that the principal component of a payment received more than 33 months but less than 39 months after the date of sale is .74622, $30,595,020 of the presumed $41 million ($51 million–$10 million) payment will be treated as principal and $10,404,980 is interest. Based upon the assumed factor for 21 months but less than 27 months (.82270) $8,227,000 of the $10 million payment is principal and $1,773,000 is interest. Accordingly, in A's 1983 tax calculations stated maximum selling price will be $47,822,020, which amount is equal to the stated maximum selling price determined in the 1981 calculation ($60 million) reduced by the section 483 interest component of the $6 million 1982 payment ($0), the section 483 interest component of the 1983 payment ($1,773,000) and by the section 483 interest component of the presumed $41 million payment to be received in 1984 ($10,404,980). The recomputed gross profit is $27,822,020 ($40 million–$10,404,980–$1,773,000). The previously reported payments must be deducted for the 1983 calculation. Selling price is reduced to $38,822,020 by subtracting the $3 million 1981 payment and the $6 million 1982 payment ($47,822,020–$9 million) and gross profit is reduced to $22,199,115 by subtracting the 1981 profit of $2 million and the 1982 profit of $3,622,905 ($27,822,020–$5,622,905), yielding a gross profit percentage of 57.18176% ($22,199,115/$38,822,020). Accordingly, of the $10 million received in 1983, A will report $1,773,000 as interest under section 483, and of the remaining principal component of $8,227,000, $4,704,343 as gain attributable to the sale ($8,227,000×57.18176%) and $3,522,657 ($8,227,000–$4,704,343) as revovery of basis.

Example (3). The facts are the same as in example (2) except that X is a collapsible corporation as defined in section 341(b)(1) and no limitation or exception under section 341 (d), (e), or (f) is applicable. Under section 341(a), all of A's gain on the sale will be ordinary income. Accordingly, section 483 will not apply to treat as interest any part of the payments to be received by A under his agreement with B. See section 483(f)(3). Therefore, the price-interest recomputation rule is inapplicable and the tax results to A in each year in which payment is received will be determined in a manner consistent with example (1).

Example (4). The facts are the same as in example (2) (maximum amount payable under the agreement $60 million) except that the agreement between A and B contains the following "payment recharacterization" provision:

"Any payment made more than one year after the (July 1, 1981) date of sale shall be composed of an interest element and a principal element, the interest element being computed on the principal element at an interest rate of 9% per annum computed from the date of sale to the date of payment."

The results reached in example (2), with respect to the $3 million initial cash payment received by A in 1981 remain the same because, under the payment recharacterization formula, no amount received or assumed to be received prior to July 1, 1982 is treated as interest. The 1982 tax computation method described in example (2) is equally applicable to the $6 million payment received in 1982. However, the adjusted gross profit ratio determined in this example (4) will differ from the ratio determined in example (2). The difference is attributable to the difference between a 9% stated interest rate calculation (in this example (4)) and the compound rate of unstated interest required under section 483 and used in calculating the results in example (2).

Example (5). The facts are the same as in example (1). In 1992 X is adjudged a bankrupt and it is determined that, in and after 1992, B will not be required to make any further payments under the agreement, *i.e.*, B's contingent payment obligation held by A now has become worthless. Assume that A previously received aggregate payments (exclusive of interest) of $45 million and out of those payments recovered $15 million of A's total $20 million basis. For 1992 A will

report a loss of $5 million attributable to the sale, taken at the time determined to be appropriate under the rules generally applicable to worthless debts.

Example (6). (i) C owns all of the stock of Z corporation, a calendar year taxpayer. On July 1, 1981, C sells the stock of Z to D under an agreement calling for payment, each year for the next ten years, of an amount equal to 10% of the net profits of Z earned in the immediately preceding calendar year beginning with the year ending December 31, 1981. Each payment is to be made on the following April 1st, commencing April 1, 1982. In addition, C is to receive a payment of $5 million on closing. The agreement specifies that the maximum amount payable to C, including the $5 million cash payment at closing, is $24 million. The agreement does not call for the payment of any stated interest. Since section 483 will apply to each payment received by C more than one year following the date of sale (section 483 is inapplicable to the payment that will be received on April 1, 1982, since that date is within one year following the July 1, 1981 sale date), the agreement contemplates internal interest and the price interest recomputation rule is applicable. Under that rule, C must make an initial determination for his taxable year 1981.

(ii) On December 31, 1981, the exact amount of Z's 1981 net profit is not known, since it normally takes a number of weeks to compile the relevant information. However, the events which will determine the amount of the payment C will received on April 1, 1982 have already occurred, and the information (Z's 1981 financial statement) will be promptly calculated and verified and will be available prior to the time C's 1981 tax return is timely filed. On March 15, 1982, Z reports net income of $14 million, and on April 1, 1982 D pays C $1.4 million.

(iii) Under the price-interest recomputation rule, C is required to determine the gross profit ratio for the 1981 $5 million payment on the basis of the events which occurred by the close of that taxable year and which are verifiable before the due date of the 1981 return. Because at the end of C's 1981 taxable year all events which will determine the amount of the April 1, 1982 payment have occurred and because the actual facts are known prior to the due date of C's return, C will take those facts into account when calculating the gross profit ratio. Thus, because C knows that the 1982 payment is $1.4 million, C knows that the remaining amount to be recovered under the contract is $17.6 million ($24 million − ($5 million + $1.4 million)). For purposes of this paragraph C must assume that the entire $17.6 million will be paid on the earliest possible date, April 1, 1983. Because section 483 will apply to that payment, and assuming that under the tables in the regulations under section 483 the principal component of a payment received 21 months after the date of sale is considered to be .86384, $15,203,584 of the $17.6 million would be principal and $2,396,416 ($17,600,000 − $15,203,584) would be interest. Therefore C must assume, for purposes of reporting the $5 million payment received in 1981, that the selling price is $21,603,584 calculated as follows:

Total selling price	$24,000,000
Interest component of the $17,600,000 payment which C must assume will be made April 1, 1983	−2,396,416
Adjusted selling price to be used when reporting the 1981 payment	21,603,584

(iv) Assume that on March 15, 1982, Z reports net income of $15 million for 1982 and that on April 1, 1983 D pays C $1.5 million. Because section 483 will apply to that payment, and assuming that under the tables in the regulations under section 483 the principal component of a payment received 21 months after the date of sale is considered to be .86384, $1,295,760 of the $1,500,000 payment will be principal and $204,240 ($1,500,000 − $1,295,760) will be interest. Because C knows the amount of the 1983 payment when filing the 1982 tax return, C must assume that the remaining amount to be received under the contract, $16.1 million ($24 million − ($5 million + $1.4 million + $1.5 million)), will be received as a lump sum on April 1, 1984. Because section 483 will again apply, and assuming that the principal component of a payment made 34 months after the date of the sale is .74622, $12,014,142 of the $16.1 million would be principal, and $4,085,858 ($16,100,000 − $12,014,142) would be interest. Therefore, C must assume, for purpose of reporting the $1.4 million payment made April 1, 1982, that the adjusted selling price (within the meaning of example (2)) is $14,709,902, caculated as follows:

Total selling price	$24,000,000
Interest component of the $1,500,000 payment made April 1, 1983	−204,240
Interest component of the $16,100,000 payment which C must assume will be made April 1, 1984	−4,085,858
Payment made in 1981	−5,000,000
Adjusted selling price for calculations for reporting the 1982 payment	14,709,902

(3) *Fixed period*—(i) *In general.* When a stated maximum selling price cannot be determined as of the close of the taxable year in which the sale or other disposition occurs, but the maximum period over which payments may be received under the contingent sale price agreement is fixed, the taxpayer's basis (inclusive of selling expenses) shall be allocated to the taxable years in which payment may be received under the agreement in equal annual increments. In making the allocation it is not relevant whether the buyer is required to pay adequate stated interest. However, if the terms of the agreement incorporate an arithmetic component that is not identical for all taxable years, basis shall be allocated among the taxable years to accord with that component unless, taking into account all of the payment terms of the agreement, it is inappropriate to presume that payments under the contract are likely to accord with the variable component. If in any taxable year no payment is received or the amount of payment received (exclusive of interest) is less than the basis allocated to that taxable year, no loss shall be allowed unless the taxable year is the final payment year under the agreement or unless it is otherwise determined in accordance with the rules generally applicable to worthless debts that the future payment obligation under the agreement has become worthless. When no loss is allowed, the unrecovered portion of basis allocated to the taxable year shall be carried forward to the next succeeding taxable year. If application of the foregoing rules to a particular case would substantially and inappropriately defer or accelerate recovery of the taxpayer's basis, a special rule will apply. See paragraph (c)(7) of this section.

(ii) *Examples.* The following examples illustrate the rules for recovery of basis in a contingent payment sale in which stated maximum selling price cannot be determined but the period over which payments are to be received under the agreement is fixed. In each case, it is assumed that application of the described rules will not substantially and inappropriately defer or accelerate recovery of the taxpayer's basis.

Example (1). A sells Blackacre to B for 10 percent of Blackacre's gross yield for each of the next 5 years. A's basis in Blackacre is $5 million. Since the sales price is indefinite and the maximum selling price is not ascertainable from the terms of the contract, basis is recovered ratably over the period during which payment may be received under the contract. Thus, assuming A receives the payments (exclusive of interest) listed in the following table, A will report the following:

Year	Payment	Basis recovered	Gain attributable to the sale
1	$1,300,000	$1,000,000	$300,000
2	1,500,000	1,000,000	500,000
3	1,400,000	1,000,000	400,000
4	1,800,000	1,000,000	800,000
5	2,100,000	1,000,000	1,100,000

Example (2). The facts are the same as in example (1), except that the payment in year 1 is only $900,000. Since the installment payment is less than the amount of basis allocated to that year, the unrecovered basis, $100,000, is carried forward to year 2.

Year	Payment	Basis recovered	Gain attributable to the sale
1	$900,000	$900,000	
2	1,500,000	1,100,000	$400,000
3	1,400,000	1,000,000	400,000
4	1,800,000	1,000,000	800,000
5	2,100,000	1,000,000	1,100,000

Example (3). C owns all of the stock of X corporation with a basis of $100,000

(inclusive of selling expenses). D purchases the X stock from C and agrees to make four payments computed in accordance with the following formula: 40% of the net profits of X in year 1, 30% in year 2, 20% in year 3, and 10% in year 4. Accordingly, C's basis is allocated as follows: $40,000 to year 1, $30,000 to year 2, $20,000 to year 3, and $10,000 to year 4.

Example (4). The facts are the same as in example (3), but the agreement also requires that D make fixed installment payments in accordance with the following schedule: no payment in year 1, $100,000 in year 2, $200,000 in year 3, $300,000 in year 4, and $400,000 in year 5. Thus, while it is reasonable to project that the contingent component of the payments will decrease each year, the fixed component of the payments will increase each year. Accordingly, C is required to allocate $20,000 of basis to each of the taxable years 1 through 5.

(4) *Neither stated maximum selling price nor fixed period.* If the agreement neither specifies a maximum selling price nor limits payments to a fixed period, a question arises whether a sale realistically has occurred or whether, in economic effect, payments received under the agreement are in the nature of rent or royalty income. Arrangements of this sort will be closely scrutinized. If, taking into account all of the pertinent facts, including the nature of the property, the arrangement is determined to qualify as a sale, the taxpayer's basis (including selling expenses) shall be recovered in equal annual increments over a period of 15 years commencing with the date of sale. However, if in any taxable year no payment is received or the amount of payment received (exclusive of interest) is less than basis allocated to the year, no loss shall be allowed unless it is otherwise determined in accordance with the timing rules generally applicable to worthless debts that the future payment obligation under the agreement has become worthless; instead the excess basis shall be reallocated in level amounts over the balance of the 15 year term. Any basis not recovered at the end of the 15th year shall be carried forward to the next succeeding year, and to the extent unrecovered thereafter shall be carried forward from year to year until all basis has been recovered or the future payment obligation is determined to be worthless. The general rule requiring initial level allocation of basis over 15 years shall not apply if the taxpayer can establish to the satisfaction of the Internal Revenue Service that application of the general rule would substantially and inappropriately defer recovery of the taxpayer's basis. See paragraph (c)(7) of this section. If the Service determines that initially allocating basis in level amounts over the first 15 years will substantially and inappropriately accelerate recovery of the taxpayer's basis in early years of that 15-year term, the Service may require that basis be reallocated within the 15-year term but the Service will not require that basis initially be allocated over more than 15 years. See paragraph (c)(7) of this section.

(5) *Foreign currency and other fungible payment units*—(i) *In general.* An installment sale may call for payment in foreign currency. For federal income tax purposes, foreign currency is property. Because the value of foreign currency will vary over time in relation to the United States dollar, an installment sale requiring payment in foreign currency is a contingent payment sale. However, when the consideration payable under an installment sale agreement is specified in foreign currency, the taxpayer's basis (including selling expenses) shall be recovered in the same manner as basis would have been recovered had the agreement called for payment in United States dollars. This rule is equally applicable to any installment sale in which the agreement specifies that payment shall be made in identified, fungible units of property the value of which will or may vary over time in relation to the dollar (*e.g.*, bushels of wheat or ounces of gold).

(ii) *Example.* The following example illustrates the provisions of this subparagraph:

Example. A sells Blackacre to B for 4 million Swiss francs payable 1 million in year 2 and 3 million in year 3, together with adequate stated interest. A's basis (including selling expenses) in Blackacre is $100,000. Twenty five thousand dollars of A's basis (¼ of total basis) is allocable to the year 2 payment of 1 million Swiss francs and $75,000 of A's basis is allocable to the year 3 payment of 3 million Swiss francs.

(6) *Income forecast method for basis recovery*—(i) *In general.* The rules for ratable recovery of basis set forth in paragraph (c) (2) through (4) of this section focus on the payment terms of the contingent selling price agreement. Except to the extent contemplated by paragraph(c)(7) of this section (relating to a special rule to prevent substantial distortion of basis recovery), the nature and productivity of the property sold is not independently relevant to the basis to be recovered in any payment year. The special rule for an income forecast method of basis recovery set forth in paragraph (c)(6) of this section recognizes that there are cases in which failure to take account of the nature or productivity of the property sold may be expected to result in distortion of the taxpayer's income over time. Specifically, when the property sold is depreciable property of a type normally eligible for depreciation on the income forecast method, or is depletable property of a type normally eligible for cost depletion in which total future production must be estimated, and payments under the contingent selling price agreement are based upon receipts or units produced by or from the property, the taxpayer's basis may appropriately be recovered by using an income forecast method.

(ii) *Availability of method.* In lieu of applying the rules set forth in paragraph (c) (2) through (4) of this section, in an appropriate case the taxpayer may elect (on its tax return timely filed for the first year under the contingent payment agreement in which a payment is received) to recover basis using the income forecast method of basis recovery. No special form of election is prescribed. An appropriate case is one meeting the criteria set forth in paragraph (c)(6)(i) of this section in which the property sold is a mineral property, a motion picture film, a television film, or a taped television show. The Internal Revenue Service may from time to time specify other properties of a similar character which, in appropriate circumstances, will be eligible for recovery of basis on the income forecast method. In addition, a taxpayer may seek a ruling from the Service as to whether a specific property qualifies as property of a similar character eligible, in appropriate circumstances, for income forecast recovery of basis.

(iii) *Required calculations.* The income forecast method requires application of a fraction, the numerator of which is the payment (exclusive of interest) received in the taxable year under a contingent payment agreement, and the denominator of whichis the forecast or estimated total payments (exclusive of interest) to be received under the agreement. This fraction is multiplied by the taxpayer's basis in the property sold to determine the basis recovered with respect to the payment received in the taxable year. If in a subsequent year it is found that the income forecast was substantially overestimated or underestimated by reason of circumstances occurring in such subsequent year, an adjustment of the income forecast of such subsequent year shall be made. In such case, the formula for computing recovery of basis would be as follows: payment received in the taxable year (exclusive of interest) divided by the revised estimated total payments (exclusive of

interest) then and thereafter to be made under the agreement (the current year's payment and total estimated future payments), multiplied by the taxpayer's unrecovered basis remaining as of the beginning of the taxable year. If the agreement contemplates internal interest (as defined in paragraph (c)(2)(ii) of this section), in making the initial income forecast computation and in making any required subsequent recomputation the amount of internal interest (which shall not be treated as payment under the agreement) shall be calculated by assuming that each future contingent selling price payment will be made in the amount and at the time forecast. The total forecast of estimated payments to be received under the agreement shall be based on the conditions known to exist at the end of the taxable year for which the return is filed. If a subsequent upward or downward revision of this estimate is required, the revision shall be made at the end of the subsequent taxable year based on additional information which became available after the last prior estimate. No loss shall be allowed unless the taxable year is the final payment year under the agreement or unless it is otherwise determined in accordance with the rules generally applicable to the time a debt becomes worthless that the future payment obligation under the agreement has become worthless.

(iv) *Examples.* The following examples illustrate the income forecast method of basis recovery:

Example (1). A sells a television film to B for 5% of annual gross receipts from the exploitation of the film. The film is an ordinary income asset in the hands of A. A reasonably forecasts that total payments to be received under the contingent selling price agreement will be $1,200,000, and that A will be paid $600,000 in year 1, $150,000 in year 2, $300,000 in year 3, $100,000 in year 4, and $50,000 in year 5. A reasonably anticipates no or only insignificant receipts thereafter. A's basis in the film is $100,000. Under the income forecast method, A's basis initially is allocated to the five taxable years of forecasted payment as follows:

Year	Percentage	Basis
1	50.00	$50,000
2	12.50	12,500
3	25.00	25,000
4	8.33	8,333
5	4.17	4,167

Payments are received and A reports the sale under the installment method as follows:

Year	Payment received	Basis recovered	Gain on sale
1	$600,000	$50,000	$550,000
2	150,000	12,500	137,500
3	300,000	25,000	275,000
4	100,000	8,333	91,667
5	50,000	4,167	45,833

Example (2). The facts are the same as in example (1), except that in year 2 A receives no payment. In year 3 A receives a payment of $300,000 and reasonably estimates that in subsequent years he will receive total additional payments of only $100,000. In year 2 A will be allowed no loss. At the beginning of year 3 A's unrecovered basis is $50,000. In year 3 A must recompute the applicable basis recovery fraction based upon facts known and forecast as at the end of year 3: year 3 payment of $300,000 divided by estimated current and future payments of $400,000, equaling 75%. Thus, in year 3 A recovers $37,500 (75% of $50,000) of A's previously unrecovered basis.

(7) *Special rule to avoid substantial distortion* (i) *In general.* The normal basis recovery rules set forth in paragraph (c) (2) through (4) of this section may, with respect to a particular contingent payment sale, substantially and inappropriately defer or accelerate recovery of the taxpayer's basis.

(ii) *Substantial and inappropriate deferral.* The taxpayer may use an alternative method of basis recovery if the taxpayer is able to demonstrate prior to the due date of the return including extensions for the taxable year in which the first payment is received, that application of the normal basis recovery rule will substantially and inappropriately defer recovery of basis. To demonstrate that application of the normal basis recovery rule will substantially and inappropriately defer recovery of basis, the taxpayer must show (A) that the alternative method is a reasonable method of ratably recovering basis and, (B) that, under that method, it is reasonable to conclude that over time the taxpayer likely will recover basis at a rate twice as fast as the rate at which basis would have been recovered under the otherwise applicable normal basis recovery rule. The taxpayer must receive a ruling from the Internal Revenue Service before using an alternative method of basis recovery described in paragraph (c)(7)(ii) of this section.

The request for a ruling shall be made in accordance with all applicable procedural rules set forth in the Statement of Procedural Rules (26 CFR Part 601) and any applicable revenue procedures relating to submission of ruling requests. The request shall be submitted to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), Washington, DC 20224. The taxpayer must file a request for a ruling prior to the due date for the return including extensions. In demonstrating that application of the normal basis recovery rule would substantially and inappropriately defer recovery of the taxpayer's basis, the taxpayer in appropriate circumstances may rely upon contemporaneous or immediate past relevant sales, profit, or other factual data that are subject to verification. The taxpayer ordinarily is not permitted to rely upon projections of future productivity, receipts, profits, or the like. However, in special circumstances a reasonable projection may be acceptable if the projection is based upon a specific event that already has occurred (*e.g.*, corporate stock has been sold for future payments contingent on profits and an inadequately insured major plant facility of the corporation has been destroyed).

(iii) *Substantial and inappropriate acceleration.* Notwithstanding the other provisions of this paragraph, the Internal Revenue Service may find that the normal basis recovery rule will substantially and inappropriately accelerate recovery of basis. In such a case, the Service may require an alternate method of basis recovery, unless the taxpayer is able to demonstrate either (A) that the method of basis recovery required by the Service is not a reasonable method of ratable recovery, or (B) that it is not reasonable to conclude that the taxpayer over time is likely to recover basis at a rate twice as fast under the normally applicable basis recovery rule as the rate at which basis would be recovered under the method proposed by the Service. In making such demonstrations the taxpayer may rely in appropriate circumstances upon contemporaneous or immediate past relevant sales, profit, or other factual data subject to verification. In special circumstances a reasonable projection may be acceptable, but only with the consent of the Service, if the projection is based upon a specific event that has already occurred.

(iv) *Subsequent recomputation.* A contingent payment sale may initially and properly have been reported under the normally applicable basis recovery rule and, during the term of the agreement, circumstances may show that continued reporting on the original method will substantially and inappropriately defer or accelerate recovery of the unrecovered balance of the taxpayer's basis. In this event, the special rule provided in this paragraph is applicable.

(v) *Examples.* The following examples illustrate the application of the special rule of this paragraph. In examples (1) and (2) it is assumed that rulings consistent with paragraph (c)(7)(ii) of this section have been requested.

Example (1). A owns all of the stock of X corporation with a basis of $100,000. A sells the stock of X to B for a cash down payment of $1,800,000 and B's agreement to pay A an amount equal to 1% of the net profits of X in each of the next 10 years (together with adequate stated interest). The agreement further specifies that the maximum amount that may be paid to A (exclusive of interest) shall not exceed $10 million. A is able to demonstrate that current and recent profits of X have approximated $2 million annually, and that there is no reason to anticipate a major increase in the annual profits of X during the next 10 years. One percent of $2 million annual profits is $20,000, a total of $200,000 over 10 years. Under the basis recovery rule normally applicable to a maximum contingent selling price agreement, in the year of sale A would recover $18,000 of A's total $100,000 basis, and would not recover more than a minor part of the balance until the final year under the agreement. On a $2 million selling price ($200,000 plus $1,800,000 down payment), A would recover $90,000 of A's total $100,000 basis in the year of sale and 5% of each payment ($100,000/$2,000,000) received up to a maximum of $10,000 over the next ten years. Since the rate of basis recovery under the demonstrated method is more than twice the rate under the normal rule, A will be permitted to recover $90,000 basis in the year of sale.

Example (2). The facts are the same as in example (1) except that no maximum contingent selling price is stated in the agreement. Under the basis recovery rule normally applicable when no maximum amount is stated but the payment term is fixed, in the year of sale and in each subsequent year A would recover approximately $9,100 (1/11 of $100,000) of A's total basis. A will be permitted to recover $90,000 of A's total basis in the year of sale.

Example (3). The facts are the same as in example (1) except that A sells the X stock to B on the following terms: 1% of the annual net profits of X in each of the next 10 years and a cash payment of $1,800,000 in the eleventh year, all payments to be made together with adequate stated interest. No maximum contingent selling price is stated. Under the normally applicable basis recovery rule, A would recover 1/11 of A's total $100,000 basis in each of the 11 payment years under the agreement. On the facts (see example (1)), A cannot demonstrate that application of the normal rule would not substantially and inappropriately accelerate recovery of A's basis. Accordingly, A will be allowed to recover only $1,000 of A's total basis in each of the 10 contingent payment years under the agreement, and will recover the $90,000 balance of A's basis in the final year in which the large fixed cash payment will be made.

(8) *Coordination with regulations under section 385.* (i) *In general.* The regulations under section 385 do not apply to an instrument (as defined in § 1.385–3(c)) providing for a contingent payment of principal (with or without stated interest) issued in connection with a sale or other disposition of property to a corporation if § 1.385–6 (relating to proportionality) does not apply to such instrument (or to a class of instruments which includes such instrument). Thus, such instrument will be treated as stock or indebtedness under applicable principles of law without reference to the regulations under section 385.

(ii) *Examples.* The following examples illustrate the application of this paragraph:

Example (1). On January 1, 1982, corporation X buys a factory from Y, an independent creditor (within the meaning of § 1.385–6(b)). In exchange for the factory, Y receives $200,000 in cash on January 1, 1982. In addition, on January 1, 1984, Y will receive a payment in the range of $100,000 to $300,000, plus adequate stated interest, depending on the factory's output. Based on these facts, § 1.385–6 does not apply to X's obligation to Y (see § 1.385–6(a)(3)(ii)) and the regulations under section 385 doe not apply to X's obligation to Y.

Example (2). The facts are the same as in example (1), except that the contingent payment due on January 1, 1984 will be in the range of $50,000 to $250,000. In addition, on January 1, 1982, Y receives a $50,000 noninterest-bearing note due absolutely and unconditionally on January 1, 1984. Based on these facts, the $50,000 note is treated as stock or indebtedness under the regulations under section 385.

(d) *Election not to report an installment sale on the installment method*—(1) *In general.* An installment sale is to be reported on the installment method unless the taxpayer elects otherwise in accordance with the rules set forth in paragraph (d)(3) of this section.

(2) *Treatment of an installment sale when a taxpayer elects not to report on the installment method*—(i) *In general.* A taxpayer who elects not to report an installment sale on the installment method must recognize gain on the sale in accordance with the taxpayer's method of accounting. The fair market value of an installment obligation shall be determined in accordance with paragraph (d)(2) (ii) and (iii) of this section. In making such determination, any provision of contract or local law restricting the transferability of the installment obligation shall be disregarded. Receipt of an installment obligation shall be treated as a receipt of property, in an amount equal to the fair market value of the installment obligation, whether or not such obligation is the equivalent of cash. An installment obligation is considered to be property and is subject to valuation, as provided in paragraph (d)(2) (ii) and (iii) of this section, without regard to whether the obligation is embodied in a note, an executory contract, or any other instrument, or is an oral promise enforceable under local law.

(ii) *Fixed amount obligations.* (A) A fixed amount obligation means an installment obligation the amount payable under which is fixed. Solely for the purpose of determining whether the amount payable under an installment obligation is fixed, the provisions of section 483 and any "payment recharacterization" arrangement (as defined in paragraph (c)(2)(ii) of this section) shall be disregarded. If the fixed amount payable is stated in identified, fungible units of property the value of which will or may vary over time in relation to the United States dollar (*e.g.*, foreign currency, ounces of gold, or bushels of wheat), such units shall be converted to United States dollars at the rate of exchange or dollar value on the date the installment sale is made. A taxpayer using the cash receipts and disbursements methods of accounting shall treat as an amount realized in the year of sale the fair market value of the installment obligation. In no event will the fair market value of the installment obligation be considered to be less than the fair market value of the property sold (minus any other consideration received by the taxpayer on the sale). A taxpayer using the accrual method of accounting shall treat as an amount realized in the year of sale the total amount payable under the installment obligation. For this purpose, neither interest (whether stated or unstated) nor original issue discount is considered to be part of the amount payable. If the amount payable is otherwise fixed, but because the time over which payments may be made is contingent, a portion of the fixed amount will or may be treated as internal interest (as defined in paragraph (c)(2)(ii) of this section), the amount payable shall be determined by applying the price interest recomputation rule (described in paragraph (c)(2)(ii) of this section). Under no circumstances will an installment sale for a fixed amount obligation be considered an "open" transaction. For purposes of this (ii), remote or incidential contingencies are not to be taken into account.

(B) The following examples illustrate the provisions of paragraph (d)(2) of this section.

Example (1). A, an accrual method taxpayer, owns all of the stock of X

corporation with a basis of $20 million. On July 1, 1981, A sells the stock of X corporation to B for $60 million payable on June 15, 1992. The agreement also provides that against this fixed amount, B shall make annual prepayments (on June 15) equal to 5% of the net profits of X earned in the immediately preceding fiscal year beginning with the fiscal year ending March 31, 1982. Thus the first prepayment will be made on June 15, 1982. No stated interest is payable under the agreement and thus the unstated interest provisions of section 483 are applicable. Under section 483, no part of any payment made on June 15, 1982 (which is within one year following the July 1, 1981 sale date), will be treated as unstated interest. Under the price interest recomputation rule, it is presumed that the entire $60 million fixed amount will be paid on June 15, 1982. Accordingly, if A elects not to report the transaction on the installment method, in 1981 A must report $60 million as the amount realized on the sale and must report $40 million as gain on the sale in that year.

Example (2). The facts are the same as in example (1) except that A uses the cash receipts and disbursements method of accounting. In 1981 A must report as an amount realized on the sale the fair market value of the installment obligation and must report as gain on the sale in 1981 the excess of that amount realized over A's basis of $20 million. In no event will the fair market value of the installment obligation be considered to be less than the fair market value of the stock of X. In determining the fair market value of the installment obligation, any contractual or legal restrictions on the transferability of the installment obligation, and any remote or incidental contingencies otherwise affecting the amount payable or time of payments under the installment obligation, shall be disregarded.

(iii) *Contingent payment obligations.* Any installment obligation which is not a fixed amount obligation (as defined in paragraph (d)(2)(ii) of this section) is a contingent payment obligation. If an installment obligation contains both a fixed amount component and a contingent payment component, the fixed amount component shall be treated under the rules of paragraph (d)(2)(ii) of this section and the contingent amount component shall be treated under the rules of this (iii). The fair market value of a contingent payment obligation shall be determined by disregarding any restrictions on transfer imposed by agreement or under local law. The fair market value of a contingent payment obligation may be ascertained from, and in no event shall be considered to be less than, the fair market value of the property sold (less the amount of any other consideration received in the sale). Only in those rare and extraordinary cases involving sales for a contingent payment obligation in which the fair market value of the obligation (determinable under the preceding sentences) cannot reasonably be ascertained will the taxpayer be entitled to assert that the transaction is "open." Any such transaction will be carefully scrutinized to determine whether a sale in fact has taken place. A taxpayer using the cash receipts and disbursements method of accounting must report as an amount realized in the year of sale the fair market value of the contingent payment obligation. A taxpayer using the accrual method of accounting must report an amount realized in the year of sale determined in accordance with that method of accounting, but in no event less than the fair market value of the contingent payment obligation.

(3) *Time and manner for making election*—(i) *In general.* An election under paragraph (d)(1) of this section must be made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return for the taxable year in which the installment sale occurs. The election must be made in the manner prescribed by the appropriate forms for the taxpayer's return for the taxable year of the sale. A taxpayer who reports an amount realized equal to the selling price including the full face amount of any installment obligation on the tax return filed for the taxable year in which the installment sale occurs will be considered to have made an effective election under paragraph (d)(1) of this section. A cash method taxpayer receiving an obligation the fair market value of which is less than the face value must make the election in the manner prescribed by appropriate instructions for the return filed for the taxable year of the sale.

(ii) *Election made after the due date.* Elections after the time specified in paragraph (d)(3)(i) of this section will be permitted only in those rare circumstances when the Internal Revenue Service concludes that the taxpayer had good cause for failing to make a timely election. A recharacterization of a transaction as a sale in a taxable year subsequent to the taxable year in which the transaction occurred (*e.g.*, a transaction initially reported as a lease later is determined to have been an installment sale) will not justify a late election. No conditional elections will be permitted. For a special transitional rule relating to certain taxable years for which a return is filed prior to February 19, 1981, see paragraph (d)(5) of this section.

(4) *Revoking an election.* Generally, an election made under paragraph (d)(1) is irrevocable. An election may be revoked only with the consent of the Internal Revenue Service. A revocation is retroactive. A revocation will not be permitted when one of its purposes is the avoidance of fedeal income taxes, or when the taxable year in which any payment was received has closed. For a special transitional rule relating to certain taxable years for which a return is filed prior to February 19, 1981, see paragraph (d)(5) of this section.

(5) *Transitional rules.* The following transitional rules shall apply with respect to any contingent payment sale made after October 19, 1980 in a taxable year, ending after that date, for which the taxpayer has filed a federal income tax return prior to February 19, 1981. If in such tax return the taxpayer has treated the contingent payment sale under the installment method, consent of the Internal Revenue Service to a late election by the taxpayer not to report the transaction on the installment method will generally be granted if the request for election out of installment method treatment is filed by February 19, 1981. If in such tax return the taxpayer has elected not to report the contingent payment sale under the installment method, consent of the Service to revocation of the election by the taxpayer will generally be granted if the request for revocation is filed by February 19, 1981.

(e) *Purchaser evidences of indebtedness payable on demand or readily tradable* (1) *Treatment as payment.* (i) *In general.* A bond or other evidence of indebtedness (hereinafter in this section referred to as an obligation) issued by any person and payable on demand shall be treated as a payment in the year received, not as installment obligations payable in future years. In addition, an obligation issued by a corporation or a government or political subdivision thereof—

(A) With interest coupons attached (whether or not the obligation is readily tradable in an established securities market),

(B) In registered form (other than an obligation issued in registered form which the taxpayer establishes will not be readily tradable in an established securities market), or

(C) In any other form designed to render such obligation readily tradable in an established securities market,

shall be treated as a payment in the year received, not as an installment obligation payable in future years. For purposes of this paragraph, an obligation is to be considered in registered form if it is registered as to principal, interest, or both and if its transfer must be effected by the surrender of the old instrument and either the reissuance by the corporation

of the old instrument to the new holder or the issuance by the corporation of a new instrument to the new holder.

(ii) *Examples.* The rules stated in this paragraph may be illustrated by the following examples:

Example (1). On July 1, 1981, A, an individual on the cash method of accounting reporting on a calendar year basis, transferred all of his stock in corporation X (traded on an established securities market and having a fair market value of $1,000,000) to corporation Y in exchange for 250 of Y's registered bonds (which are traded in an over-the-counter-market) each with a principal amount and fair market value of $1,000 (with interest payable at the rate of 12 percent per year), and Y's unsecured promissory note with a principal amount of $750,000. At the time of such exchange A's basis in the X stock is $900,000. The promissory note is payable at the rate of $75,000 annually, due on July 1 of each year following 1981 until the principal balance is paid. The note provides for the payment of interest at the rate of 12 percent per year also payable on July 1 of each year. Under the rule stated in paragraph (e)(1)(i) of this section, the 250 registered bonds of Y are treated as a payment in 1981 in the amount of the value of the bonds, $250,000.

Example (2). Assume the same facts as in example (1). Assume further that on July 1, 1982, Y makes its first installment payment to A under the terms of the unsecured promissory note with 75 more of its $1,000 registered bonds. A must include $7,500 (*i.e.*, 10 percent gross profit percentage times $75,000) A's gross income for calendar year 1982. In addition, A includes the interest payment made by Y on July 1 in A's gross income for 1982.

(2) *Amounts treated as payment.* If under paragraph (e)(1) of this section an obligation is treated as a payment in the year received, the amount realized by reason of such payment shall be determined in accordance with the taxpayer's method of accounting. If the taxpayer uses the cash receipts and disbursements method of accounting, the amount realized on such payment is the fair market value of the obligation. If the taxpayer uses the accrual method of accounting, the amount realized on receipt of an obligation payable on demand is the face amount of the obligation, and the amount realized on receipt of an obligation with coupons attached or a readily tradable obligation is the stated redemption price at maturity less any original issue discount (as defined in section 1232(b)(1)) or, if there is no original issue discount, the amount realized is the stated redemption price at maturity appropriately discounted to reflect total unstated interest (as defined in section 483(b)), if any.

(3) *Payable on demand.* An obligation shall be treated as payable on demand only if the obligation is treated as payable on demand under applicable state or local law.

(4) *Designed to be readily tradable in an established securities market*—(i) *In general.* Obligations issued by a corporation or government or political subdivision thereof will be deemed to be in a form designed to render such obligations readily tradable in an established securities market if—

(A) Steps necessary to create a market for them are taken at the time of issuance (or later, if taken pursuant to an expressed or implied agreement or understanding which existed at the time of issuance),

(B) If they are treated as readily tradable in an established securities market under paragraph (e)(4)(ii) of this section, or

(C) If they are convertible obligations to which paragraph (e)(5) of this section applies.

(ii) *Readily tradable in an established securities market.* An obligation will be treated as readily tradable in an established securities market if—

(A) The obligation is part of an issue or series of issues which are readily tradable in an established securities market, or

(B) The corporation issuing the obligation has other obligations of a comparable character which are described in paragraph (e)(4)(ii)(A) of this section. For purposes of paragraph (e)(4)(ii)(B) of this section, the determination as to whether there exist obligations of a comparable character depends upon the particular facts and circumstances. Factors to be considered in making such determination include, but are not limited to, substantial similarity with respect to the presence and nature of security for the obligation, the number of obligations issued (or to be issued), the number of holders of such obligation, the principal amount of the obligation, and other relevant factors.

(iii) *Readily tradable.* For purposes of paragraph (e)(4)(ii)(A) of this section, an obligation shall be treated as readily tradable if it is regularly quoted by brokers or dealers making a market in such obligation or is part of an issue a portion of which is in fact traded in an established securities market.

(iv) *Established securities market.* For purposes of this paragraph, the term "established securities market" includes (A) a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f), (B) an exchange which is exempted from registration under section 5 of the Securities Exchange Act of 1934 (15 U.S.C. 78e) because of the limited volume of transactions, and (c) any over-the-counter market. For purposes of this (iv), an over-the-counter market is reflected by the existence of an interdealer quotation system. An interdealer quotation system is any system of general circulation to brokers and dealers which regularly disseminates quotations of obligations by identified brokers or dealers, other than a quotation sheet prepared and distributed by a broker or dealer in the regular course of business and containing only quotations of such broker or dealer.

(v) *Examples.* The rules stated in this paragraph may be illustrated by the following examples:

Example (1). On June 1, 1982, 25 individuals owning equal interests in a tract of land with a fair market value of $1 million sell the land to corporation Y. The $1 million sales price is represented by 25 bonds issued by Y, each having a face value of $40,000. The bonds are not in registered form and do not have interest coupons attached, and, in addition, are payable in 120 equal installments, each due on the first business day of each month. In addition, the bonds are negotiable and may be assigned by the holder to any other person. However, the bonds are not quoted by any brokers or dealers who deal in corporate bonds, and, furthermore, there are no comparable obligations of Y (determined with reference to the characteristics set forth in paragraph (e)(2) of this section) which are so quoted. Therefore, the bonds are not treated as readily tradable in an established securities market. In addition, under the particular facts and circumstances stated, the bonds will not be considered to be in a form designed to render them readily tradable in an established securities market. The receipt of such bonds by the holder is not treated as a payment for purposes of section 453(f)(4), notwithstanding that they are freely assignable.

Example (2). On April 1, 1981, corporation M purchases in a casual sale of personal property a fleet of trucks from corporation N in exchange for M's negotiable notes, not in registered form and without coupons attached. The M notes are comparable to earlier notes issued by M, which notes are quoted in the Eastern Bond section of the National Daily Quotation Sheet, which is an interdealer quotation system. Both issues of notes are unsecured, held by more than 100 holders, have a maturity date of more than 5 years, and were issued for a comparable principal amount. On the basis of these similar characteristics it appears that the latest notes will also be readily tradable. Since an interdealer system reflects an over-the-counter market, the earlier notes are treated as readily tradable in an established securities market. Since the later notes are obligations comparable to the earlier ones, which are treated as readily tradable in an established securities market, the later notes are also treated as readily tradable in an established securities market (whether or not such notes are actually traded).

(5) *Special rule for convertible securities.* (i) *General rule.* If an obligation contains a right whereby the holder of such obligation may convert it directly or indirectly into another obligation which would be treated as a payment under paragraph (e)(1) of this section or may convert it directly or indirectly into stock which would be treated as readily tradable or designed to be readily tradable in an established securities market under paragraph (e)(4) of this section, the convertible obligation shall be considered to be in a form designed to render such obligation readily tradable in an established securities market unless such obligation is convertible only at a substantial discount. In determining whether the stock or obligation into which an obligation is convertible is readily tradable or designed to be readily tradable in an established securities market, the rules stated in paragraph (e)(4) of this section shall apply, and for purposes of such paragraph (e)(4) if such obligation is convertible into stock then the term "stock" shall be substituted for the term "obligation" wherever it appears in such paragraph (e)(4).

(ii) *Substantial discount rule.* Whether an obligation is convertible at a substantial discount depends upon the particular facts and circumstances. A substantial discount shall be considered to exist if at the time the convertible obligation is issued, the fair market value of the stock or obligation into which the obligation is convertible is less than 80 percent of the fair market value of the obligation (determined by taking into account all relevant factors, including proper discount to reflect the fact that the convertible obligation is not readily tradable in an established securities market and any additional consideration required to be paid by the taxpayer). Also, if a privilege to convert an obligation into stock or an obligation which is readily tradable in an established securities market may not be exercised within a period of one year from the date the obligation is issued, a substantial discount shall be considered to exist.

(6) *Effective date.* The provisions of this paragraph (e) shall apply to sales or other dispositions occurring after May 27, 1969, which are not made pursuant to a binding written contract entered into on or before such date. No inference shall be drawn from this section as to any questions of law concerning the application of section 453 to sales or other dispositions occurring on or before May 27, 1969.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it would be impractical to issue it first under the notice and comment procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 453(i) and section 7805 of the Internal Revenue Code of 1954 (94 Stat. 2247, 68A Stat. 917; 26 U.S.C. 453(i), 7805))

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: January 14, 1981.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-4141 Filed 1-30-81; 4:36 pm]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2608

Allocation of Assets in Non-Multiemployer Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective date in the preamble and §§ 2608.12(c)(2) and 2608.13(a) of the final regulation on Allocation of Assets in Non-Multiemployer Plans published in the **Federal Register** on January 28, 1981 (46 FR 9480).

DATES: The effective date of Part 2608 published at 46 FR 9480 is March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006, (202) 254-4895.

SUPPLEMENTARY INFORMATION: 1. In FR Doc. 81-2982 at page 9482, third column, first full paragraph, line 9, remove "February 27, 1981" and insert "March 1, 1981".

2. In § 2608.12(c)(2) appearing at page 9488, middle column in line 9, remove the comma between "participant" and "is" and in § 2608.13(a) on the same page, third column in line 6, change "would" to "could".

Issued at Washington, D.C. this 30th day of January, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-4152; Filed 2-3-81; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2615

Determination of Plan Sufficiency and Termination of Sufficient Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects (1) the effective date in the preamble to the final regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans published in the **Federal Register** on January 28, 1981 (46 FR 9532), and (2) the Appendix—Agreement for Employer's Commitment To Make Plan Sufficient to the final regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans published in the **Federal Register** on January 28, 1981 (46 FR 9541).

DATES: The effective date of Part 2615 published at 46 FR 9532 on January 28, 1981, is March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joan Segal, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2985 appearing at page 9532, January 28, 1981, on page 9541 second column under "Appendix," in the second paragraph, delete the period and add "; and".

Issued at Washington, D.C. this 30th day of January 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-3927 Filed 2-3-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 826

Gifts From Foreign Governments to Members and Civilian Employees of the United States Air Force

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 826, Gifts from Foreign Governments to Members and Civilian Employees of the United States Air Force. This rule is deleted because of limited applicability to the

general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: 26 January 1981.

FOR FURTHER INFORMATION CONTACT:

Mrs Carol M. Rose, phone (202) 697–1861.

SUPPLEMENTARY INFORMATION:

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 826.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-4079 Filed 2-3-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 76, 776 and 778

Postponement of Effective Dates for Certain Regulations

AGENCY: Department of Education.

ACTION: Notice of postponement of effective dates of certain regulations.

SUMMARY: Pursuant to a Presidential memorandum, the effective dates of regulations for two library programs and the regulations for grant programs without specific regulations are postponed until March 30, 1981.

EFFECTIVE DATES: The regulations listed in this document shall not take effect until March 30, 1981, unless a later effective date is required. If a later effective date is required for any of these regulations, the Secretary will publish a notice in the **Federal Register** to inform the public of that later date.

FOR FURTHER INFORMATION CONTACT:

A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–7091.

SUPPLEMENTARY INFORMATION: By memorandum dated January 29, 1981, the President directed the Department of Education and other specified Federal agencies to publish notice in the **Federal Register** postponing for 60 days from the date of the President's memorandum the effective date of all regulations promulgated in final form that are scheduled to become effective during that 60-day period.

As an initial matter, the effective date of the following regulations, scheduled for February 5, 1981, is postponed until March 30, 1981:

Title of regulations	Published in the FEDERAL REGISTER
34 CFR Parts 75, 76: Education Department General Administrative Regulations (EDGAR)—Grant Programs Without Specific Regulations.	December 22, 1980 at 45 FR 84058.
34 CFR Part 776: Library Career Training Program.	December 24, 1980 at 45 FR 85422.
34 CFR Part 778: Strengthening Research Library Resources Program.	December 24, 1980 at 45 FR 85430.

No other regulations of the Department are scheduled to take effect until February 17, 1981. The Department is reviewing its other regulations and will shortly publish a notice in the **Federal Register** postponing the effective dates of the affected regulations in accordance with the President's memorandum.

(Catalog of Federal Domestic Assistance No. 840.036, Library Career Training; Catalog of Federal Domestic Assistance No. 84.091, Strengthening Research Library Resources. Part I of OMB Circular A-95 does not apply to these programs)

Dated: February 2, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-4201 Filed 2-3-81; 12:29 pm]

BILLING CODE 4000-01-M

POSTAL SERVICE

39 CFR Part 111

Controlled Circulation Applications

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The final rule will amend postal regulations to make the application procedures for controlled circulation mail privileges similar to the procedures which currently exist for second-class mail privileges, including the provision for original and additional entry post offices.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT:

1Marie J. Chamberlin at (202) 245–4663.

SUPPLEMENTARY INFORMATION: On August 25, 1980, the Postal Service published for comment in the **Federal Register** proposed changes to the application procedures for controlled circulation publications (45 FR 56357). Interested persons were invited to submit written comments concerning the proposed changes by September 24, 1980.

Three comments were received; one written and two verbal.

The two verbal commenters favored the proposal as written. However, they expressed concern about how and in what time frame would present controlled circulation permit holders be required to comply with the new regulations. In this regard the Postal Service will take the initiative to contact publishers currently mailing controlled circulation publications at more than one office to establish the necessary entry status and time schedule. New applicants will be expected to follow the new procedures when they become effective.

The third commenter generally favored the proposal but expressed opposition to the 30-day and the marked copy requirements.

He also requested that the effective date for this proposal coincide with the implementation date of any rate increases resulting from decisions in the pending rate adjustment case, Postal Rate Commission Docket No. R80–1. Among the proposals being considered in that case is the merger of controlled circulation mail and second-class mail. We do not believe that it is advantageous to await the outcome of R80–1 because early implementation of this final rule should ensure a smoother merger of the two classes of mail if that proposal is effectuated.

The Postal Service considers the 30-day notice for additional entries essential in order to ensure that adequate transportation can be provided for publications. Since most publishers now give 30-days notice voluntarily, this is not considered an unreasonable requirement.

Submission of marked copies at the office of mailing is also considered essential by the Postal Service since these copies are used by that post office to verify the rate of postage paid. Currently, marked copies and mailing statements are required for controlled circulation mailings at each office of entry. Therefore, it is not considered unreasonable to require mailers to continue to do so.

Therefore, as proposed in the August 25, 1980, issue of the **Federal Register**, publishers of publications currently authorized controlled circulation mail privileges will be required to establish an original entry at the post office where the office of publication is located or to indicate which office of entry will be the office of original entry. If a publication is authorized controlled circulation mail privileges at more than one post office, any office not designated as the office of original entry will become an additional entry office. No action needs to be taken by publishers who are currently authorized controlled circulation mail privileges. Action will be initiated by the Postal Service through the current entry offices to establish the proper status of

the different offices of entry. If a publication has only one office of entry, that office will automatically become the office of original entry.

For the above reasons, and after careful consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated in the **Federal Register** by reference. See 39 CFR 111.1.

Part 521—Description and Qualifications

Revise 521 to read as follows:

521.1 General.

A publication, whether circulated free or to paid subscribers, is eligible for controlled circulation authorization if it meets all of the following qualifications:

a. Each issue must contain at least 24 pages;

b. No issue may contain more than 75 percent advertising (see 522);

c. The publication must be issued at regular intervals of four or more times a year;

d. The publication may not be owned or controlled by one or more individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control the publication; and

e. The name of the publication must be shown on the front/cover page in a position and in a style and size of type that make it clearly distinguishable from the publisher's name or from any other items on the front/cover page.

521.2 Issuance from an Office of Publication.

The publisher of a controlled circulation publication must maintain an office at the location where the original entry for controlled circulation is authorized. The office of publication must be an office where the circulation records of the publication are maintained and are available for examination by postal officials during normal business hours.

Part 541—Controlled Circulation Applications

In part 541, revise 541.2, 541.3 and 541.41 to read as follows:

541.2 Application procedures.

.21 Original Application. Applications must be made on Form 3511, *Application for Mailing Under Controlled Circulation Mail Privileges,* to the postmaster at the office serving the office of publication. Two copies of the issue published nearest to the date of application must accompany the application. These copies must meet the preparation requirements contained in 560. The copies must be marked to show the nonadvertising content and the percentage of nonadvertising content must be stated on the cover. If the publication is in a foreign language, a translation must accompany the application. A synopsis is usually sufficient.

.22 Additional Entry. If multiple entry points are desired, a Form 3512, *Application for Additional Entry or Reentry of Controlled Circulation Publication,* must be filed by the publisher at the original entry post office 30 days prior to making a controlled circulation mailing at the proposed additional entry office(s). Postage for mailings presented prior to the expiration of the 30-day period must be made at the first-, third-, or fourth-class postage rates. A separate form must be submitted for each desired additional entry office. A publisher may apply for permission to mail at additional entry post office(s) at the time of the original entry application. Two copies of the issue nearest the application date must accompany the application(s). These must be marked to show the nonadvertising content as described in 541.21.

541.3 Approving or Denying the Application.

The postmaster will forward the application and one copy of the publication to his Mail Classification Center. The Mail Classification Center, after reviewing the application for completeness, will forward it and one copy of the publication to the Office of Mail Classification, Rates and Classification Department, Washington, DC 20260. The General Manager, Domestic Mail Classification Division, Office of Mail Classification, rules on all controlled circulation applications. He will notify the postmaster whether the application was approved or denied. The postmaster will then notify the applicant.

541.4 Mailing While Application Pending.

541.41 General.

A publisher may not mail at controlled circulation rates until the application for controlled circulation mail privileges is approved by the Office of Mail Classification, Rates and Classification Department, Washington, DC 20260. Postage at the applicable first-, third-, or fourth-class rates must be paid while the application is pending. *Exception:* If the publication is authorized second-class rates, the publisher may continue to pay second-class postage while the application for controlled circulation mail privileges for the publication is pending.

* * * * *

Part 542—Change in Title or Frequency

Revise 542 to read as follows:

542 Change in Title, Frequency, or Office of Publication.

An application for reentry must be filed on Form 3512, *Application for Additional Entry or Reentry of Controlled Circulation Publication,* whenever the name, frequency of issuance or location of the office of publication is changed. When the name or frequency changes, a Form 3512 must be filed at the post office of original entry. When the location of the office of publication is changed, a Form 3512 must be filed at the new mailing office. Two copies of the publication showing the new name, frequency, or office of publication must accompany the application. These copies must be marked to show the nonadvertising content as prescribed in 541.21. A reentry application need not be filed if the office of publication is moved to a location served by the same original entry post office. An application for reentry is not required when only the ownership of the publication is changed. A separate Form 3512 must be filed for each reentry action requested.

Part 543—Revocation of Controlled Circulation Privileges

In Part 543, revise 543.1 to read as follows:

543.1 Notice by Postmaster.

The Postal Service will revoke the controlled circulation authorization of any publication which fails to meet the requirements in 521. The postmaster will notify the General Manager, Domestic Mail Classification Division, when a publication is discontinued or when it fails to meet the conditions set forth in its authorization. The postmaster will include the publisher's current mailing address, title of the publication, and its authorized frequency with any notice of discontinuance of failure to meet the requirements.

* * * * *

Part 561—Identification Statements in Copies

In Part 561, delete 561.5 and revise 561a, 561.1g and 561.2 to read as follows:

561.1 Information Required.

561.1a Name of Publication and Publication Number.

The publication number includes an alpha prefix and is to be placed within parentheses immediately following or below the name of the publication, for example, *The Weekly Journal* (ISSN 9876-543X) or *The Civic Bulletin* (USPS 876-690). The publication number will be furnished to the publisher by the Office of Mail Classification and must be included in the publication within 90 days of the notification. The publication number may be omitted if it appears on the front/cover page.

* * * * *

g. Controlled Circulation Imprint. If the publication is authorized to be mailed at only one office, the imprint must read "Controlled Circulation Postage Paid at (insert name and ZIP Code of Office)." If the publication is authorized to mail at two or more post offices, the imprint must read "Controlled Circulation Paid at (insert name and ZIP Code of original entry office) and at Additional Mailing Offices." A notice of pending application must be imprinted to read "Application to mail at Controlled Circulation Postage Rates is Pending at (insert name and ZIP Code of original entry office) (and at Additional Mailing Offices)."

* * * * *

561.2 Sample Format.

The following is an example of a correctly prepared identification statement format:

"MANAGEMENT WIDGETS (ISSN 7132-698X) is published daily except Sundays and holidays for $28 per year by Business Ideas Co., 44 South Street, Hyattsville, MD 20784. Controlled Circulation Postage Paid at Hyattsville, MD 20784 and at Additional Mailing Offices.

"POSTMASTER: Send address changes to MANAGING WIDGETS, Post Office Box 4, Boulder, CO 80302."

Part 570—Mailing

Revise 570 to read as follows:

571 Who May Mail.

Only publishers of publications authorized controlled circulation mail privileges may mail at controlled circulation postage rates. Postage at the applicable first-, third-, or fourth-class rate according to weight must be paid on all copies mailed by the general public.

572 Place of Mailing.

A publisher may mail at the controlled circulation postage rates only at the post office(s) where an authorization for original entry or additional entry has been obtained. Mailings must be made between the times and at the locations designated by the postmaster of the office of mailing.

* * * * *

Part 583—Marked Copy

Revise 583 to read as follows:

583 Marked Copy.

The publisher of the controlled circulation publication must submit a copy of each issue to the postmaster at the original entry office. In addition, the publisher must submit a copy of the issue being mailed with each mailing statement at each office of additional entry. All copies submitted must be marked by the publisher to show the nonadvertising content so that advertising content can be verified.

Part 584—Statistical Statement

Revise 584 to read as follows:

584 Statistical Statement.

Publishers authorized controlled circulation mail privileges must complete a Form 8-C, *Pieces by Destination—Controlled Circulation Publication*, and submit it along with the mailing statement to the postmaster at each post office of mailing for the first mailing of each Postal Service fiscal year. A Form 8-C must be submitted with the mailing statement for the first mailing at each new office of entry after the controlled circulation authorization has been received by the publisher. Forms 3541-A and 8-C are distributed to publishers by the postmaster at the office of mailing. If the publisher fails to submit a Form 8-C, the Postal Service will not accept the publisher's mailing at the controlled circulation postage rates.

Revise 585 to read as follows:

585 Publisher's Records.

The publisher must maintain records to verify the number and weight of copies reported on Forms 3541-A at the office of publication. These records are subject to periodic review and audit by the Postal Service.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-4010 Filed 2-3-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 401

[WH FRL 1722-7]

Removal of Bis-(Chloromethyl) Ether (BCME) From the Toxic Pollutant List Under Section 307(a)(1) of the Clean Water Act

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting bis-(chloromethyl) ether (BCME) from the toxic pollutant list established under section 307(a)(1) of the Clean Water Act. EPA has determined that deleting this compound will not compromise adequate control over its discharge into the aquatic environment and EPA anticipates no adverse effects on the aquatic environment or on human health as a result of this action.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Alan Rubin, Criteria and Standards Division (WH-585), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202-245-3030).

SUPPLEMENTARY INFORMATION:

Background

Section 307(a)(1) of the Clean Water Act requires EPA to publish a list of toxic pollutants. This section also authorizes the Administrator to add or remove substances from this list and provides that:

> The Administrator in publishing any revised list, including the addition or removal of any pollutant from such list, shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms.

The legislative history of the Clean Water Act of 1977 indicates Congress' clear intent that the Administrator have "the widest latitude" in designating pollutants as toxic and that "no pollutant listed in Committee Print Numbered 95-30 should be deleted without a clear finding that delisting will

not compromise adequate control over the discharge of toxic pollutants" (Cong. Rec. Daily ed. S. 19649).

On September 15, 1980, the EPA proposed the removal of bis-(chloromethyl) ether (BCME) from the toxic pollutant list, (45 FR 60942). This proposal was based on data which indicate that BCME does not pose a risk to human health or the environment by exposure from water. A 60 day comment period was granted on this proposal. EPA has received three comments, all of which support the EPA recommendation.

Final Action

As a result of its review, EPA concludes that available data support the deletion of bis-(chloromethyl) ether (BCME) for the following reasons:

1. It is not persistent in the aquatic environment and degrades immediately upon contact with water. The half-life associated with hydrolysis of BCME in water is approximately 38 sec. at 20°C and neutral pH. This rate of hydrolysis is far greater than the rate of volatilization of BCME from water so that the air burden of this pollutant will not increase if it is released into water. BCME's aquatic fate does not permit significant potential for human or aquatic organism exposure.

In water, BCME decomposes initially to formaldehyde and hydrogen chloride.[1] While these decomposition products exhibit some toxicity to aquatic organisms and humans, their persistence in the aquatic environment is judged to be very low. The miniscule amount of hydrogen chloride initially produced by a BCME discharge into the aquatic environment would immediately be neutralized by the buffering capacity of the water. Likewise, the initial concentration of formaldehyde would quickly be reduced to negligible levels by either volatilization, biodegradation in the presence of certain microorganisms, or more likely by its rapid oxidation to formic acid. Because formic acid will not normally be reduced back to formaldehyde, the rapid consumption of formaldehyde as a BCME hydrolysis end product will drive the overall hydrolysis reaction of BCME irreversibly in the forward direction. Thus the possiblity of reformation of BCME from its initial degradation products, hydrogen chloride and formaldehyde, is negligible. In conclusion, any BCME introduced into the aquatic environment will, with high certainty, be nearly completely hydrolyzed to relatively harmless substances.[2]

2. Based on the estimated octanol/water partition coefficient, BCME shows little or no propensity to adsorb on solid particles or bioaccumulate in organisms.

3. BCME has never been detected in industrial effluent samples, ambient water, finished drinking water, or biological tissues.

4. A survey of companies which formerly manufactured or used BCME and other industrial production and use data sources indicates that BCME is probably not in production or in significant use in this country today.

5.EPA recognizes that BCME is a potent mutagen and laboratory animal and human carcinogen. However, these toxic properties of BCME have never been demonstrated in an organism exposed to BCME through direct ingestion of water or through ingestion of aquatic organisms in its diet. The carcinogenic threat of BCME towards humans is confined to inhalation or concentrated dermal exposure and in those contexts primarily in the work environment. Worker exposure to BCME will continue to be regulated through requirements established by the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.1008). Detailed discussions of these reasons for delisting BCME and the literature citations used to support these arguments are found in the proposed rule for delisting (45 FR 60942) and are incorporated herein by reference. EPA has not received any additional information during the comment period which contradicts the data identified in the proposal.

Conclusion

Although the carcinogenic potential of BCME through air exposure is well documented, EPA believes that BCME does not present a risk to human health or the environment by exposure from water. This conclusion is based on the instability of the substance in water, its lack of potential for bioaccumulation, and the lack of point source discharge.

Removal of BCME from the 307(a)(1) list would have no adverse impact on the aquatic environment due to the extremely low stability of BCME in water and its failure to persist in the aquatic environment except for very short periods of time. Because hydrolysis of BCME occurs before its volatilization to the air, BCME concentration in the atmosphere is not expected to increase because of this action. Therefore, an intermedia impact is not expected. The environmental and human health hazard due to the formation of formaldehyde and hydrogen chloride resulting from the decomposition of BCME in water is judged to be negligible. This judgement is based on the miniscule amount of BCME discharged to the environment and the extremely low persistence of formaldehyde and hydrogen chloride in the aquatic environment. Both decomposition products are quickly converted into harmless substances by neutralization, oxidation, or biodegradation by environmental processes. This removal action does not affect the validity of BCME's water quality criterion which has recently been published.

Dated: January 27, 1981.

Walter C. Barber, Jr,

Acting Administrator.

In 40 CFR Subchapter N. Part 401, § 401.15 is amended by revising item 16 to read as follows:

§ 401.15 Toxic pollutants.

* * * * *

16. Chloroalkyl ethers (chloroethyl and mixed ethers)

* * * * *

[FR Doc. 81-4052 Filed 2-3-81; 8:45 am]

BILLING CODE 6560-29-M

[1] Van Duuren, B. L. et al. 1972. Carcinogenicity of halo-ethers. II. Structure-activity relationships of analogs of bis(chloromethyl) ether. Jour. Nat. Cancer Inst. 48:1431.

[2] U.S. EPA. 1979. Risk assessments of priority pollutants: bis-chloromethyl ether. Contact No. 68-01-3857. Monitoring and Data Support Division, U.S. Environ. Prot. Agency, Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-160; RM-3144]

Radio Broadcast Services, FM Broadcast Stations in Alameda and Albuquerque, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns FM Channel 277 to Albuquerque, New Mexico, as that city's eighth FM assignment, at the request of D. Garry Munson and John Charles Larsh.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 30, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 28778 published April 30, 1980, proposing three alternative FM channel assignment plans involving Alameda and Albuquerque, New Mexico, at the request of D. Garry Munson and John Charles Larsh ("petitioners"). The three alternative assignments proposed for comment in the *Notice* are as follows:

Alternative I. Assign Channel 277 to Albuquerque, New Mexico, as that city's eighth FM assignment.

Alternative II. Assign FM Channel 292A to Alameda, New Mexico, as that community's first FM assignment.

Alternative III. Assign Channel 277 to Alameda, New Mexico, as that community's first FM assignment.

Petitioner originally requested the assignment of Channel 277 for Alameda. However, after noting Alameda's size (1970 population, 10,366) and proximity to Albuquerque (7 miles north of Albuquerque), we questioned whether Alameda was the type of city to which we normally assign high power Class C stations. For that reason, we suggested the alternatives of assigning the Class C station to Albuquerque, or assigning a Class A station to Alameda.

2. In its comments, petitioner supports Alternative I, which would assign Channel 277 to Albuquerque. Petitioner states that it had originally intended to serve a large white area to the northwest of Albuquerque with the Class C assignment at Alameda. However, given the Commission's stated concern with assigning a Class C channel to Alameda, petitioner now favors assigning the channel to the larger city of Albuquerque. Petitioner states that Albuquerque has grown in population from 243,751 in 1970 to 295,300 in January, 1980. According to petitioner, this demonstrates that Albuquerque is entitled to up to ten channels under the Commission's current population guidelines. Petitioner also notes that of the seven operating FM stations in Albuquerque, six are co-owned with AM stations serving the same market. Petitioner opines that making another channel available will therefore give the community the opportunity for a new and independent source of information. Petitioner states that if Channel 277 is assigned to Albuquerque, it will promptly apply for authorization to build and operate a station.

3. A partial opposition to the proposed rule making was filed by Philip H. Green ("Green"). Green opposed the assignment plan (Alternative II) which proposed to assign Channel 292A to Alameda and submitted a counterproposal to assign Channel 290 or 294 to Santa Fe, New Mexico.[1] Either of those assignments to Santa Fe would preclude the assignment of Channel 292A to Alameda consistent with the Commission's minimum spacing requirements. Green alleges that insufficient information has been presented to the Commission to demonstrate that Alameda qualifies as a community for assignment purposes. Green also alleges that the Class A assignment to Alameda would have serious preclusive consequences by precluding the use of six Class C channels in both Albuquerque and Santa Fe. In reply comments, Green notes that no party has expressed an interest in the Alameda assignment. In the absence of such interest, Green argues that the assignment should not be made.

4. We believe that Alternative I, which proposes the assignment of Channel 277 to Albuquerque, should be adopted. According to recently submitted information, the city currently has a population greater than 250,000. Therefore, the Commission's population guidelines present no obstacle to the assignment of an additional channel to Albuquerque. Furthermore, an interest has been expressed in the use of the channel at Albuquerque while no such interest has been expressed for use of a channel at Alameda. The preclusive impact of the assignment is insubstantial. Petitioner states that seven communities currently without local aural service would sustain preclusion on one or more channels as a result of the assignment of Channel 277 to Albuquerque. Petitioner's studies show that at least two Class A FM channels are available for assignment to each of the precluded communities. We finally note that anyone wishing to apply for use of the channel at Alameda could do so under Section 73.203(b) of the Commission's Rules, the 15-mile rule.

5. Accordingly, it is ordered, That effective March 23, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Albuquerque, New Mexico	222, 227, 231, 242, 256, 262, 277, 300

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4068 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Green's counterproposal is being considered in BC Docket No. 80-196 as part of a separate proceeding.

---

47 CFR Part 73

[BC Docket No. 80-131; RM 3439]

Radio Broadcast Services, FM Broadcast Station in Allendale, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class A FM channel to Allendale, South Carolina, in response to a petition filed by Good Radio Broadcasting Company. The assigned channel could provide Allendale with its first FM and fulltime local aural broadcast service.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 30, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 24213, published April 9, 1980, proposing the assignment of FM Channel 228A to Allendale, South Carolina, as its first FM assignment in response to a petition filed by Good Radio Broadcasting Company ("petitioner"). Supporting comments were filed by the petitioner, in which it reaffirmed its intent to file for the channel, if assigned.

2. Allendale (pop. 3,620),[1] in Allendale County (pop. 9,692) is located approximately 129 kilometers (80 miles) west of Charleston, South Carolina. It is

[1] Population figures are taken from the 1970 U.S. Census.

served locally by daytime-only AM Station WDOG.

3. Petitioner has submitted sufficient data with respect to the need for a first FM assignment to Allendale.

4. In view of the above, the Commission believes the public interest would be served by assigning Channel 228A to Allendale, South Carolina, since it would provide the community with an opportunity for a first FM and fulltime local aural broadcast service. The site for this assignment is restricted to 2.6 kilometers (1.6 miles) west of the city.

5. In view of the foregoing, IT IS ORDERED, That effective March 23, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Allendale, South Carolina	228A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

Federal Communictions Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4089 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-107; RM-3309]

Radio Broadcast Services, FM Broadcast Station in Milbank, South Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns Class C FM Channel 282 to Milbank, South Dakota, in response to an interest expressed by Kleven Broadcasting Company of Milbank. The assigned channel could provide Milbank with its first local aural broadcast service.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 29, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a proposal for the assignment of Class C FM Channel 282 to Milbank, South Dakota, as that community's first FM assignment. The *Notice of Proposed Rule Making*, 45 FR 19576, published March 26, 1980, was issued in response to a petition filed by Sturgis Radio, Inc. Supporting comments were filed by Kleven Broadcasting Co. of Milbank ("Kleven B/C") the successor in interest [1] in which it stated its intent to apply for the channel, if assigned.

2. Milbank (population 3, 727) [2], seat of Grant County (population 9,005) is located near the South Dakota-Minnesota border, approximately 264 kilometers (165 miles) west of Minneapolis, Minnesota. It is served locally by daytime only AM Station KMSD.

3. As stated in the *Notice*, the proposed station would serve Grant County and the adjacent counties of Roberts, South Dakota, Big Stone, Minnestoa, and Lac Qui Parle, Minnesota, which are said to be primarily rural with identical demographics. Further, the *Notice* indicated that according to Sturgis Radio, Inc., a Class C station operating with 75 kW power at an antenna height of 152.2 meters (500 feet) could provide a first FM service to 18,906 persons and a second FM service to 24,777 persons.

4. As a result of the proposed Channel 282 assignment to Milbank, 29 communities with a population greater than 1000 will be precluded, 20 of these have no local aural service, however, petitioner states that alternate channels are available for assignment within the precluded areas.

5. We have given careful consideration to the proposal and believe that Channel 282 should be assigned to Milbank, South Dakota. Although a community this size is not normally assigned a Class C channel, the proposed assignment would provide a first FM service to an isolated community and substantial first and second service to persons in sparsely populated areas. Since alternate channels are available for the precluded areas, we believe the preclusion impact is no barrier.

6. Accordingly, it is ordered, That effective March 23, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Milbank, South Dakota	282

7. Authority for the action taken herein is found in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

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

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-4090 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission recently approved an assignment of license for Station KMSD (AM), Milbank, from Sturgis Radio, Inc. to Kleven Broadcasting Co.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-121; RM-3318]

Radio Broadcast Services, FM Broadcast Station in San Luis Obispo, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns Class B FM Channel 251 to San Luis Obispo, California, as its third commercial FM assignment, in response to a petition filed by John Brown Schools of California, Inc.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 29, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 23478, published April 7, 1980, in response to a petition filed by John Brown Schools of California, Inc. ("petitioner"), proposing

the assignment of Class B FM Channel 251 to San Luis Obispo. Supporting comments were filed by petitioner in which it reafirfmed its intent to file for the channel, if assigned. Comments were also filed by Richard E. Mason, by Donna L. Pangburn, and by Craig Hines, each indicating an intent to apply for the channel if assigned. No oppositions to the proposal were received.

2. San Luis Obispo (pop. 28,036),[1] seat of San Luis Obispo County (pop. 105,690), is located 322 kilometers (200 miles) north of Los Angeles. It is currently served by three full-time AM stations, two commercial Class B FM stations, and two noncommercial educational FM stations.

3. Petitioner states that San Luis Obispo is a growing community with a 1980 estimated population of 35,150.[2] Petitioner notes that while this population does not fall within the Commission's normal criteria for three Class B assignments to a community, we have in certain circumstances assigned a third FM channel to communities with similar populations when an interest in providing a new FM service has been expressed.

4. Mason states that California Polytechnic State University borders the city, and has 2,500 resident students as well as 13,000 commuting students. Mason also notes that there is a substantial tourism impact on the community, with the San Luis Obispo Chamber of Commerce estimating 657,000 overnight visitors and 903,570 non-overnight visitors during the 1977–78 fiscal year. Mason urges that the Commission consider this seasonal and transient population in determining whether to assign a third commercial FM channel to the city.

5. As set forth in the *Notice*, the assignment of Channel 251 to San Luis Obispo will cause preclusion to an area including ten communities with populations greater than 1,000. Of these, four communities, all in California, have no FM assignments. Petitioner has stated that Channels 261A, 265A, 288A, and 296A are generally available throughout the precluded areas. Further, according to petitioner, the allocation will provide a second FM service to 1,186 persons living in a 243 square kilometer (95 square mile) area.

6. In view of the expressed interests in a third commercial FM assignment to this growing community, and the fact that the preclusion impact does not appear to be significant, we believe that the public interest would be served by the grant of the requested assignment.[3]

7. Authority for the action taken here is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, That effective March 23, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards San Luis Obispo, California, is amended to read as follows:

City	Channel No.
San Luis Obispo, California	227, 241, 251

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 653–7586.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4091 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population data is taken from the 1970 U.S. Census.

[2] The estimated 1980 population of San Luis Obispo County is 149,600.

[3] The assignment is consistent with our holdings in such similar cases as *Valdosta, Georgia*, 42 F.C.C. 2d 234, 236 (1975); *Grand Island, Nebraska*, 43 RR 2d 1255 (1978); and *Waycross, Georgia*, 45 Fed. Reg. 25806, published April 16, 1980.

---

47 CFR Part 73

[BC Docket No. 80–195; RM–3185 & RM–3441]

Radio Broadcast Services, FM Broadcast Station in Santa Fe, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns Class C FM Channels 281 and 286 to Santa Fe, New Mexico, as that city's third and fourth FM assignments at the request of Robert C. and Signe M. Burris, and of Frederick Daniel Marcy, respectively.

DATES: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653–7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 29, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 30656, published May 9, 1980, proposing the assignment of FM Channels 281 and 286 to Santa Fe, New Mexico, at the request of Robert C. Burris and Signe M. Burris ("Burris") and of Frederick Daniel Marcy ("Marcy") respectively. Comments in support of the assignment were filed by Burris and Marcy and by Philip H. Green ("Green"), proponent of an additional FM assignment to Santa Fe.[1] Reply comments were filed by Burris and Green.

2. In their comments, both proponents state that they will apply for the channels, if assigned. Both parties cite recent population estimated for Santa Fe which indicate that the city has over 50,000 persons. Therefore they argue that the Commission's population guidelines which would permit from 2 to 4 channel assignments to a community of over 50,000 can accommodate the request for 2 additional assignments to Santa Fe. According to petitioners, the preclusive impact of the assignments is negligible because every precluded community currently without an assignment has at least one other channel available for assignment. Additionally, Burris states that the operation of Channel 281 in Santa Fe would bring first FM service to 4,759 people and second FM service to 3,688 people. Green's comments concern the assignment of a third additional FM channel and are treated in BC Docket No. 80–196 (see footnote 1).

3. Santa Fe (pop. 46,200),[2] the seat of Santa Fe County (pop. 54,774) and the capital of New Mexico, is located 96 kilometers (60 miles) northeast of Albuquerque, New Mexico. Santa Fe is currently served by three AM stations (two fulltime and one daytime-only) and two FM stations.

4. The Commission believes that it would be in the public interest to assign the Class C FM Channels 281 and 286 to Santa Fe. The petitioners have shown that Santa Fe is a growing community and an important center of culture, tourism, and government in New Mexico. We note that recent population estimates show that the city currently has over 50,000 inhabitants. Therefore, the Commission's present population guidelines would support the assignment of up to four FM channels in Santa Fe. A need for the channels has been

[1] Green's proposal to assign either FM Channel 290 or 294 to Santa Fe (RM–3699) is considered in a separate *Report and Order* in BC Docket No. 80–196.

[2] These population figures are taken from the 1970 U.S. Census.

sufficiently demonstrated and interest has been expressed in the use of the channels.

5. Accordingly, it is ordered, That effective March 23, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Santa Fe, New Mexico, as follows:

City	Channel No.
Santa Fe, New Mexico	236, 247, 281, 286

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4002 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 78-253; FCC 81-15]

An Inquiry Into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System

AGENCY: Federal Communications Commission.

ACTION: Interim guidelines.

SUMMARY: The Commission is granting and denying petitions for reconsideration of the interim processing procedures for TV translator applications adopted in the Notice of Proposed Rule in BC Docket No. 78-253, An Inquiry Into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System. The Commission finds that it is in the public interest to continue to process TV translator applications. Therefore, the Commission sets out guidelines to the staff for the processing of TV translator applications pending the outcome of the rulemaking.

EFFECTIVE DATE: January 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: January 8, 1981.

Released: January 16, 1981.

By the Commission:

I. Background

1. On September 9, 1980, the Commission adopted a *Notice of Proposed Rule Making* (hereinafter, "Notice") in our *Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System* (hereinafter, "Inquiry"), 45 Fed. Reg. 69178, October 17, 1980. On September 12, the Broadcast Bureau published procedures for its continued processing of conventional TV translator applications, as well as those accompanied by petitions for waiver of the rules that prohibit program origination (*i.e.*, applications exhibiting "low power" features) pending the outcome of the rule making. *See Interim Processing Procedures for TV Translator Applications Seeking Low Power Features.* 45 FR 62004, September 17, 1980. On October 28, the Broadcast Bureau issued a list of TV translator applications ready and available for processing, setting December 5, 1980, as the deadline for competing applications or petitions to deny the listed applications. On December 3, the Bureau issued a second list and extended the cutoff date for the first list to January 16, 1981, to coincide with the date being set for the second list.[1] Also on December 3, the Bureau published a notice describing "Cutoff Procedures for TV Translator and Low Power TV Applications," in question-and-answer form.

II. Petitions for Reconsideration.

2. We have received several pleadings seeking reconsideration, clarification or modification of the interim processing procedures. On November 6, 1980, National Citizens Committee for Broadcasting hereinafter, "NCCB") filed a "Petition for Modification of Interim Procedures." NCCB made the factual assumption that only one cutoff list would be issued, and sought a second list, to give minority and noncommercial applicants a greater opportunity to file applications during the interim period.

3. The Corporation for Public Broadcasting (hereinafter, "CPB") filed a "Petition for Reconsideration." CPB states that noncommercial entities face greater financial and organizational obstacles than commercial broadcasters; and therefore noncommercial service grows more slowly than commercial, but that it eventually fully utilizes available spectrum. CPB avers that the Commission recognized this phenomenon when it reserved channels for noncommercial use in the *Sixth Report and Order* in Docket Nos. 8736, 8975, 9175 and 8976 (41 FCC 148 (1952)), and indicates that it advocates similar frequency reservations for noncommercial low power stations. CPB hopes that noncommercial service will be expanded both to unserved rural areas and underserved urban audience via low power, but it is concerned that, due to frequency scarcity, particularly in the top 100 markets, commercial applicants will gain control of the available frequencies in the interim period, to the detriment of noncommercial broadcasters. Averring that the conditional nature of the interim grants is not adequate protection against a possible "commercial takeover", CPB suggests that all translator applications filed in the top 100 markets in the interim be considered low power applications and subject to additional "protective measures", presumably an interim moratorium. It further proposes that the Commission continue to process conventional translator applications in markets outside the top 100, but treat any future proposals for program origination authority on those stations as major modifications, subject to new cutoff procedures.

4. The National Association of Broadcasters (hereinafter, "NAB") filed a "Petition for Reconsideration" and a "Request for a Temporary Freeze on Translator Application Processing," both on November 17, 1980. NAB seeks a 90-day freeze on interim processing, to allow time for the Commission to develop new procedures. NAB states that the present procedures preclude potential interim applicants whose applications would violate proposed ownership rules. NAB generally opposes all interim authorizations except those proposing nonprofit translator service in unserved rural areas or to improve reception problems within the service contours of existing full service stations.

5. Mr. Rene Anselmo, President of the Spanish International Television Network (hereinafter, "SIN"), wrote the Commission a letter requesting a "freeze or a tightening up of the guidelines," on November 21, 1980.[2] Mr. Anselmo

[1] Several parties listed on the earlier cutoff list petitioned, through counsel, for reinstatement of the earlier date. We denied that petition by *Order*, adopted on December 18, 1980 (mimeo no. 04258).

[2] This letter has been made part of Docket No. 78-253 because it raises similar issues relating to interim processing.

advocates a freeze on interim processing or safeguards, including: a limit on the number of stations that may be licensed to any single individual or entity; preferences for local applicants proposing local service, minorities, and free over pay service; a prohibition on channel warehousing; and revocation of the license if a station does not go on the air within one year of the grant or goes off the air for over three months.

6. The Association of Maximum Service Telecasters, Inc. (hereinafter, "MST") filed a "Request for Clarification and Comments on Petitions for Reconsideration," on November 26. MST seeks an extension of the cutoff period, so that all applications may be subjected to strict scrutiny regarding possible interference to existing full service stations, and advocates additional safeguards against potential interference, including a requirement that interim applicants notify co-channel and adjacent channel stations within a certain radius of their proposed sites. Twelve comments have been filed in response to these petitions, as well as six reply comments. *See* Sections IV and V, *infra*.

III. Procedural Issues

7. It is well-settled that reconsideration does not lie except with respect to final action. *See* Section 1.429 of the Commission's Rules. Clearly, the *Notice* is not a final action, and, under Section 1.415 of our Rules, comments and reply comments are the only pleadings that may be filed in response thereto, unless additional pleadings are specifically authorized by the Commission. The interim processing procedures are also not final, as any grant made thereunder will be conditioned upon the final decision in the rule making. Nor should these actions be considered final under the Administrative Procedure Act (hereinafter, "APA"). Section 704 of the APA, 5 U.S.C. 704, permits judicial review only with respect to "final" agency action. In *FTC* v. *Standard Oil of California (Socal)*, slip opinion No. 79–900, decided December 15, 1980 (opinion by Powell, J.), the Supreme Court rejected the contention that issuance of an FTC complaint could be reviewed in court, prior to final resolution of the agency's case against the defendant company. The Court stated that Socal's exhaustion of administrative remedies to quash the complaint was not tantamount to final action.

8. We anticipate comprehensive comments from a variety of parties in the instant proceeding. Indeed, many of the contentions in these petitions contain factual assumptions the accuracy of which cannot be tested at this early stage. Nevertheless, we recognize that the major issues raised in the subject petitions relate to the interim procedures first announced in the *Notice* and it would therefore serve the public interest to address those issues here.[3] Therefore, we are waiving the procedural defect and addressing the merits of the subject petitions, insofar as they relate to interim processing. Moreover, several petitioners evidence misunderstanding of aspects of our interim policy. To the extent that these questions remain unresolved by the Bureau's Public Notice of December 3, elaborating cutoff procedures, we believe further clarification to be in order.

IV. Comments

9. Comments on the NCCB, CPB and NAB petitions were filed by the National Broadcasting Company, Inc. (hereinafter, "NBC"), American Broadcasting Companies, Inc. (hereinafter, "ABC"), the National Association of Public Television Stations (hereinafter, "NAPTS"), Public Broadcasting Service (hereinafter, "PBS"), the State Board of Education of Georgia (hereinafter, "Georgia"), the National Translator Association (hereinafter, "NTA"), John W. Boler (hereinafter, "Boler"), Neighborhood TV Company (hereinafter, "NTC"), Rural Television System (hereinafter, "RTS"), Thomas Hendrickson (hereinafter, "Hendrickson"), Community Television Network (hereinafter, "CTN"), and the National Telecommunications and Information Administration (hereinafter, "NTIA").

10. NBC filed comments on December 2 and 17, 1980, supporting NAB's requested freeze on interim processing, and its request for modifications in the interim procedures. As its reasons, NBC argues that interim grants amount to haphazard and premature inauguration of the proposed service, and the likelihood of interference to full service stations is great in this situation. NBC also alleges that in spite of the conditional nature of the interim grants, the outcome of the rule making will be influenced by their existence, because the financial investment of an interim grantee in the station will create actual, if not legal, equities, which will be difficult for the Commission to overlook in fashioning final rules. In support of a freeze under such circumstances, NBC cites *Community Broadcasting* v. *FCC*, 274 F.2d 753 (D.C. Cir. 1960); the *Sixth Report and Order* in Docket Nos. 8736, 8975, 9175 and 8976, 41 FCC 148 (1952) and *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963). Finally, NBC suggests that the interim procedures are unfair to minority and noncommercial applicants, who require more time to prepare applications, and that interim application of the proposed ownership prohibitions is unfair to existing licensees, who may be precluded from owning low power stations, even if the proposed ownership prohibitions ultimately are not adopted, because all desirable channels will be exhausted during the interim.

11. ABC takes essentially the same position as NBC, opposing interim grants on the grounds that they would establish a pattern of service that, once authorized, would be difficult to withdraw and would thus amount to prejudgment of the rule making. ABC finds an analogue in the Commission's prohibitions of premature construction, citing *WSAV, Inc.*, 10 RR 402 (1957). *See* Section 319(a) of the Communications Act of 1934, as amended. ABC reiterates MST's concerns about insufficient attention to possible interference problems under the interim procedures, and also objects that present application of the proposed ownership rules prejudices networks and full service broadcasters. ABC supports an interim freeze, except with respect to traditional translator applications in rural areas outside of the top 100 markets or to overcome reception problems of existing stations.

12. NAPTS argues that the Commission's willingness to process applications pending the outcome of this proceeding has set the stage for an immediate flood of applications, which will have the effect of precluding noncommercial applicants, who require greater time to procure financial support. Therefore, NAPTS asserts that the Commission should process only traditional translator applications, in the interim.[4] PBS supports NAPTS in urging that all but traditional translator applications be frozen in the interim. PBS would make an exception for unserved rural areas, and encourages the Commission to give special consideration to the application of the

[3] By letters of December 3, 1980, the Chief, Broadcast Bureau informed the petitioners of the Bureau's intention to present recommendations to the Commission on their petitions for reconsideration prior to January 16, 1981, the extended cutoff date, and that no applications would be recommended for final action until interim processing questions were resolved.

[4] NAPTS defines "traditional" translator as "one which picks up the primary station off the air or via another translator [footnote omitted] and rebroadcasts it through heterodyne conversion. . . . NAPTS does not consider nationwide distribution via satellite to be a 'traditional' translator service."

University of Nevada, under this aegis.[5] Georgia likewise expresses the concern that noncommercial entities, which require more lead time to procure financial support, will lose out on the most desirable frequencies as a result of interim processing. Georgia further argues that the conditional nature of the grants is not an adequate safeguard against this possibility, and that application of the proposed ownership restrictions, especially to noncommercial entities, violates the APA.[6]

13. NTA opposes an interim freeze, arguing that the conditional nature of the grants is an adequate safeguard against prejudgment. Additionally, NTA states that the provision in the *Notice* for deferment of final action on applications which exhibit potentially anticompetitive tendencies, such as the "warehousing" of frequencies, provides added protection to the integrity of the proceeding. NTA points out that existing licensees whose low power applications would violate proposed ownership restrictions are not prohibited from filing and obtaining cutoff protection, or filing on other applications, to preserve a desired frequency, merely from obtaining grants in the same market with a commonly-owned broadcast property under the interim procedures. Thus, NTA asserts, interim processing is purely procedural in nature and, as such, specifically exempt from the notice and comment requirement of Section 4 of the APA, 5 U.S.C. 553(b)(A). In support, NTA cites *Kessler, supra; Meredith Broadcasting Co. v. FCC*, 365 F.2d 912 (D.C. Cir. 1966) and *Buckeye Cablevision, Inc. v. U.S.*, 438 F.2d 948 (6th Cir. 1971). Finally, NTA argues that the backlog of applications and concomitant processing delay created by any interim freeze would have the effect of barring needed new service, a result clearly not in the public interest, especially in rural areas where frequencies are by no means scarce.

14. Boler, whose application for a translator with low power features in Bemidji, Minnesota, was filed five months prior to issuance of the *Notice*, states that the Commission's authority to grant "low power" licenses derives not from the rules proposed in the *Notice*, but from the existing rules governing translator service, requiring only waiver of Sections 74.01(a) (defining translators) and 74.731(b) (the prohibition on origination by translators). Like NTA, Boler argues that the interim procedures are merely procedural rules or statements of policy under the APA, outlining interim conditions under which the Commission believes it is in the public interest to grant waivers of its existing translator regulations. Boler cites *Buckeye, supra; Ranger v. FCC*, 294 F.2d 240 (D.C. Cir. 1961); *Guardian Federal Savings & Loan Association v. FSLIC*, 589 F.2d 658 (D.C. Cir. 1978) and *Pacific Gas & Electric Co. v. FPC*, 506 F.2d 33 (D.C. Cir. 1961), in support of this position.

15. Boler further argues that the Commission is not prejudging the rule making by issuing interim grants, because the grants are conditioned upon the final rules, and no parties are excluded from interim participation. In this connection, Boler points out that broadcasters who would be in violation of proposed ownership limitations may achieve cutoff protection in the interim. There is no sense, Boler adds, in granting applications which the Commission proposes to revoke in the near future. He cites *Wentronics v. FCC*, 331 F.2d 782 (D.C. Cir. 1964) and *Mesa Microwave, Inc. v. FCC*, 262 F.2d 723 (D.C. Cir. 1968), in support. Boler argues that the freeze sought by NAB would preclude some service which is incontrovertibly in the public interest, such as first local service in rural areas. He states that most of the applications currently on cutoff lists are for conventional translators, without low power features, casting doubt on NAB's assertion that the *Notice* initiated a flood of low power applications. Boler suggests that NAB might file responses to specific applications, but contends that freezing the entire interim authorization process would not be in the public interest. Boler also disputes CPB's assertion that noncommercial applicants will be unable to proceed expeditiously in seeking interim authorizations, citing a December 8 article from *TV Digest* describing a CPB-backed minority group, Community Telecommunications Development Foundation, which plans low power applications in the top 100 markets using PBS or National Public Radio station towers.

16. NTC states that it has filed a number of conventional translator applications in the top 100 markets, with an eye to establishing a new television network. NTC addressed only the NCCB petition. It opposes NCCB's request for an additional cutoff list, on the grounds that it would be disruptive for the Commission to have two processing lines, one which protects early-filed minority applicants, and the other, which would have the effect of permitting later applicants to file applications that are mutually exclusive to those of early filers.

17. RTS is preparing applications for noncommercial translators with low power features in rural Nevada and Montana, sponsored by the University of Nevada at Reno. It argues against an interim freeze on applications which would provide first service to rural areas. Such applications, RTS asserts, are so obviously in the public interest that waivers would be granted under existing rules, even if the Commission ultimately chose not to institute a new low power television service.

18. Hendrickson filed comments on behalf of 32 minority applicants for 64 translators, some requesting waivers for origination. He argues that a freeze on interim processing would nevertheless permit existing broadcast licensees to apply for translators on the most desirable channels in major markets to improve reception in shadowed areas, which applications the Commission would be hard put to deny. He contends that a freeze on all but conventional translator applications, which NAB proposes, will not eliminate the flood of applications, but would provide an incentive for prospective low power applicants to apply for translators with an eye to upgrading to low power when the freeze is lifted, in circumvention of the rules.

19. Hendrickson submits that existing full service licensees are not prohibited from filing translator applications involving waiver for low power uses in their own markets or service areas, to protect a desired channel, rather that such applications may not go to final grant or denial in the interim. He states that the interim rule mandating return of an application that does not meet technical requirements clearly is an evenhanded one. Hendrickson avers that under the *Kessler* case, *supra*, the agency has the authority to take measures necessary to assure that the objectives of a rule making will not be frustrated in the interim, and to the extent that the proposed ownership rules are currently operative, this is such a precaution and does not amount to prejudgment. He argues that the "extraordinary steps" CPB seeks to protect noncommercial applicants in the top 100 markets would unnecessarily delay institution of the low power service, and, finally, cites NCCB's incorrect assumption that there would be but one cutoff list issued during the interim.

20. CTN, a minority-owned group stating that it has ten applications currently on file, opposes an interim

[5] *See* paragraph 17, *infra*.

[6] Georgia's particular concern is that application of a duopoly rule to a statewide education network like itself will hinder its efforts to cover remote communities via low power.

freeze. CTN suggests that, in order to avoid any appearance of prejudgment or violation of APA notice and comment requirements, the Commission should apply existing translator ownership rules to traditional translator applications and existing full service TV broadcast station multiple ownership rules to applications exhibiting low power features, subject to waiver if the service proposed is clearly in the public interest. CTN also asks that the Commission (1) permit amendment of mutually exclusive low power applications to show compatible channels without subjecting them to a new cutoff date, and (2) process mutually exclusive traditional translator applications using the existing comparative factors, particularly local and minority ownership.

21. In response to NAB, CTN states that the "flood" of applications consists primarily of conventional translator proposals, without low power features, and that 64 percent of the applications currently on cutoff lists were filed by only three separate applicants, indicating "warehousing." Such bulk applications, CTN avers, should be deferred, under the provisions of the *Notice*. CTN also points out that broadcasters may file and receive cutoff protections, under the interim procedures, and that minority and noncommercial applications are represented in no small proportion on the present cutoff lists, belying the argument that the "fast track" of interim processing prejudices their interests.

22. NTIA filed comments opposing an interim processing freeze, but favoring a prohibition on all construction, apparently including conventional translator stations as well as those with low power features. This would give the public and the Commission the benefit of a "clear expression of interest in low power," but would preclude "public reliance on a service that might necessarily be removed or substantially altered." In addition, NTIA opposes use of any ownership restrictions in the interim, to avoid the appearance of prejudgment. Broadcasters should be permitted to file applications, according to NTIA, given their understanding that their grants might be withdrawn after a report and order. NTIA also argues that applicants creating mutual exclusivities should be required to show that no other frequencies are available, or face dismissal. NTIA favors a 60-day extension of the cutoff date, for implementation of its proposed revised interim procedures, but otherwise urges expedition in concluding this rule making.

23. Informal comments opposing NAB's freeze and reconsideration petitions were filed by the Foundation for Independent Video and Film and the Central Ohio Association of Christian Broadcasters. Late-filed comments were received from Quality Media Corporation, Inc. (hereinafter, "QMC"). QMC advocates a limit of 21 on the number of interim grants in common ownership.

V. Reply Comments

24. NCCB, in reply comments, acknowledges its error in assuming that there would be only one cutoff list in the interim. NCCB opposes the interim freeze sought by NAB, and advocates continuation of interim processing, stating that the conditional nature of all interim grants gives the Commission ample opportunity to protect any class of applicants who may have been unfairly disadvantaged by the "fast track" interim procedures. NCCB also advocates that the Commission defer acceptance of bulk applications and those that would violate the ownership prohibitions, rather than processing such applications through cutoff, which could significantly tie up frequencies in the interim. NCCB believes that the 60-day condition on interim grants provides sufficient protection to preserve the rights of such applicants. Finally, NCCB advocates that the Commission publish precise time tables for interim processing, including the number of cutoff lists to be released, filing deadlines to secure a place on each cutoff list and the length of each cutoff period (no less than 60 days), on the grounds that this measure would assist minority and noncommercial entities, as well as other interim applicants.

25. CPB reiterates its position that the disadvantages sustained by noncommercial entities on account of interim processing may not be remediable by the conditional nature of interim grants. CPB continues to urge, therefore, dererral "for a time" of the present cutoff date with respect to all interim applications except those it deems "truly *bona fide* conventional" translator applications, to give noncommercial applicants sufficient time to prepare competing applications. CPB would exclude applications that propose origination and satellite retransmission from its definition of "conventional". CPB voices its concern that interim processing of such "nontraditional" applications may violate the APA because it amounts to institution of the proposed low power service prior to completion of notice and comment procedures. CPB rejects the solutions suggested by CTN and NTIA (*see* paragraphs 52 through 54, *infra*), and argues that the APA may require that no "nonconventional" grants be made in the interim. Finally, CPB states that MST's request for additional noninterference protection is unnecessary.

26. NAB complains of confusion among the parties about the extent to which networks' and existing full service broadcasters' applications will be processed in the interim. It suggests that, in any case, a denial of actual operating authority to broadcast applicants during the interim would be prejudgment and application of proposed rules in violation of the APA. NAB states that the Commission will not accept interim applications that would violate proposed ownership restrictions, and that this amounts to application of substantive rules untested via notice and comment as opposed to mere precedural restrictions governing treatment of applications under the existing rules. NAB continues to advocate a 90-day freeze, followed by an interim moratorium on applications exhibiting low power features, arguing that none of the alternative approaches suggested by other parties, including the safeguard provided by the conditional nature of interim grants, is adequate protection for networks and broadcasters precluded from filing translator applications with low power features in the interim.

27. CTN reiterates its proposal that existing translator ownership rules be applied to interim translator applications and that existing full service ownership restrictions be applied to interim translator applications with low power aspects. CTN argues that noncommercial applicants are not severely disadvantaged by the competition for channels in the interim, because they can benefit from both reserved channels and a comparative preference. CTN continues to promote the processing of mutually exclusive applications and urges that existing translator ownership rules be applied to interim translator applications and that existing full service ownership restrictions be applied to interim translator applications with low power aspects. CTN continues to promote the processing of mutually exclusive conventional translator applications under the existing comparative criteria in the interim, with particular emphasis on diverse and local ownership and control. CTN favors NTIA's suggested requirement that applicants creating mutually exclusivities show no alternative available channel and

repeats its suggestion that interim applicants wishing to change frequencies to avoid mutual exclusivities not be subjected to further cutoff procedures.

28. Hendrickson argues that the interim procedures are neutral in effect, and beneficial to the public, opposed only by parties that wish to benefit their particular interests, to the detriment of other potential interim applicants. Hendrickson discounts the merit of the agrument that noncommercial entities will be retarded in the interim application process. Finally, Hendrickson argues that meaningful distinctions cannot be made between "traditional" translator and "low power" stations, nor between satellite and other modes of transmission, and that therefore there is no basis for the interim freeze on all but "traditional" translator applications sought by some parties.

VI. Discussion

29. *Basis for Interim Processing.* Initially, we shall review the considerations that prompted us to adopt a policy of interim processing of translator applications, pending a report and order in this proceeding. The TV translator service began in remote areas where direct television reception was difficult or impossible. In considering what to do with applications for such service during the pendency of this rule making, we began from the premise that a freeze on conventional translators—denying service to rural communities most in need of it—would be unconscionable.[7] Numerous actions that we have taken over the past ten years have significantly blurred the distinction between traditional translators and those exhibiting the attributes of low power stations. For example, the *Report and Order* in Docket No. 20539, 67 FCC 2d 209 (1978), *recon. denied*, FCC 80–187, released on April 29, 1980, authorized the use of microwave relays by translators from any suitable programming source.[8] This significantly improved technical aspects of signal transmission to translators, as well as broadening possible sources of programming for rebroadcast to include terrestrial microwave relays and communications satellites. Further, in *Spanish International Communications Corporation*, 45 RR 2d 1203 (1979), the Commission authorized licensee-owned translators in markets with existing services and beyond the grade B contour of the primary station. *Also see Hubbard Broadcasting, Inc.*, FCC 80–538, released September 26, 1980. The combined effect of these actions was to promote the use of microwave and satellite fed translators in urban, as well as rural areas, to serve not only remote communities, but also ethnic and racial minority populations whose needs were not otherwise met by existing stations. It seemed to us, and still does, that it would be contradictory to establish distinctions which would reverse these promising developments, in effect turning back the clock, solely because we have embarked on a systematic rule making that seeks, to bring order to our many isolated decisions that serve the same goal of enhanced diversity of television program delivery.

30. Accordingly, we decided that it is in the public interest for the Commission to continue to process translator applications, including those accompanied by waiver requests to permit program origination. This was based in part on the conclusion that none of the alternative courses available to us is satisfactory. A freeze on all translator applications pending a report and order in this proceeding would deprive the public of needed service, as well as creating a backlog of applications that could take additional months or even years to process. Were we ultimately to adopt rules as proposed for the low power service, its institution would then be seriously delayed. If we ultimately decide not to pursue the proposed service at all, conventional translator applications nevertheless would have become backlogged, to the detriment of those communities having the most acute service needs. If we elected to process only conventional translator applications, and no waiver requests, in the interim, we virtually would be inviting abuse of the authorization process. Applications whose underlying motive was to establish low power services would continue to file for conventional translator in the interim, intending to upgrade later.[9] In light of these factors, we decided to continue processing translator applications, including those accompanied by waiver requests, just as before the *Notice* was issued.[10]

31. In reaching this conclusion, we have had the benefit of a lengthy inquiry into low power television. The *Notice* was issued on the basis of an already-voluminous record, including a comprehensive staff *Report*. We believe our ability to repond most effectively to the issues raised in the proceeding will be greatly enhanced by preliminary exposure to the magnitude and nature of demand for a low power television service. Interim processing will provide such a backdrop. We are preserving our flexibility in fashioning final rules by conditioning all interim grants on the report and order. Additionally, we have proposed to accept, cutoff, but neither grant nor deny interim applications that would be subject to proposed comparative procedures or ownership restrictions. This approach affords all parties the protection of cutoff rights, while permitting the Commission to refrain from (illegally) applying rules which are merely proposed but not adopted. *See, e.g., Memorandum Opinion and Order*, Docket No. 18110, *Amendment of Sections 73.35, 73.240 and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations*, 12 FCC 2d 912, 915, 916 (1968); *Kessler* v. *FCC, supra*.

32. *NAB Petition.* NAB seeks a 90-day freeze on interim processing, during which time the Commission is to develop new interim procedures which do not include application of the proposed ownership rules to interim applications. NAB, supported by NBC and ABC, contends that interim application of the proposed ownership rules is an illegal prejudgment of the outcome of this proceeding before the record has closed and violates the notice and comment provisions of the APA. NAB recommends that, after the freeze, the Commission continue interim processing of traditional translator applications to overcome problems within the service area of existing stations or in unserved rural areas, but adopt new procedures which "close the floodgates" to applications which exhibit low power features or propose novel features such as satellite

[7] It is noteworthy that no party in this round of pleadings has urged a complete moratorium on translator processing, but various parties have supplied contradictory and often very complex definitions of "traditional" translators.

[8] Previously, a showing of "unique circumstances" had been required to justify the use of microwave relay. *See Nevada Radio-Television, Inc.*, 38 FCC 2d 555, at 558–9 (1972).

[9] Our previous experience with the development of translator service in this country indicates that unauthorized operations, which are difficult for the Commission to detect, particularly in remote areas, present a very genuine risk. *See Staff Report and Recommendations in the Low Power Television Inquiry* (hereinafter, "Report"), BC Docket No. 78–253, released September 9, 1980, at 6–8; and Attachment C, "A Micro-TV Service in the United States," (hereinafter, "Teasdale Report"), by Parry D. Teasdale, at 2–3.

[10] Indeed, the decision in *WAIT Radio* v. *FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), requires the Commission to consider well-founded waiver requests, where the circumstances indicate that the public interest would be served by exceptions to specific proscriptions of our rules. *Also see Storer* v. *U.S.*, 351 U.S. 192, 100 L.Ed. 1081, 76 S.Ct. 763 (1956). In this proceeding, we have instructed the staff to present to the Commission requests for waiver of the rules governing translators which present novel proposals, as an additional safeguard.

interconnections or rebroadcast of subscription TV stations.

33. We first treat NAB's request for a 90-day moratorium on interim processing. Because our present deliberations are informed by the two-year *Inquiry* which preceded the *Notice*, as well as the full record resulting from the instant petitions, an additional three months will not be required to resolve the issued raises by petitioners. Our decision on interim processing will be announced herein. *See* Sections VII and VIII, *infra*. Furthermore, we cannot accept NAB's analogy to the freeze imposed in Dockets No. 8736, 8975, 9175 and 8976, during the television proceeding concluded in 1952. That moratorium was imposed on television authorizations pending development of a national television allotment plan. We are dealing here with a secondary service, for which a comprehensive new allocation plan is neither necessary nor contemplated. For the above reasons, we are denying NAB's request for a 90-day freeze on interim processing.

34. NAB next argues that the interim processing procedures prejudge the rule making. However, commercial television networks and present radio and television licensees are not "summarily excluded" from interim filings, as NAB charges. Indeed, they are afforded every substantive protection which comes with cutoff. They may apply for translators, within or outside their own coverage areas.[11] They also may seek waivers for low power features. Outside the coverage area of an existing station, such waivers will be entertained, and, upon a proper public interest showing, granted. Inside the same market with a station in common ownership, such applications will be accepted and processed through to a cutoff where they would retain protected status pending the outcome of the rule making. Similarly, commercial television networks may continue to apply for TV translators without limitation, and will have any application accompanied by low power waiver requests processed through a cutoff and held for later consideration on the merits. Furthermore, if an otherwise grantable application is filed that is mutually exclusive to the earlier-filed or later-filed application of a network or full service broadcaster, both will be held pending a final order.

35. We stated in the *Notice* that routine, uncontested translator applications would continue to be processed during the pendency of the rule making. This marks no departure from the practice that we had pursued in the past. In addition, we stated that ". . . we have pursued a liberal policy of waiver in the past and have no reason to depart from that now, where applicants propose low power features, and offer a public interest justification for waiver." *Notice*, at paragraph 78. Thus, the Broadcast Bureau will process applications inconsistent with the Rules, but accompanied by a properly supported request for waiver. By the time that the *Notice* was adopted, this, too, was the practice of the Bureau.

36. In other respects, the interim processing does represent a change in policy. First, all grants for translators, since September 9, with or without waivers, will be conditioned upon the outcome of the rule making, and subject to modification or termination upon 60 days notice after the release of a report and order. Second, the staff was instructed to defer action on any applications that would be inconsistent with the proposed multiple ownership rules or the proposed technical standards, and on all groups of mutually exclusive applications. Finally, the Bureau, in subsequent Public Notices, has clarified the technical showings required, and has informed all parties that applications containing serious technical defects will be returned summarily. The Bureau also has stated that it will return certain applications for facilities in proximity to international borders where coordination with the governments affected has not been performed. These, and only these, are the procedural changes implemented as part of the interim procedures.

37. Our interim treatment of existing radio and television licensees is purely procedural and does not involve any substantive right to which they might otherwise be entitled. As a procedural matter, it is exempt from notice and comment requirements of the APA. *See Meredith Broadcasting Co.* v. *FCC, supra*. Some inconvenience may result from the delay between cutoff and final action for applicants who fall within the purview of our proposed ownership rules. However, we do not believe that there is preferable alternative solution. If we processed interim applications through to a grant which later turned out to violate adopted ownership prohibitions, we would likely have to require divestiture of either the low power or full service stations. This could cause "disruptions to and withdrawal of existing service," which NAB itself acknowledges disserves the public. If, on the other hand, we grandfathered interim low power stations which violated finally adopted ownership prohibitions, this would work an unfairness, both on licensees who chose to await the outcome of the rule making to learn whether the ownership prohibitions applied to them, as well as to potential applicants who would not be in violation of the ownership prohibitions, but who will have been precluded from obtaining frequencies by applicants who never were required to conform to proposed ownership rules.

38. It is not sound policy to initiate a service into which nonconforming operators are grandfathered, when we can prevent that result easily. This view is supported amply by closely similar situations that we have resolved the same way in the past, and by case law. The *Memorandum Opinion and Order* in Docket No. 18110, *supra*, upheld an interim processing policy under which applications on file prior to the date of the *Notice*[12] would be processed according to existing rules, but applications filed during the pendency of the proceeding which would fall within the scope of the proposed rules would not be acted upon until Commission action on the proposed rules. In addition, no mutually exclusive applications, one or more of which would fall within the scope of the proposed rules would be designated for hearing, pending the outcome of the proceeding. The instant situation is closely parallel.

39. Similarly, in *Kessler* v. *FCC, supra*, the Commission froze AM authorizations pending revision of the AM rules. Three categories of applications were exempt, and their processing through grant was continued on the grounds that either the public interest justifications for the service outweighed the necessity for the freeze, or they would not frustrate the ends of the rule making. Petitioners, whose applications were returned, sought review, arguing that the selective interim freeze amounted to substantive rule changes, subject to notice and comment provisions of the APA. The Court of Appeals agreed with the Commission that the freeze was procedural, and accepted the exemptions:

> We think that the essential purpose and effect of the freeze was not to create new rules, but to provide an effective interim

[11] Two rules that currently restrict full service station ownership of VHF translators are proposed to be eliminated by our *Notice*, paragraphs 37 and 38. The effect of the interim procedures is that applications involving waivers of these rules would not be summarily returned without action, but would be entertained on the merits of the particular requests for waiver. NAB makes no mention of this liberalization of the procedures applicable to full service station licensees.

[12] 33 Fed. Reg. 5315, April 3, 1968.

procedure controlling the time and order in which applicants were to be considered under the existing rules pending conclusion of the rule making proceeding.

32 F. 2d, at 81. We believe that the present situation is indeed similar to *Kessler*. We have proposed an interim freeze on final action on applications whose outcome depends on proposed but not adopted rules, present grant of which might be considered to frustrate the ends of the rule making. We are, however, accepting and cutting off deferred applications, so that even the deprivation of rights of which the *Kessler* petitioners complained does not exist in the present case. On the other hand, we are continuing to process translator and waiver applications whose outcome is not dependent on the proposed rules, and whose benefit to the public has been established. As an additional precaution, all interim grants are conditioned on the report and order, so that any inconsistency between interim grants and final rules will be resolved in favor of final rules. In these circumstances, interim grants cannot possibly frustrate the ends of this rule making.[13]

40. We do not believe that the "flood" of translator applications of which NAB complains consists of unique or novel proposals. Most of the applications currently on cutoff lists are for conventional translators, without waiver requests. These have been found repeatedly to benefit the public. The concept of satellite-interconnected translator networks, as authorized under our present policy, was established in Docket No. 20539 and reiterated in *Spanish International Network, supra.*[14] In addition, the pending applications proposing to rebroadcast the signal of subscription stations do not now intend to rebroadcast STV programming of the primary station. NAB also advocates the continued processing of translator applications only in situations where coverage deficiencies in existing service have been demonstrated. However, since 1967, our cases have held that the need for any translator is presumed and that one who challenges the need must make a *prima facie* showing of lack of need, which then shifts the burden of proof to the applicant. *See Newhouse Broadcasting Corp.*, 8 FCC 2d 1122, 10 RR 2d 937 (1967); *Porter Mountain Antenna Association, et al.*, 61 FCC 2d 724 (1976); *Monroe County Board of Commissioners*, 72 FCC 2d 683 (1978). We believe that no justification has been offered, in effect, to overrule that line of authority.

41. *CPB Petition.* CPB's basic argument is that noncommercial applicants are disadvantaged by interim processing, because it takes longer for noncommercial entities to secure financing and thus to prepare applications. CPB has stated that it will urge reservation of frequencies for noncommercial use in the low power service, so that the most desirable frequencies will not be lost for noncommercial applicants.[15] CPB's concern that noncommercial applicants will be prejudiced under the interim procedures is shared by NAPTS, PBS and Georgia. None of these parties believes the conditional nature of the interim grants is sufficient to guard against the frequency deprivation they fear noncommercial low power applicants will sustain, particularly in large urban markets where frequencies are scarce. CPB requests "protective measures" for noncommercial applicants in the top 100 markets. Several parties have interpreted this as a request for institution of a freeze on interim processing in large markets.[16] CPB asks that all translator applications in the top 100 markets be deemed low power applications, and thus delayed; and that conventional translator applications outside the top 100 markets continue to be processed, but subject to major modification treatment on later proposal of low power features.

42. We find CPB's concern with a commercial takeover the proposed low power service premature, as well as unsupported by the record to date. In the first place, many of the applications on the present cutoff lists appear to have been filed by noncommercial entities, implying that at least some noncommercial applicants have been able to prepare applications in the time available. Second, paragraphs 74 and 75 of the *Notice* evidence our commitment to fostering noncommercial operation in the proposed low power service, particularly its recognition of the difficult funding situation that noncommercial broadcasters face. Furthermore, CPB has given no justification for its distinction between the top 100 markets and other areas.

43. In the interim, a Commission policy, adopted in 1971, when the translator service was moved primarily from channels 70 through 83 to channels 14 through 69, gives noncommercial rebroadcast an absolute priority over existing and applied for commercial translators on channels on which noncommercial reservations have been created in the Table of Assignments. Like all translator rules, this policy continues in effect during the interim:

> Authorization of a commercial translator on a reserved channel will not preclude acceptance and grant of an application for a translator to carry noncommercial, educational programming on that channel, whether such an application is by a noncommercial educational entity or by anyone else who proposes to rebroadcast noncommercial, educational programming [with the requisite consent]. This condition applies to 1,000 watt commercial translators, even if the proposed educational translator would be only 100 watts.

23 RR 2d 1504, 1508. We have proposed to eliminate this noncommercial priority as part of our removal of all distinctions arising from operation in the TV Table of Assignments. However, so long as it remains on the books (at least until a final order is adopted), it affords built-in protection of at least some noncommercial presence in every city where a noncommercial allotment lies vacant and unapplied for. More than half of the top 100 markets have such a reserved channel vacant and unapplied for.[17] The relatively slow development to date of full service noncommercial television in the top 100 markets can inure to the benefit of translator applicants offering a noncommercial rebroadcast service during the interim, because this preference assures them priority even over a commercial entity with cutoff rights or a construction permit, or a commercial translator actually operating on a reserved channel. A condition, indicating that a later applicant proposing noncommercial service has an unconditional "right-of-way" on any reserved channel, is implicit for all interim commercial translator grants on reserved channels.[18]

---

[13] Likewise, in *Buckeye Cablevision, supra*, the Court upheld as procedural an interim processing policy which froze only major market CATV hearings, pending final action on proposed CATV rules. In *Meredith Broadcasting, supra*, an interim policy designating for hearing only certain categories of applications for VHF television stations in the top 50 markets pending the outcome of rule making proposing multiple ownership restrictions was upheld as procedural and therefore not subject to notice and comment requirements.

[14] Indeed, we have not provided the public with notice that in Docket No. 78-253 we contemplate the repeal of Docket No. 20539; nor have we afforded the opportunity for notice and comment thereon.

[15] We propose elimination of our policy that gives noncommercial translators an absolute right to allocations reserved for noncommercial use in the TV Table of Assignments. However, under our proposed comparative criteria, commercial applicants would receive a comparative preference. *Also see* paragraph 42, *infra*.

[16] Its reply comments indicate that CPB seeks deferral of the cutoff date for an indeterminate period of time.

[17] FCC, Television Channel Utilization as of June 30, 1980, released on October 30, 1980.

[18] An application filed prior to the report and order, in reliance on this policy, but not yet granted, still could take precedence over a commercial

44. To the extent that CPB requests a freeze on interim processing, we are denying the petition. We believe, however, that it is in the public interest for us to adopt additional "protective measures," or procedural safeguards, to assure fairness in the interim process. *See* Section VII, *infra.*

45. *SIN Letter.* We have taken note of Mr. Anselmo's concern that minority applicants will be left behind in the initial "scramble" for translator and low power operations. NCCB and NAB express similar concerns. However, examination of applications on the cutoff lists to date belies this anxiety, as it appears that a number of minority entities have filed interim applications. Therefore, we believe Mr. Anselmo's concern is premature and may well ultimately prove unfounded. To the extent that SIN seeks a freeze on interim processing, we are denying this request.[19]

46. Mr. Anselmo's letter also contains several specific suggestions for additional low power service objectives. See paragraph 5, *supra.* We have deferred adoption of final substantive rules, including the comparative criteria and multiple ownership standards, until all interested parties have had the opportunity to comment. We therefore propose to consider SIN's suggestions as part of our substantive deliberations on the rule making record, and not in our present consideration of the interim processing policy. However, we recognize some areas where interim grants might give rise to equities against which their conditional nature is simply not sufficient protection. As a further precaution, we are herein adopting additional procedural safeguards to govern interim processing. See Section VII *infra.* We specifically agree with Mr. Anselmo's suggestions relating to multiple ownership limitations and prompt construction. We have also noted QMC's late-filed comments regarding multiple ownership limitations. These warrant inclusion among the added safeguards, and, to that extent, SIN's request will be granted.

47. *NCCB Petition.* We do not disagree with NCCB's contentions, but point out that petitioner appears to have misunderstood our interim policy, particularly the cutoff procedures. It was and is our intent to continue interim processing as translator applications are received, and to issue a series of cutoff lists, as applications are accepted, from time to time. Furthermore, NCCB's request has been effectively mooted by the issuance of the second cutoff list on December 3, and the extension of the cutoff date of the first list to conform to that for the second, January 16, 1980. It is our present intention to continue interim processing, subject to the procedural safeguards adopted herein, and we anticipate that additional cutoff lists will be issued prior to a report and order, although we also intend to proceed with dispatch to final rules.[20] Accordingly, we are dismissing NCCB's petition as moot.

48. *MST Petition.* MST's principal concern regarding interim processing is that the noninterference provisions of the existing translator regulations (and proposed low power regulations) will not be enforced adequately during the pendency of the rule making because of the volume of applications filed by many presumably inexperienced applicants. ABC and NBC support this position in their comments. To ameliorate the problem, MST suggests additional safeguards, including: (1) a requirement that all UHF and VHF translator applicants, and those seeking low power features, be required to notify cochannel and adjacent channel full service stations within a certain radius of their proposed sites; (2) careful staff scrutiny of the required showing of noninterference on translator applications; (3) return for amendment within 60 days of applications that do not contain a satisfactory showing of noninterference and dismissal thereafter if a satisfactory showing is not proferred; and (4) a 60-day extension of the cutoff date for competing applications and for petitions to deny, which will also provide present applicants the opportunity to perfect their showings and permit potentially affected full service stations the opportunity to explore fully potential interference problems.

49. We appreciate MST's concerns regarding interference that may be caused to full service stations by new translator operations, and we share those concerns, as evidenced by the extensive examination of the issue in Part IV B of the *Report,* (paragraphs 196 through 219, 227 and 228) and the *Notice* (paragraphs 48 through 64). The proposed technical standards for the new service, as we stated, are primarily designed to prevent objectionable interference to full service stations. The Broadcast Bureau's Public Notice of September 12 again emphasized the secondary status of translators as well as the fact that, in the interim period, the staff has been directed to return all translator applications, and those with low power features, which do not conform to the technical rules. The noninterference showing was further explicated in questions 8 and 9 of the Bureau's Public Notice of December 3.

50. Under the interim procedures, as in the past, translators that cause objectionable interference to full service stations will be expected to take steps to remedy that interference, including temporary termination of operations if necessary. Additionally, we are again reminding all applicants of this noninterference obligation. *See* Attachment I, paragraphs 2 and 3. To this extent, MST's petition will be granted, in part, but denied in all other respects.[21]

51. *CTN Comments.* In its comments CTN suggests an alternative mode of interim processing that, it contends, would avoid the appearance of applying proposed ownership rules before they have been finally adopted. CTN asks that existing translator ownership regulations (which neither set numerical limits nor prohibit cross ownership) be applied to interim applications for traditional translators and that full service ownership restrictions be applied to translator applications exhibiting low power features. CTN therefore proposes that we consider applications with low power features "voices" to which the appropriate ownership restrictions would be applied. The proposal has merit, although it suffers from the difficulty of distinguishing between "traditional" translators and low power stations, an area of wide disagreement in the comments. However, rules adopted in

---

grantee, if the policy is eliminated, as we propose. In this way, many frequencies *de facto* will remain reserved for the pendency of the rule making.

[19] Indeed, we note SIN's December 1, 1980, request for waiver of Section 74.701 of the Rules to permit origination of Spanish-language programming on eleven translator stations. Our policy currently is to entertain such proposals on a waiver basis, a possibility that would be precluded if processing were placed in abeyance.

[20] We have noted NTC's opposition to NCCB's petition; however, it was our original intent to continue cutting off applications throughout the interim. NTC is entitled to no greater cutoff protection than that afforded all other interim applicants, and its applications will be treated accordingly.

[21] Naturally, MST has the opportunity, as do its members, to comment on particular applications, and to comment generally on the proposed interference standards in the rule making. From the viewpoint of any single full service TV station, the number of proposed new translators in the vicinity likely to create interference problems is small. Full service stations, which are regularly represented by communications counsel at renewal and for other purposes, are well able to defend their interests. By rule, we have a longstanding local publication requirement for new translator applications. At least one trade journal regularly lists such applications. We cannot agree with MST that full service stations need the protection of an additional burdensome notice requirement place on the translator applicant.

another service are not exempt from APA notice and comments when applied to this service, and so we prefer, instead, to avoid giving substantive effect to any proposed ownership rules at this juncture. More importantly, CTN's proposed approach could also encourage full service stations to file disingenuous translator applications, to preserve frequencies for their own low power use, a situation that we wish to avoid. Under our approach, no applicant will be penalized for revealing its intention to operate a translator with low power features.

52. *NTIA Comments.* NTIA also suggests a novel approach to interim processing. NTIA would have us process all translator applications to grant, including those accompanied by requests for originating authority, with no ownership restrictions, but permit no construction until after a report and order has been adopted. However, we have found that authorization of traditional translators, and translators with origination authority in certain circumstances, is in the public interest. We see no reason to prohibit construction of stations which must be authorized under our present policies, even if low power rules never are adopted. Additionally, such an approach would run counter to our policy of encouraging prompt construction upon issuance of a construction permit in all broadcast services. Finally, it need not be gainsaid that construction under an interim grant, revocable upon 60 days notice after a final order, involves a considerable risk. The Bureau emphasized this fact in Questions No. 1 and 21 of its Public Notice of December 3. We believe that evaluation of the risk involved is best made by the permittee, in light of all relevant factors. Where the risk is judged acceptable, it is the public that benefits from the risk being undertaken.

53. NTIA's suggestion that we impose no ownership restrictions in authorizing interim grants goes hand in hand with its concomitant request that no construction be permitted. However, because we are not adopting NTIA's suggestion regarding a prohibition on construction, we believe it is more appropriate to maintain our policy of deferring final action on applications which would be covered by the proposed ownership prohibitions. Also, we believe that our deferral of final action on mutually exclusive applications in the interim provides sufficient incentive for applicants who would create mutual exclusivities to attempt to locate alternative channels, so that we need not require from such applicants a showing of no available alternative channels, as NTIA and CTN suggest. Therefore, we see no reason to extend the cutoff date 60 days.

54. *NAPTS Comments.* NAPTS proposes that the Commission neither process, cut off nor grant any interim application other than for a traditional translator, "by which NAPTS means one which picks up the primary station off the air or via another translator and rebroadcasts it through heterodyne conversion." NAPTS Comments, at 5. It states that it does not consider nation-wide distribution via satellite to be a "traditional" translator service. However, the Commission recently concluded a rule making that authorized the use of modern microwave feed for translators, from any suitable source, including domestic communications satellites. *Report and Order,* Docket No. 20539, *supra.* We have authorized what might be described as a nation-wide satellite-fed system. *Spanish International Television Network, supra.* On the day after the *Notice* was adopted, we authorized an ambitious regional satellite plan to extend the coverage of a Minnesota commercial full service station. *Hubbard Broadcasting, supra.* We believe that modernization of the translator rules, to permit use of microwave technology, already is delivering significant benefits to the public, and we do not find here the occasion for reversing that decision arrived at through full public notice and comments. NAPTS, in proposing its test, also stated that exceptions should be made for rural unserved areas, citing an expected proposal to bring noncommercial translator service to rural Nevada and Montana. NAPTS Comments, at 5, n. 9. However, such service not only would be microwave and satellite fed, but would include local origination. Moreover, the low power application by Boler also would extend service to an underserved rural area (in Minnesota), on a commercial basis, and we cannot say on principle that one should be granted, the other returned, particularly since Boler had filed five months prior to adoption of the *Notice.* Under our interim policy, both have the opportunity to make their proof of the public interest considerations that would justify a waiver.

VII. Additional Procedural Safeguards

55. As we have indicated, we believe it is in the public interest that we continue interim processing of conventional translator applications and those which request waiver for low power features. However, we are mindful of the concerns of petitioners that interim processing could foster permanent situations that have not been fully examined through rule making, but could not be re-examined at its conclusion. The original petitioners and several commenting parties have made constructive suggestions, which we shall implement at this time. These can be expected, in the spirit in which they were offered, to enhance the fairness of the process overall. We shall apply the following additional "protective measures," or procedural safeguards in the interim:

1. As an interim measure, we are instructing the staff to process to grant not more than 15 new TV translator stations in common ownership during the pendency of the rule making. Applicants with more than 15 applications currently on file should inform the Commission which 15 they wish to pursue during the interim.[22]

2. The upgrading of a translator in the interim, to include low power features, during the interim, will be treated as a major modification, subjecting the application to new cutoff procedures.[23]

3. The upgrading of any interim translator authorization to low power (originating) operation, or the adding of subscription television operations, after the adoption of a report and order in this proceeding, will be treated as a major modification, also subjecting the application to new cutoff procedures.[24]

4. Failure to construct a station within one year of authorization will result in automatic forfeiture of the construction permit. Petitions for extension of time for construction will be treated as a major modification, subject again to new cutoff procedures.

5. Attached to this *Memorandum Opinion and Order* is an attachment that restates the conditions applicable to all interim translator grants, and recapitulates the secondary spectrum priority and the noninterference obligations of all translator licensees. *See* Attachment I. The Commission will incorporate this document by reference in all interim translator grants, and will furnish a copy as part of each instrument of authorization during the pendency of the rule making.

---

[22] The *Notice* included a separate statement by the Chairman that approved the absence of a numerical limit on common low power station ownership. A separate statement by Commissioner Washburn, by contrast, objected to this aspect of the proposed rules. We believe that the issue is clearly focused, as is our proposal, and we expect to receive comments that will assist us in the final decision.

[23] This is a reaffirmation of existing policy.

[24] This was proposed as a minor modification in the Report. *See Report,* paragraphs 328 and 424. We also note that, under Section 73.3516(c) of the Rules, a major modification that does not preclude additional spectrum, does not entail competing applications, merely petitions to deny and informal objections. We seek comments on whether we should add the opportunity for competing applications when a translator applies to upgrade to low power status, in the final rules for the low power service, should we institute the service as proposed in the *Notice.*

6. Future cutoff dates for the duration of the rule making will be bi-monthly, beginning with March 1, 1981, May 1, July 1, and so on.[35]

VIII. Conclusion

56. We have considered at length the subject petitions, the comments and reply comments, and conclude that translator applications, and applications accompanied by petitions for waiver of the rules, under our existing rules and policies, should continue to be entertained, pending the outcome of this proceeding. Because we are providing cutoff protection to all interim applicants, we do not accept the argument that our refusal to grant applications that would be subjected to proposed comparative criteria or ownership restrictions constitutes prejudgment. We emphasize the seriousness of our admonition that all interim grants are conditional on the outcome of this proceeding, and we have reserved the right to revoke or modify upon 60-days notice all interim grants that do not fully comport with final rules. With the benefit of the record herein, we have adopted the procedural safeguards detailed in the preceding section. We believe that our interim processing policy will best serve the public interest, as well as the disparate parties whose rights and interests we must consider in this proceeding, and that it is well within the discretion to fashion flexible regulatory solutions afforded us by the Communications Act of 1934, as amended:

> The Commission may conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice.
> (47 U.S.C. 154(j))

57. Accordingly, pursuant to authority contained in Sections 1, 4(i), 303(b), (c), (g) and (r) and 403 of the Communications Act of 1934, as amended, and Sections 1.3, 1.412 and 1.429 of the Commission's Rules, it is ordered, That the motions of NTIA and QMC to accept late-filed pleadings are granted;

58. It is further ordered, That the petition of NCCB is dismissed as moot;

59. It is also ordered, That the petition of MST is granted in part and denied in part;

60. It is further ordered, That the petition of NAB for a 90-day freeze of interim processing is dismissed as moot; and

61. It is also ordered, That the petitions of NAB, SIN, CPB and the pleadings cited in paragraph 57, *supra*, are granted to the extent indicated herein and in other respects denied; finally,

62. It is further ordered, That *Attachment I* hereto is adopted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment I to Memorandum Opinion and Order in BC Docket No. 78–253

1. On September 9, 1980, we adopted a *Notice of Proposed Rule Making* (hereinafter, "Notice") in the proceeding captioned above. All grants of authority for television translators, under Subpart G, Part 74, of our Rules, are conditioned upon the outcome of this proceeding. The purpose of this attachment is to summarize the main conditions that will apply to such grants.

2. Television broadcast translator stations are authorized solely on a secondary basis to full service television broadcast stations. *See* Section 74.702(c)(3) of the Rules. An applicant seeking to amend the TV Table of Assignments or to construct a new full service TV broadcast station has inherent priority of spectrum usage over a TV translator.

3. It is the responsibility of the licensee of a television broadcast translator to correct any condition of interference to the reception of the signals of a television broadcast station. *See* Section 74.703 of the Rules. Upon notice by the Commission that interference is being caused, the operation of a television broadcast translator station must be suspended immediately. *See* Section 74.703 (c) and (d) of the Rules.

4. Authorizations made during the pendency of the rule making may be amended, during or after the conclusion of the rule making, to specify a new program source, to add program origination or to offer subscription television service, *only provided that* the amendment shall be treated as a major modification of the permit or license. A properly supported request for waiver of one or more of the Commission's rules also may be required.

5. Construction permits issued during the pendency of this proceeding will be for a term of one year. The Commission expects permittees diligently to pursue their plans of construction, and will cancel permits of unconstructed facilities routinely at the end of their term. *See Notice*, at paragraph, n. 62. Petitions to extend the time for construction will be treated as major modifications to the applicant's proposed facility.

6. All authorizations issued during the pendency of this rule making are subject to modification or to termination upon 60 days notice after the release of any final report and order in the proceeding. *See Notice*, at paragraph 78.

[FR Doc. 81-4153 Filed 2-3-81; 8:45 am]
BILLING CODE 6712-01-M

[35] NCCB proposed this step, to make it easier for parties to keep abreast of the authorization process as it unfolds, and we agree. For administrative reasons it is impractical, however, to promise that an application filed by a certain date will appear on a given cutoff list. Further, the date of publication of a cutoff list is dependent upon such imponderables as duplication and transmittal time to the Federal Register, so the cutoff period cannot be set firmly. The Bureau will allow from 30 to 60 days as the comment period, and will endeavor to provide intervals of greater than 30 days whenever it is possible to do so.

---

47 CFR Part 73

[BC Docket No. 80–47; RM–3260]

FM Broadcast Stations in Westover and Grafton, W.Va.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Memorandum Opinion and Order).

SUMMARY: This action assigns Channel 265A to Westover, W. Va., as that community's first FM assignment, and substitutes Channel 240A for Channel 265A at Grafton, West Virginia, in response to a petition for reconsideration sought by Craig L. Falkenstine, the original petitioner for the assignment to Westover. Station WQIT's license at Grafton is modified to specify operation on Channel 240A with reimbursement for necessary expenses.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653–7586.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Westover and Grafton, West Virginia), BC Docket No. 80–47, RM–3260.

Memorandum Opinion and Order—Proceeding Terminated

Adopted: January 23, 1981.

Released: January 29, 1981.

1. Before the Commission is a Petition for Reconsideration of the *Report and Order*, 45 FR 63280, published September 24, 1980, denying a proposal to assign FM Channel 265A to Westover, West Virginia, and to substitute Channel 240A for 265A at Grafton, West Virginia. Reconsideration is sought by Craig L. Falkenstine ("petitioner"), the original petitioner for the Westover assignment. The *Report and Order* denied the proposals because petitioner failed to assure the Commission that it would pay the necessary expenses of Conti Broadcasting, Inc. ("Conti"), the licensee of Station WQIT–FM in Grafton, in connection with the channel substitution in Grafton. Falkenstine's petition asserts that he was aware of the reimbursement requirement and that the assurances requested by the Commission were

unintentionally omitted from his original pleadings. Petitioner now states that he will, if he is the ultimate licensee of the Westover channel, reimburse the licensee of Station WQIT and asks the Commission to proceed to act on the merits of the petition for rule making.

2. An opposition to the petition was filed by Freed Broadcasting Corporation ("Freed"), licensee of radio Stations WCLG(AM) and WCLG–FM in Morgantown, West Virgina. Freed argues that the petition fails to make the necessary showings required by Section 1.429(b) of the Commission's rules governing reconsideration in rule making proceedings.[1] Freed further alleges that "* * *the language in the petition simply does not reveal that Craig L. Falkenstine himself is willing to reimburse Conti." Freed further states that Falkenstine has not shown that he has sufficient funds available for the reimbursement and has failed to demonstrate what those reimbursement costs might be. Finally, citing § 1.519 of the Commission's rules, Freed avers that the Commission denied Falkenstine's proposal with prejudice, which prohibits Falkenstine from filing for the same channel at Westover for a one year period.

3. Petitioner submitted a Reply to Freed's opposition in which petitioner assures that he is willing to reimburse Conti and will furnish further assurances if requested by the Commission. Petitioner also alludes to previously discussed public interest considerations in the proposed assignments and the fact that Conti has not objected to the proposed channel substitution.

Discussion of the Petition for Reconsideration

4. We believe the petition for reconsideration should be granted. Section 1.429(b)(3) of the rules allows the Commission to rely on matters not previously raised if it is determined that consideration of the facts is required by the public interest. In this case, the public interest in assigning FM channels in a fair and efficient manner is served by considering the merits of the proposal instead of requiring petitioner to begin the assignment process anew by initiating a new rule making proceeding to accomplish an FM assignment to Westover. We are satisfied that petitioner is committed to reimburse Conti for the reasonable expenses incurred in Station WQIT's change of operating frequencies. The fact that Falkenstine has not provided any financial data to show that he has the means to reimburse Conti is irrelevant at this stage. Any construction permit granted for a station in Westover will be subject to the reimbursement requirement, and the ability to make such reimbursement may be raised at the application stage. The question of reasonable reimbursement is left to the good faith negotiation of the parties directly involved. Finally, Freed's reliance on § 1.519 (now § 73.3519) of the Commission's rules is misplaced. That section disallows a party to reapply for a broadcast license within 12 months of having a similar application dismissed with prejudice. The provision does not apply to rule making situations such as this. In fact, there is no bar to the refiling of a rule making request which, as here, was not considered on the merits. Because of these facts, Freed's opposition is denied.

Discussion of the Merits

5. In response to our original *Notice of Proposed Rule Making* in this proceeding, petitioner submitted comments incorporating by reference the information contained in its Petition for Rule Making and reaffirming his intention to apply for the channel if assigned to Westover and to build a station promptly, if so authorized. Conti Broadcasting filed comments stating that it had no objection to the proposed channel substitution in Grafton and requested that petitioner assume certain costs necessary to implement the channel change for Station WQIT–FM. Freed Broadcasting Corporation filed comments opposing the proposed assignments. Petitioner filed a timely Reply to Freed's opposition.

6. Westover (pop. 5,086),[2] in Monongahela County (pop. 63,714), is a suburb of Morgantown, West Virginia, and is located approximately 90 kilometers (55 miles) south of Pittsburgh, Pennsylvania. Westover has no local aural broadcast service.

7. Freed's opposition to the assignment to Westover focuses on four broad topics. First, Freed argues that no showing has been made that Westover has an independent identity apart from Morgantown. To support this claim, Freed notes that Westover has no high school, no newspaper or hospital, only one dentist and no doctors, relies on a county-wide bus system and the Morgantown taxis and airport, has no Chamber of Commerce, is served by the Morgantown Water Commission and landfill, and has common zip codes and telephone exchanges with Morgantown. Also, Freed states that Westover lacks cultural activities and must depend on art and theatre organizations located in Morgantown. Freed states that Westover therefore lacks the sense of unity and involvement in community concerns which is necessary to qualify it as a community under Commission standards. Second, Freed contends that Westover is already well-served by existing area stations. According to Freed, Morgantown's four radio stations provide Westover with a city grade signal. The general manager of Freed's stations in Morgantown states that Westover's interests are considered in the station's ascertainment processes, but that his interviews have yielded no separate needs and interests attributable solely to Westover. Freed's third argument avers that there is an insufficient economic base in Westover to support its own station. In this regard, Freed claims that Westover has no self-contained retail shopping area. In addition, out of the 414 active accounts of Freed's Morgantown radio stations, only 5% of the accounts are derived from Westover. Freed therefore concludes that a station in Westover would be heavily reliant on Morgantown for advertising revenues. This leads to Freed's fourth and final argument that petitioner has not demonstrated his intent to serve Westover rather than Morgantown. Thus, there is no basis for the Commission to determine that Westover needs a station.

8. In reply comments petitioner responds to each of Freed's allegations. Regarding the community issue, petitioner states that Westover was incorporated in 1911, is governed by an elected mayor and city council, and has 35 city employees. The city has 119 business establishments, six churches, a Lions Club, Community Association, a Jaycees chapter, and a Women's Club. Concerning the fact that Westover is already served by the Morgantown stations, petitioner asserts that the Commission has always given high priority to providing each community with its own FM service. Petitioner claims that no station owing its primary obligation to another town could be expected to provide the equivalent of a locally originated service to Westover. On the issue of a proper economic base for a station in Westover, petitioner questions whether Freed's account information is relevant. Petitioner opines

[1] Section 1.429(b) provides that petitions for reconsideration relying on facts not previously presented to the Commission will be granted only if: 1. the facts relate to events that have occurred or circumstances that have changed since the petitioner last had an opportunity to file a pleading; 2. the facts were unknown to petitioner and could not have been discovered with due diligence; or 3. the Commission determines that consideration of the facts is required in the public interest.

[2] Population figures are taken from the 1970 U.S. Census.

that other reasons may be reponsible for the lack of advertising revenues from Westover. Regarding the last issue, whether petitioner intends to serve Westover or Morgantown, petitioner alludes to its original pleadings which contained several letters from Westover community leaders expressing a need for local service.

9. *Community Issue.* We are convinced that Westover is a community as that term is defined in relation to our FM channel assignment policies. As stated in *Naples, Florida, et al.*, 41 R.R. 2d 1549 (Broadcast Bur. 1977) "* * * the term community means a specific locality, with defined boundaries where the residents share common interests. If it is an incorporated community, the question is easily answered." 41 R.R. 2d at 1553. It has been shown that Westover is incorporated and has a mayor/city council type of government. Freed's assertion that the needs and interests of Westover are similar to those of Morgantown does not lead us to the conclusion that Westover does not exist as a separate community. Westover may lack certain social components found in Morgantown, but this observation simply conforms the differences between the communities. *Catonsville and Baltimore, Maryland*, 44 R.R. 2d 284, 286 (Broadcast Bur. 1978). Furthermore, Freed's comments undermine its own position with statements that Freed's General Manager has interviewed "Westover community leaders" and that its station is "keenly aware of serving Westover and has great familiarity with the community." Thus, the status of Westover as a community for the purposes of FM assignments has been established, in our opinion.

10. *Service from existing stations.* Freed contends that because Westover is well-served by the Morgantown stations, there is no need to assign a separate channel to Westover. In establishing and implementing the FM Table of Assignments, the Commission has consistently given high priority to providing each community with at least one FM assignment, especially if a community lacks local aural service. Even if the Morgantown stations do provide coverage and offer programming directed to Westover, that is not a basis for refusing to provide for a first broadcast outlet. Assignment of an FM channel in this stituation provides a city with a local station to broadcast programs meeting its special needs, interests and problems. No station owing a primary obligation to another locality could be expected to provide the equivalent of such local service. *Clinton, Louisiana*, 45 R.R. 2d 1587, 1588 (Broadcast Bur. 1979).

11. *Economic issue.* According to Freed, Westover does not have the economic base necessary to support its own radio station, and a station in Westover will have to rely on advertising revenues from Morgantown. Implicit in this argument is the contention that such reliance on Morgantown advertisers may affect the economic viability of the existing Morgantown stations. However, the issue of the possible economic impact on other stations is a matter which should be raised at the application stage, when it would be possible to investigate and weigh the merits of various allegations, rather than in a rule making proceeding. *Beaverton, Michigan*, 44 R.R. 2d 55 (Broadcast Bur. 1978).

12. *Suburban Community issue.* Freed's final argument alleges that petitioner has not appropriately demonstrated his intent to serve Westover. If this allegation is true, the petitioner must necessarily intend to serve the larger community of Morgantown. The crucial issue when such an allegation is raised is whether the proposal will realistically provide local service to the community of license. *D&B Broadcasting Co., Inc.*, 43 R.R. 2d 551, 555 (1978). As was stated in the *Notice*, it has been the Commission's policy to give consideration to requests for Class A assignments to smaller suburban communities with no local service as long as it can be shown that there are separate needs and interests. We believe that showing has been made in this case. Westover should not be precluded from receiving its first FM assignment based on this issue, notwithstanding the fact that Morgantown will likely receive a city-grade signal. *See Brewer, Maine*, 42 R.R. 2d 1148 (Broadcast Bur. 1978).

13. Having resolved all of the above issues in favor of petitioner, the Commission believes it would be in the public interest to assign FM Channel 265A to Westover, West Virginia, as that community's first FM assignment, and to substitute Channel 240A for 265A at Grafton, West Virginia. Petitioner has shown an interest in the channel and has pledged to apply for the channel, if assigned. Conti Broadcasting, licensee of Station WQIT at Grafton, has not objected to the channel substitution, and petitioner has now stated his intent to meet the Commission's requirement to reimburse Conti for the reasonable expenses incurred in the necessary change in operating frequency.

14. Accordingly, it is ordered, That the petition for reconsideration filed by Craig L. Falkenstine is granted.

15. It is further ordered, that effective March 23, 1981, the FM Table of Assignments § 73.202(b) of the Commission's rules, is amended with respect to Westover and Grafton, West Virginia, as follows:

City	Channel No.
Grafton, West Virginia	240A
Westover, West Virginia	265A

16. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Conti Broadcasting for Station WQIT(FM), Grafton, West Virginia, IS MODIFIED to specify operation on Channel 240A in lieu of Channel 265A. In addition, the following should be submitted:

(a) At least 30 days before commencing operation on Channel 240A, the licensee shall submit to the Commission the technical information normally requested of an applicant;

(b) At least 10 days prior to commencing operation on Channel 240A, the licensee shall submit the measurement data required of an applicant for a broadcast station license.

The licensee shall not commence operation on Channel 240A without prior Commission authorization. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

17. Authority for the actions taken herein are found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

18. It is further ordered, That this proceeding IS TERMINATED.

19. It is further ordered, That the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to Conti Broadcasting, Inc., Station WQIT(FM), 1212 Kingsville Road, Aliquippa, Pennsylvania 15001.

20. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7586.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4163 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order 1492]

Chicago and North Western Transportation Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1492.

SUMMARY: Service Order No. 1492, authorizes Chicago and North Western Transportation Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee). The provisions of this order are established to permit the involved carriers to undertake compensation negotiations,and shall expire at 11:59 p.m., February 28, 1981.

EFFECTIVE: 11:59 p.m., January 31, 1981, and contining in effect until 11:59 p.m., February 28, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

Decided: January 29, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254, the Commission is authorizing the Chicago and North Western Transportation Company (CNW) to provide interim service over Chicago, Milwaukee, St., Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over MILW's lines pending the implementation of long-range solutions, this order permits CNW, previously providing service under Fifth Revised Service Order No. 1474 to operate under authority of a single order, and to continue to provide service to shippers which may otherwise be deprived of essential rail transportation.

The limited period of time for which this order is granted is in response to the absence of bona fide negotiations for compensation, as required by paragraph (c) of this order and its predecessor Service Order No. 1474, between CNW and the Trustee of the MILW. In this way, the parties involved can consider the issues necessary to resolve the compensation question without involving carriers where these negotiations have already taken place. Further, the Trustee has advised the Railroad Service Board that he may be unable to concur in future operations of the CNW unless these negotiations are consummated.

It is the opinion of the Commission that an emergency exists requiring that the CNW be authorized to conduct operations, identified in the appendix, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1492 Service Order 1492.

(a) *Chicago and North Western Transportation Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, trustee).* Chicago and North Western Transportation Company (CNW) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, to provide interim service over the MILW.

(b) The Trustee shall permit the CNW to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines, associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) Rate applicable. Inasmuch as this operation by interim an operator over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, the interim operator involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.*—In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A.—MILW Lines Authorized To Be Operated by Interim Operator

1. Chicago and North Western Transportation Company (CNW):

A. At DeKalb, Illinois.

B. At Appleton, Wisconsin.

C. At Lake Preston and Sioux Falls, South Dakota, and from Wolsey to but not including Aberdeen, South Dakota.

D. At Miloma and Montgomery, Minnesota.

E. Between Marathon and Albert City, Iowa (milepost 127.6); between Jefferson (milepost 68.5) and Waukee, Iowa; and between Manning and Huxley, Iowa.

F. Between Merriam Park and Norwood, Minnesota.

[FR Doc. 81-4043 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1494]

Des Moines Union Railway Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1494.

SUMMARY: Service Order No. 1494, authorizes Des Moines Union Railway Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee). The provisions of this order are established to permit the involved carriers to undertake compensation negotiations, and shall expire at 11:59 p.m., February 28, 1981.

EFFECTIVE DATE: 11:59 p.m., January 31, 1981, and continuing in effect until 11:59 p.m., February 28, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275–7840.

Decided: January 29, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, the Commission is authorizing the Des Moines Union Railway Company (DMU) to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad, Debtor, (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over MILW's lines pending the implementation of long-range solutions, this order permits DMU, previously providing service under Fifth Revised Service Order No. 1474 to operate under authority of a single order, and to continue to provide service to shippers which may otherwise be deprived of essential rail transportation.

The limited period of time for which this order is granted is in response to the absence of bona fide negotiations for compensation, as required by paragraph (c) of this order and its predecessor Service Order No. 1474, between DMU and the Trustee of the MILW. In this way, the parties involved can consider the issues necessary to resolve the compensation question without involving carriers where these negotiations have already taken place. Further, the Trustee has advised the Railroad Service Board that he may be unable to concur in future operations of the DMU unless these negotiations are consummated.

It is the opinion of the Commission that an emergency exists requiring that the DMU be authorized to conduct operations, identified in the appendix, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1494 Service Order 1494.

(a) *Des Moines Union Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee).* Des Moines Union Railway Company (DMU) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW), as listed in Appendix A to this order, to provide interim service over the MILW.

(b) The Trustee shall permit the DMU to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carriers; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines, associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operator over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, the interim operator involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees*—In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A

MILW Lines Authorized To Be Operated by Interim Operator

1. Des Moines Union Railway Company (DMU):

A. Between Des Moines (milepost 0) and Clive (milepost 8.5), Iowa; and between Clive (milepost 0) and Grimes, Iowa, (milepost 7), a total of 15.5 miles.

[FR Doc. 81-4044 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order 1493]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1493.

SUMMARY: Service Order No. 1493, authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee). The provisions of this order are established to permit the involved carriers to undertake compensation negotiations, and shall expire at 11:59 p.m., February 28, 1981.

EFFECTIVE: 11:59 p.m., January 31, 1981, and continuing in effect until 11:59 p.m., February 28, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided January 29, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, the Commission is authorizing the Ecanaba and Lake Superior Railroad Company (ELS) to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over MILW's lines pending the implementation of long-range solutions, this order permits ELS, previously providing service under Fifth Revised Service Order No. 1474 to operate under authority of a single order, and to continue to provide service to shippers which may otherwise be deprived of essential rail transportation.

The limited period of time for which this order is granted is in response to the absence of bona fide negotiations for compensation, as required by paragraph (c) of this order and its predecessor Service Order No. 1474, between ELS and the Trustee of the MILW. In this way, the parties involved can consider the issues necessary to resolve the compensation question without involving carriers where these negotiations have already taken place. Further, the Trustee has advised the Railroad Service Board that he may be unable to concur in future operations of the ELS unless these negotiations are consummated.

It is the opinion of the Commission that an emergency exists requiring that the ELS be authorized to conduct operations, identified in the appendix, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1493 Service Order 1493.

(a) *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee).* Escanaba and Lake Superior Railroad Company (ELS) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, to provide interim service over the MILW.

(b) The Trustee shall permit the ELS to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines, associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties

or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operator over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, the interim operator involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.* In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A

MILW Lines Authorized To Be Operated by Interim Operator

1. Escanaba and Lake Superior Railroad Company (ELS):

A. Between Iron Mountain, Michigan, and Green Bay, Wisconsin.

[FR Doc. 81-4042 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Sixth Revised Service Order 1474]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Sixth Revised Service Order No. 1474.

SUMMARY: Sixth Revised Service Order No. 1474 modifies Appendix A of the previous order by deleting the authority of the Chicago and North Western Transportation Company in item 1, the Escanaba and Lake Superior Railroad Company Item 5, and the Des Moines Union Railway Company Item 7. Service Order No. 1474 is further revised by extending the expiration date until May 31, 1981.

The provisions of this order are extended to permit continuous operations by the carriers contained in Appendix A, with the exception of the Chicago and North Western Transportation Company, the Escanaba and Lake Superior Railroad Company, and the Des Moines Union Railway Company, which have been placed under separate short duration orders.

EFFECTIVE: 11:59 p.m., January 31, 1981.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided: January 29, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over MILW's lines pending the implementation of long-range solutions, this order permits carriers, previously providing service under various individual service orders to operate under authority of a single order which appendix described their operations, and to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of Fifth Revised Service Order No. 1474 is revised by deleting, in this order, the following authorities.

Item 1. Chicago and North Western Transportation Company (CNW).

Item 5. Escanaba and Lake Superior Railroad Company (ELS).

Item 7. Des Moines Union Railway Company (DMU).

Appendix A is renumbered accordingly.

This deletion of authority is consistent with earlier admonitions, of the involved carriers, for failure to negotiate in good faith to compensate the Milwaukee Trustee as required by paragraph (c) of the order. The carriers deleted from this order will be considered in separate orders of limited duration.

This order further reviews the previous order by extending the time period for continuous operations of the remaining carriers in Appendix A until May 31, 1981.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1474 Service Order 1474.

(a) *Various Railroads Authorized to Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, in order to provide interim service over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or

upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced on the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees*—In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A

MILW Lines Authorized to be Operated by Interim Operators

1. Illinois Central Gulf Railroad Company ICG):

A. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa.

B. In Sioux City, Iowa, from Pearl Street west approximately 1.5 miles to Tri-View Industrial area, and from Court Street to Virginia Street.

2. Seattle and North Coast Railroad Company (SNC):

A. Between Port Angeles and Port Townsend, Washington, including Pier 27 and associated track in Seattle, Washington.

3. Cedar Rapids and Iowa City Railway Company (CIC):

A. Between Middle Amana and Cedar Rapids, Iowa.

B. Over the Chicago, Rock Island and Pacific Railroad Company trackage—4th Street Corridor—in Cedar Rapids, Iowa, originally operated by MILW under trackage rights.

C. Over certain terminal and industry tracks in Cedar Rapids, Iowa, between milepost 86 and milepost 87 in order to serve the 6th Street Power Station.

4. Consolidated Rail Corporation (CR):

A. At Momence, Illinois.

5. The La Salle and Bureau County Railroad Company (LSBC):

A. From Memdota, Illinois, (milepost 69.5) to Ladd, Illinois, (milepost 82.1), a total of 12.6 miles.

6. Chicago, Madison and Northern Railway Company (CMN):

A. Between Sparta, Wisconsin, (milepost 2.5) and Viroqua, Wisconsin, (milepost 34.7), a distance of approximately 32.2 miles.

B. Between Janesville, Wisconsin, (milepost 10.0) and Mineral Point, Wisconsin, (milepost 90.7), a distance of approximately 80.7 miles.

7. Wisconsin Central Railroad Company (WCRC):

A. Between Waukesha, Wisconsin, (milepost 20.5) and Milton Junction, Wisconsin, (milepost 61.5), a distance of approximately 41.0 miles.

8. Pend Oreille Valley Railroad, Inc., (POV):

A. Between Newport, Washington, (milepost 43.6) and Metaline Falls, Washington, (milepost 104.7), a distance of approximately 61.1 miles.

9. St. Maries River Railroad Company (SMRR):

A. Between St. Maries and Bovill, Idaho, the Bovill Branch, a distance of approximately 52 miles; and between St. Maries and Plummer, Idaho, a distance of approximately 19 miles.

10. Chippewa River Railroad Company (CRRC):

A. Between Eau Claire, Wisconsin, and Durand, Wisconsin, a distance of approximately 33 miles.

11. Wisconsin and Southern Railroad Company (WSR):

A. The following lines in the state of Wisconsin:

(1) North Milwaukee (milepost 93.72) to Oshkosh (milepost 187.64).

(2) Horicon (milepost 140.27) to Cambia (milepost 165.7)

(3) Granville (milepost 100.5) to Menomonee Falls (milepost 104).

(4) Iron Ridge (milepost 133) to Mayville (milepost 140).

(5) Beaver Dam Junction (milepost 148.5) to Beaver Dam (milepost 150.5).

(6) Fox Lake Junction (milepost 154.5) to Fox Lake (milepost 156.7).

(7) Brandon (milepost 161.15) to Markesan (milepost 172.7).

12. Burlington Northern Inc. (BN)

A. In Sioux City, Iowa, between milepost 509.77 and milepost 512.62, a distance of approximately 2.85 miles.

B. From Linton, North Dakota (milepost 74.41) to Eureka, South Dakota (milepost 25.67), a distance of approximately 48.74 miles.

C. From Sappington, Montana (milepost 1464) to Three Forks, Montana (milepost 1450), a distance of approximately 14 miles.

[FR Doc. 81–4040 Filed 2–3–81; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1248

[No. 37269]

Elimination of Annual Report Form TCS for Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This rule eliminates the requirement that all Class I Motor Carriers of Property file Form TCS the Annual Report of Freight Commodity Statistics. The Commission has concluded that the use of the data contained in the report no longer justifies the 470 management hours spent to collect, compile and report the information each year.

DATES: This rule is effective for the reporting year beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: On February 19, 1980, the Commission published a Notice (45 FR 13480) proposing the adoption of statistical sampling procedures to collect information for the Freight Commodity Statistics Report, Form TCS. We received 63 comments to the Notice, all objected to both the proposed sampling procedures and the filing of Form TCS by motor carriers. As a result of the comments, on October 16, 1980, the Commission published a second Notice (45 FR 70030) proposing the elimination of Form TCS. The second Notice proposed that the elimination be effective for the reporting year beginning January 1, 1981.

In response to the second Notice, we received 52 comments from motor carriers and other interested parties (See Appendix A). The respondent's comments are discussed below:

Elimination of Form TCS is justified on a cost/benefit basis—The carriers agreed with the second Notice in that the management and staff hours spent to comply with the TCS reporting requirement was not justified by the Commission's infrequent use of the data.

Eliminate Form TCS for the 1980 reporting year—Many of the respondents requested the elimination be effective beginning with the 1980 reporting year not the 1981 reporting year. Originally, we proposed the elimination for the 1981 reporting year in order to retain a continuous flow of data for the Department of Transportation (DOT) until DOT has the authority to require the information from the carriers. DOT has informed us that they will use other means to obtain the commodity information they need.

Only comprehensive means of measurement and comparison of motor carrier and rail freight commodity movement—We received one response that opposed the elimination of Form TCS. The Department of Commerce (Commerce) stated that the information filed on Form TCS is used to trace economic flows for the transportation industry. They further stated that the elimination of commodity information filed with the Commission will be a loss to their studies. As previously indicated, DOT is studying alternative methods of collecting TCS data. Commerce and DOT may want to consider satisfying their individual agency information needs by combining or coordinating their efforts.

As a result of comments to both the February 19, 1980 Notice and the October 16, 1980 Notice, we are eliminating Form TCS for the reporting year beginning January 1, 1980. The time spent to compile and report the information for one additional year is not justified by the minimal use of the information by the Commission. Any information needed by the Commission can be obtained by special request.

This rule does not significantly affect either the quality of the human environment or conservation of energy resources.

Accordingly, 49 CFR Part 1248 Subpart B—Motor Carriers is removed and 49 CFR Part 1248 Subpart C—Commodity Code is redesignated as 49 CFR Part 1248 Subpart B.

This rule is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: January 28, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Vice Chairman Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A

AAA Cooper Transportation
Graham Ship By Truck Company
Arthur Young & Company
E.L. Murphy Trucking Company
Churchill Truck lines, Inc.
Rate Comparison Services, Inc.
Blue & Gray Transportation Co. Inc.
Yellow Freight Systems, Inc.
U.S. Department of Commerce
Schuster Express, Inc.
Indianhead Truck Line, Inc.
K & R Delivery, Inc.
Touche Ross & Co.
I C X
Di Salvo Trucking Company
Belger Cartage Service, Inc.
Valdez Transfer, Inc.
Smith's Transfer Corporation
Campbell Sixty Six Express, Inc.
I.R.C.&D. Motor Freight, Inc.
Pilot Freight Carriers, Inc.
Jones Motor Co., Inc.
East Texas Motor Freight Lines, Inc.
Transcon Lines
Associated Transports, Inc.
Michigan Transportation Company
Associated Truck Lines, Inc.
Holland Motor Express, Inc.
Mitchell Brothers Truck Lines
Salt Creek Freightways
The OK Trucking Company
Barber Transportation Company
Roadway Express, Inc.
Vallerie Transportation Service, Inc.
Evans Delivery Company, Inc.
Coles Express
W. J. Digby, Inc.
Dorn's Transportation, Inc.
Ruan Transport Corporation
G.C.T., Inc.
Arizona Tank Lines, Inc.
Carolina Freight Carriers Corporation
Bowman Transportation, Inc.
Commercial Lovelace Motor Freight, Inc.
American Freight System, Inc.
Express Freight System, Inc.
Duff Truck Line, Inc.
McLean Trucking Company
Murphy Motor Freight Lines, Inc.
Clairmont Transfer Co.
American Trucking Associations, Inc.
Haslett Company

[FR Doc. 81-4047 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 23
Wednesday, February 4, 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

Commodity Credit Corporation

7 CFR Part 1427

1981 Upland and Extra Long Staple Cotton Loan Programs

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed determinations.

SUMMARY: The Commodity Credit Corporation (CCC) is preparing to make the following determinations with respect to the loan programs for the 1981 crops of upland and extra long staple (ELS) cotton:

a. Premiums and discounts for grade and staple length of upland cotton.

b. Micronaire discounts for upland cotton.

c. Base loan rates by warehouse location for upland cotton.

d. Loan rates by location for eligible qualities of ELS cotton.

e. Micronaire discounts for ELS cotton.

The above determinations are authorized by the Agricultural Act of 1949, as amended. This notice invites written comments on these proposed determinations.

DATES: Comments must be received on or before April 6, 1981.

ADDRESS: Mail comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, Price Support and Loan Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7923. The Draft Impact Analysis describing the options considered is available from the above-named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed under the USDA procedures established to implement Executive Order 12044 and has been classified "not significant."

In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), it is determined after review of these and related regulations contained in 7 CFR 1427.100–.105 for need, currency, clarity and effectiveness that no 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 development of the final determination.

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.

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

The following proposed determinations with respect to the 1981 crops of upland and ELS cotton are to be made pursuant to the Agricultural Act of 1949, Pub. L. 81–439, 63 Stat. 1051, as amended, (7 U.S.C. 1421), as amended, (hereinafter referred to as the "Act").

Section 403 of the Act provides, in part, that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for cotton for the applicable crop year.

On October 31, 1980, the Secretary determined and announced the base loan rate for 1981-crop upland cotton at 52.46 cents per pound, basis Strict Low Middling (SLM) 1 1/16-inches, micronaire 3.5–4.9, net weight, at average location in the U.S. and a national average loan rate of 99.00 cents per pound for ELS cotton. The following determinations will apply to these loan levels, as applicable.

Proposed Determinations

Accordingly, CCC proposes to make the following determinations and issue price support differentials for differences in grade, staple, micronaire and locations for the 1981 crops of upland and ELS cotton:

(a) *Quality Differentials (premiums and discounts for grade and staple of upland cotton and micronaire discounts for both upland and ELS cotton).* Three options are being considered for determining 1981 crop quality differentials. All options are based on a weighting of the previous year's (1980) applicable loan schedule of differentials and the current (August through December 1980) average spot market differences, as quoted in the nine designated U.S. spot markets, in various ratios, loan to market.

The three options being considered are:

Option 1–5 to 1 (weighting of previous crop schedule of loan differentials with current market differences)
Option 2–3 to 1 (weighting of previous crop schedule of loan differentials with current market differences)
Option 3–1 to 1 (weighting of previous crop schedule of loan differentials with current market differences)

This means that at 3 to 1, for example, the 1980 schedule of loan differentials would be given a given a weight of 3, while differences reflecting the five-month average spot market quotations would be given a weight of 1 in making the calculations.

Comments are requested with respect to the ratio (loan to market) to be used in determining quality differentials—premiums and discounts for grade and staple and micronaire discounts for both upland and ELS cotton under the three proposed options.

(b) *Locations differentials for upland cotton (base loan rates at approved warehouse location).* Three options are also being considered for determining location differentials for upland cotton. All options are based on a weighting of the most recent five-year average production available, by counties, and a percentage of the freight rate for shipping cotton to the Carolina Mill Area (the major domestic consuming area in the U.S.).

The three options being considered are:

Option 1–100 percent of the freight rate weighted by most recent five-year average production available.
Option 2–75 percent of the freight rate weighted by most recent five-year average production available.
Option 3–50 percent of the freight rate weighted by most recent five-year average production available.

In order to determine the value of the base quality for loan purposes in the mill area, it is necessary to add to the

base loan rate at average location the difference in the freight rate from average location to the mill area. The loan rate for the base quality in any other location in the Cotton Belt is obtained by subtracting from the mill area loan rate the location differential to the mill area for such location. Minor adjustments are made in some locations to maintain a reasonable relationship among the location differentials and help assure fair loan values for cotton as to location. Base loan rates for SLM 1 1/16 inches cotton, micronaire 3.5—4.9, net weight, are established for each warehouse approved by CCC for the storage of cotton.

Comments are requested regarding the amount of the percentage of the minimum freight rate to be used in computing location differentials for 1981-crop upland cotton under the three proposed options.

(c) *Loan rates for eligible qualities of ELS cotton.* Section 101(f) of the Act provides a formula for determining the national average loan level for ELS cotton. Section 403 of the Act requires that the support prices for the various qualities be adjusted insofar as practicable on an equal basis to the national support level.

Loan rates by location for eligible qualities of ELS cotton are based on the average of the monthly market prices prevailing in the El Paso, Texas and Phoenix, Arizona markets (the two major markets for this type cotton) for the five-month period from August through December 1980. These market prices relate to "good" micronaire cotton (micronaire reading 3.5 and above). Loan rates for the individual qualities, basis "good" micronaire, will be determined by (1) adjusting the national average loan rate upward to reflect the premium currently considered applicable to "good" micronaire ELS cotton, (2) weighting average prices for eligible qualities in the two markets to the adjusted loan level, using as weights the most recent five-year average production by qualities, and (3) establishing a location differential between the Arizona-California area and the West Texas-New Mexico area to reflect approximate transportation costs between the two areas. This procedure has been used for many years and has been satisfactory. No other options are being considered. However, any comments or alternate methods for determining loan rates for individual qualities of ELS cotton will be considered.

It is anticipated that the loan program differentials for the 1981 corps will be determined and announced in May 1981. The final determinations will be based on spot market price data for the period August 1980 through March 1981.

Before making final determinations on the above proposals, consideration will be given to any relevant data, views, recommendations, or alternate proposals which are submitted in writing to the Director, Price Support and Loan Division, ASCS, USDA. All written comments made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 3741 South Building.

Signed at Washington, D.C. January 26, 1981.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-4009 Filed 2-3-81 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. 1

Petitions for Rulemaking; Issuance of Quarterly Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the December 31, 1980, Quarterly Report on Petitions for Rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

ADDRESSES: A copy of this report, designated NRC Petitions for Rulemaking—December 31, 1980, is available for inspection and copying at the Commission's Public Document Room 1717 H Street, NW., Washington, DC.

Requests for single copies of this report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Phillips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone: 301-492-7086.

Dated at Bethesda, Maryland, this 23d day of January, 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records Office of Administration.

[FR Doc. 81-4154 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

Semiannual Agenda of Regulations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Schedule for Semiannual Agenda of Regulations and Regulatory Flexibility Agenda.

SUMMARY: The Board's Semiannual Agenda of Regulations will be published in the **Federal Register** on April 1 and October 1, 1981, rather than February 4 and August 4, 1981, as previously announced. In addition, the Board's Semiannual Agenda will hereafter include a new "regulatory flexibility agenda," which is required to be published in April and October of each year under the recently enacted Regulatory Flexibility Act. Combining the two agendas and changing publication dates will obviate having to publish two separate agendas four times a year.

DATE: January 27, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara R. Lowrey, Assistant Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202 452-3742).

Board of Governors of the Federal Reserve System, January 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-3532 Filed 2-3-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 457

Standards and Certification; Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Amendment to notice of proposed rulemaking.

SUMMARY: This amendment to the notice of proposed rulemaking gives notice that, due to changes in Federal Trade Commission authority, as contained in the Federal Trade Commission Improvements Act of 1980, Pub. Law 96-252, the Commission will no longer conduct this matter, in part, under the

authority in Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a. Further, the Commission has determined that the most efficient way to decide what Commission action, if any, is necessary with regard to standards and certification activities on an industry-wide basis is to complete the analysis of the rulemaking record gathered to date. Accordingly, the Commission has directed staff to prepare a report analyzing the rulemaking record. In this report, the staff has been directed to consider carefully the issues raised in the Conference Report on H.R. 2313, the Federal Trade Commission Improvements Act of 1980. As provided in the notice of proposed rulemaking, a Presiding Officer's report will also be prepared and interested persons will have an opportunity to submit written comments on both reports before the Commission determines whether to promulgate a rule with respect to standards and certification activities.

DATE: Effective February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Schroeder, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3935.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Commission published in the **Federal Register** a notice of proposed rulemaking regarding the development and use of product standards and the related activity of product certification (43 FR 57269).[1] This notice was published pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, *et. seq.*, the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR § 1.7, *et seq.*, and § 553 of Subchapter II, Chapter 5, U.S. Code (Administrative Procedure).

The proposed rule specifies acts and practices which are stated to be both unfair methods of competition and unfair and deceptive acts or practices within the meaning of § 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1).

Subsequently, Congress enacted the Federal Trade Commission Improvements Act of 1980, Pub. Law 96-252 (hereinafter the "Improvements Act"), which became effective May 28, 1980. Section 7 of the Act removes the authority of the Commission to issue trade regulation rules with respect to unfair or deceptive acts or practices under Section 18(a)(1)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(a)(1)(B), "with regard to the regulation of the development and utilization of the standards and certification activities." Section 7 of the Improvements Act does not affect the Commission's authority to issue rules with respect to unfair methods of competition relating to standards and certification, pursuant to Section 6(g) of the Federal Trade Commission Act, 15 U.S.C. 46(g).

In the Conference Report on H.R. 2313, several issues were raised concerning the need for any Commission rule in the standards and certification area. Specifically, the Report states:

> * * * [T]he conferees believe the Commission should explore the possibility of issuing voluntary rules and guidelines in this area. The conferees note that the Office of Management and Budget has now issued OMB Circular No. A-119 which, among other things, sets out procedures for the development of standards applying to products purchased by the Federal Government. The conferees hope the Commission will closely follow the activities of other interested Federal agencies and, in the spirit of Executive Order 12044, will avoid inconsistent or duplicative activity in this area.[2]

Both of these issues—other Commission law enforcement alternatives and the effect of other Federal agency activities—have been under consideration by the staff for some time (as have alternatives for reshaping or limiting the proposed TRR). For example, in the Regulatory Calendar entry relating to this rulemaking (44 FR 68332, November 28, 1979), the staff stated:

> Another alternative, in lieu of a TRR, would involve issuing an industry guide or statement of enforcement policy, in conjunction with enforcement on a case-by-case basis. In the latter case, we are reviewing other governmental reform efforts to determine whether their effects on consumer or competitive problems in private standards would reduce the need for direct FTC action. We are also exploring in the rulemaking process the effectiveness of recent industry attempts at self-regulation.

Accordingly, the Commission intends to give careful consideration to the issues raised in the Conference Report on H.R. 2313 in deciding what law enforcement actions, if any, are necessary with regard to standards and certification activities. The Commission, particularly, will consider whether OMB Circular A-119 has resolved any competitive problems of concern to it before concluding whether to promulgate a rule. The Commission believes that the most sensible way to address these issues is through analysis of the current rulemaking record in this proceeding,[3] supplemented by information interested persons may wish to present on the impact of OMB Circular A-119. The Commission, therefore, has directed its staff to continue its analysis of the factual information and legal and policy arguments contained in the rulemaking record and preparation of a staff report. The staff has been directed to pay special attention to the issuers raised during consideration of the Federal Trade Commission Improvements Act of 1980 when it examines the rulemaking record and prepares its recommendations. The Commission has also directed that the rulemaking record be reopened, during the post record comment period which will follow publication of the staff and Presiding Officer's reports, for submission of information about the impact of OMB Circular A-119 on the practices reflected in the record.

Due to changes in Commission authority contained in the Federal Trade Commission Improvements Act of 1980, this rulemaking will no longer be conducted, in part, under the authority of Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a. The rulemaking will be conducted solely under § 6(g), 15 U.S.C. 46(g). The notice of proposed rulemaking (43 FR 57269), and the procedures followed in this rulemaking to this time, fully satisfy the requirements of 5 U.S.C 553 and Part I, Subpart C of the Commission's procedures and rules of practice, as applicable to rulemaking under Section 6(g) authority. The Commission intends to follow the remaining procedural steps set forth in the notice of proposed rulemaking.[4] The Commission also recognizes that, in considering a rule

[1] The following additional notices amending the notice of proposed rulemaking or providing information were published: 43 FR 59517 (Dec. 21, 1978); 44 FR 17715 (March 23, 1979); 44 FR 35240 (June 19, 1979); and 44 FR 70485 (Dec. 7, 1979).

[2] Statement of Managers, Cong. Rec. H3157, May 1, 1980.

[3] The record includes 1200 written comments, testimony of 200 witnesses (13,000 pages of transcript), 500 hearing exhibits, plus supplementary material and rebuttal submissions. In all, the record is approximately 90,000 pages. The Commission believes it has an obligation to review this extensive record before determining whether a Commission rule is necessary.

[4] In accordance with the Commission's instructions in the notice of proposed rulemaking, interested persons have been accorded the right to submit written comments, present their views orally at public hearings, question and cross-examine witnesses at the public hearings, and file rebuttal submissions.

Although several of the remaining procedural steps set forth in the notice of proposed rulemaking are not required by APA § 553 for proceedings under Section 6(g), the Commission has determined to follow those remaining steps. Further, the Commission has directed that the requirements of § 12 of the Improvements Act, relating to staff *ex parte* contacts with Commissioners and presiding officers, be followed in this proceeding.

under Section 6(g) as one option, the record must be analyzed solely with respect to unfair methods of competition, and has not yet determined whether the current record supports the promulgation of any standards and certification rule under section 6(g).[5] (Order Denying Petition No. 5 of the National Fire Protection Association, Inc., No. 215–61, October 29, 1980). Parties will have an opportunity to address these and all other issues during the post-record comment period.

Therefore, the staff will prepare and submit its report and recommendations based on the rulemaking record by July 15, 1981.[6] The Commission also believes it would benefit from a Presiding Officer's report, which will be submitted not later than 60 days after the staff report. The Presiding Officer's report will make a recommended decision based upon his findings and conclusions as to all relevant and material evidence, and taking into account the staff report.[7] Both of these reports will be made available to the public, and the Commission will then invite all interested persons to submit their views on all issues relevant to this proceeding, including the issues raised in the Conference Report on H.R. 2313. Written comment and information will be requested specifically about the impact of OMB Circular A–119 on the practices reflected in the record. New factual material will be accepted only as to this issue. This written comment period will be for 60 days. Immediately following the comment period will be a period of 30 days to receive rebuttal submissions relating to comments about the impact of OMB Circular A–119. The Commission may also afford interested persons an opportunity to present their views orally on some or all issues, at the Commission's discretion. By following these procedures, which are consistent with the requirements set forth in the notice of proposed rulemaking, the Commission beleives it will have the best record on which to base its decisions about what actions, if any, are necessary in the area of standards and certification.

The Commission has not made any findings or conclusions in this matter. Such findings or conclusions can be made only after careful consideration of the rulemaking record and shall be based solely on this record.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–4024 Filed 2–3–81; 8:45 am]

BILLING CODE 6750–01–M

[5] While the portions of Section 457.1 of the proposed rule discussing unfair and deceptive acts and practices can no longer be contained in any final rule that the Commission might issue in the area, the issues raised relating to those practices are still relevant to other enforcement actions the Commission might take. The Commission therefore has directed the staff to analyze the full record and to make recommendations with respect to practices that raise questions of unfair or deceptive acts or practices as well as unfair methods of competition.

[6] The notice of proposed rulemaking stated that the staff report would be submitted 120 days after the close of the rebuttal period. This did not occur, because of passage of the Improvements Act and the length of the rulemaking record. We believe that the July 15, 1981 date gives staff sufficient time while not undully delaying the proceeding.

[7] Following the post record comment and rebuttal periods, the Presiding Officer may submit to the Commission revisions of his findings, conclusions, and recommendations, which are based on his consideration of the new information presented about the impact of OMB Circular A–119.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–173–80]

Installment Sales; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations relating to installment sales. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 6, 1981.

ADDRESS: Send comments and a request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–173–80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Divison, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224. (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION: The temporary regulations in this issue of the **Federal Register** amend part 15A of title 26 of the Code of Federal Regulations. The final regulations, which are proposed to be based on the temporary regulations, would amend 26 CFR Part 1. For the text of the temporary regulations, see FR Doc. (T.D. 7768) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Section 1.453–1, which will be deleted upon adoption of this document as a Treasury decision, contains material relating to installment sales by dealers in personal property. It is intended that eventually all of the regulations relating to installment sales will be amended to reflect the amendments to section 453 made by the Installment Sales Revision Act of 1980. Until those amendments are adopted, provisions in prior § 1.453–1 which relate to matters not covered in this document will remain in effect.

Initial Regulatory Flexibility Analysis

These proposed regulations are necessary to implement the provisions section 453 of the Internal Revenue Code as amended by the Installment Sales Revison Act of 1980.

The objective of these regulations is to provide taxpayers with the guidance necessary to comply with the provisions of section 453 as amended by the Installment Sales Revision Act of 1980, and in particular, those provisions relating to contingent installment sales for which taxpayers did not elect to use installment method reporting. These regulations are promulgated under sections 453(i) and 7805 of the Internal Revenue Code of 1954.

These proposed regulations, if adopted, will affect small businesses but not other small entities, such as local governments or tax-exempt organizations, which do not pay taxes.

These proposed regulations, if adopted, will affect any small business making an installment sale of real property or a casual sale of personal property. It is anticipated that a significant number of small businesses will be affected. These regulations do not impose substantial reporting requirements beyond those already imposed by the tax laws generally nor record keeping requirements beyond those necessary to account for such sales in the ordinary course of business. The professional competence necessary to comply with these regulations is no greater than that already necessary for the conduct of a small business.

These regulations do not overlap with, conflict with or duplicate any existing federal regulations.

None of the significant alternatives considered in drafting these regulations would have significantly altered the economic impact of these regulations on small entities.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given

to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-4140 Filed 1-30-81; 4:36 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1744-4]

Approval and Promulgation of Implementation Plans; Revised Regulations for the San Diego Air Basin

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: On October 4, 1979 (44 FR 57109), the Environmental Protection Agency (EPA) published a notice of proposed rulemaking for the San Diego Air Basin nonattainment area plan (NAP). That notice cited the lack of adopted, legally inforceable rules reflecting reasonably available control technology (RACT) for certain volatile organic compound (VOC) sources as a major deficiency which must be corrected before EPA could approve or conditionally approve the NAP for ozone (O_3). Revisions to the California State Implementation Plan (SIP) have been submitted to EPA by the Governor's designee consisting of VOC rules. The intended effect of these revision is to supplement the previously submitted NAP in order to meet certain requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." The October 4, 1979 notice should be used as a reference in reviewing today's notice.

Today's notice provides a description of the proposed SIP revisions, summarizes the applicable Part D requirements, compares the revisions to these requirements, identifies issues in the proposed revisions, and suggests corrections.

EPA invites public comments on these revisions, the identified issues, the suggested corrections, and whether the revisions or certain portions of the revisions should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted up to March 6, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn.: Air & Hazardous Materials Division, Air Programs Branch, State Implementation Plan Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions to the California SIP and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123

California Air Resources Board, 1102 "Q" Street P.O. Box 2815, Sacramento, CA 95812

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415 556-2938.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1977, requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS).

On July 5, 1979, the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted the *San Diego Air Basin Control Strategy* as a revision to the California SIP. In addition, revisions to the San Diego County Air Pollution Control District (APCD) Rules and Regulations were submitted on dates prior to July 5, 1979.

These revsions, which comprise the San Diego Air Basin NAP, are intended to provide for the attainment of the carbon monoxide (CO), ozone (O_3), total suspended particulate matter (TSP), and nitrogen dioxide (NO_2) NAAQS in San Diego County.

On October 4, 1979 (44 FR 57109), EPA published a notice of proposed rulemaking on the San Diego Air Basin NAP. That notice proposed to disapprove the overall San Diego Air Basin NAP and continue the construction prohibition on certain major new or modified stationary sources in the San Diego Air Basin because the lack on an I/M program, a new source review (NSR) rule, and rules reflecting RACT for seven VOC source categories constituted major deficiencies with respect to Part D of the Clean Air Act.

On October 15 and 25, 1979, ARB submitted VOC rules which address the seven VOC source categories identified in the October 4, 1979 notice as lacking RACT rules. In addition, on July 25, 1980, the State submitted VOC rules which supersede rules previously submitted and discussed in the October 4, 1979 notice. Finally, the State submitted amendments to the July 25, 1980 submittal on December 15, 1980.

The submittal of the above VOC rules has corrected the VOC RACT major deficiency in the San Diego Air Basin NAP, as EPA is today proposing to approve or conditionally approve them with respect to Part D.

Proposed SIP Revisions

Sections 172(a)(2) and (b)(3) of the Clean Air Act require that minimum levels of control technology be provided for in NAPs. On October 4, 1979 (44 FR 57109), EPA published a notice which indicated that the San Diego County Air Basin NAP did not satisfy the requirements of Sections 172(a)92) and (b)93), since regulations had not been submitted for the control of VOC emissions from seven source categories addressed by Control Techniques Guideline (CTG) documents published before January 1978 (Group I CTGs). The October 4, 1979 notice also proposed approval of Rules 61.0 through 61.3, which contain control requirements for service stations [Stage I Gasoline Vapor Recovery (GVR)], bulk gasoline plants and terminals, and fixed roof tanks.

The State of California has since submitted regulations which address the seven source categories noted in the October 4, 1979 notice as missing. In addition, the State has submitted amendments to Rules 61.0 through 61.3, and these amended rules supersede the previously proposed rules in the October 4, 1979 notice. All of these submitted San Diego County APCD rules are listed below by their respective submittal dates:

October 15, 1979

Rule 67.6, Solvent Cleaning Operations
Rule 67.7, Cutback and Emulsified Asphalts

October 25, 1979

Rule 67.3, Coating of Metal Parts and Products
Rule 67.4, Can and Coil Coating Operations
Rule 67.5, Paper and Fabric Coating Operations

July 25, 1980

Rule 61.0, Definitions
Rule 61.1, Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals
Rule 61.2, Transfer of Volatile Organic Compounds into Mobile Transport Tanks
Rule 61.3, Transfer of Volatile Organic Compounds into Stationary Storage Tanks

December 15, 1980

Amended language in the indicated portions of the following rules:

Rule 61.0, subdivisions (n) and (o)
Rule 61.1, subdivisions (a)(1) (i) and (h)
Rule 61.2, subdivision (a)

EPA has reviewed the submitted regulations relative to the CTGs for the following 12 Group I CTG categories: solvent metal cleaning; cutback asphalt paving; the surface coating of large appliances, metal furniture, cans, coils, paper, and fabric; service station Stage I GVR, bulk gasoline plants, bulk gasoline terminals, and fixed-roof tanks. The regulations have also been reviewed relative to the Group II CTGs for miscellaneous metal parts and products, floating roof tanks, and VOC leaks from tank trucks and vapor collection systems.

The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the regulations are adequate to fulfill the requirement for RACT, except as noted below:

1. Rule 67.6, "Solvent Cleaning Operations," only applies to non-aqueous degreasing operations. Since it is possible that organic solvents could be used in aqueous degreasing operations, it is believed that the control requirements of Rule 67.6 should be extended to all degreasing operations using solvents.

2. Rule 67.4, "Can and Coil Coating Operations," sets emission limits based on the amount of VOC discharged from a source. The CTG-recommended limits are based on the solvent content of the coating itself. Thus, the rule may not require an equivalent degree of control, since limits based on the discharge rate are less stringent than limits based on the VOC content of the coating.

3. Rule 67.3, "Coating of Metal Parts and Products," applies to large appliances and metal furniture (Group I CTG source categories) as well as miscellaneous metal parts and products (a Group II CTG source category). Rule 67.3 exempts the coating of automobiles, light-duty trucks, aircraft, marine vessels, and aerospace vehicles, *and their component parts.* While it is appropriate to exempt the coating of automobiles, light-duty trucks, aircraft, marine vessels, and aerospace vehicles, it is believed that it is inappropriate to exempt the coating of their component parts, since the control techniques for coating their component parts are the same as those recommended in the CTG for other metal parts and products.

4. Rules 61.0 to 61.3 contain requirements that are adequate to fulfill the requirement for RACT for leak prevention from vapor recovery systems. These rules do not, however, require that tank trucks be pressure tested annually as recommended in the CTG. The State has, however, submitted a State regulation for tank truck pressure testing which will be addressed in a separate **Federal Register** action.

For the first three deficiencies noted above, the State should either (1) provide documentation that the rules represent RACT, (2) amend the rules to be consistent with the CTGs, or (3) demonstrate that the rules will result in emission reductions which are within five percent of the reductions achievable with the controls recommended in the CTGs.

In summary, the State has submitted all of the required Group I CTG source regulations, and three of the nine required Group II CTG regulations. These regulations contain three minor deficiencies. Regulations for the following six Group II CTG categories have not yet been submitted by the State: graphic arts, synthetic pharmaceutical manufacture, perchloroethylene drycleaning, pneumatic rubber tire manufacture, flatwood paneling, and refinery fugitive leaks. Regulations for these source categories, or a certification that there are no major sources for these categories, were due January 1, 1981 (see 45 FR 78121, November 25, 1980).

The APCD's Rule 67.6, "Solvent Cleaning Operations," also contains an exemption for degreasers which use methyl chloroform and methylene chloride if an application for an Authority to Construct permit was received before September 1, 1980. On May 16, 1980, EPA published a clarification of agency policy regarding the control of methyl chloroform and methylene chloride in ozone SIPs (45 FR 32424). EPA explained that it cannot approve or enforce controls on either of these two compounds as part of a Federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. This policy is in no way an expression of EPA's view of the desirability of controls on these compounds. States retain the authority to control these compounds under authority reserved to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong probability of future regulatory action by EPA to control the emissions of these two compounds. (see Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980).

EPA has also evaluated Rule 67.2, "Dry Cleaning Equipment Using Petroleum Based Solvent," submitted on October 15, 1979, and Rule 61.4, "Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks," submitted on July 25, 1980. These rules do not address Group I or Group II CTG source categories, but implement other control tactics contained in the San Diego Air Basin NAP. These rules should be approved, since they strengthen the SIP, and since they are consistent with the Clean Air Act and 40 CFR 51.22.

Proposed Actions

EPA has evaluated the submitted VOC rules with respect to PART D of the Clean Air Act to determine whether they require a level of control which reflects RACT. EPA has determined that the rules contain minor deficiencies with respect to the Part D RACT requirement. EPA proposes to approve the submitted VOC rules since they provide additional control measures and strengthen the SIP. However, since the rules are not fully equivalent to RACT, the ozone portions of the Part D plan does not fully meet the requirements of Part D. EPA therefore, will condition approval of the ozone portion of the Part D plan on the state submitting the following as SIP revisions within 90 days of EPA's final rulemaking:

1. *Rule 67.4, Can and Coil Coating Operations.*

The State must either: (1) Provide documentation that the rule represents RACT, (2) amend the emission limits in the rule as noted in the PROPOSED SIP REVISIONS section of this notice to be consistent with the recommended emission limits in the CTG document EPA–450/2–77–008, or (3) demonstrate that the rule will result in emission reductions which are within 5% of the

reductions achievable with the controls recommended in the CTG document EPA–450/2–77–008.

2. *Rule 67.6, Solvent Cleaning Operations.*

The State must either: (1) Provide documentation that the rule represents RACT, (2) amend the rule as noted in PROPOSED SIP REVISIONS to cover all degreasing operations using aqueous or non-aqueous solvents, or (3) demonstrate that the rule will result in emission reductions which are within 5% of the reductions achievable with the controls recommended in the CTG document EPA–450/2–77–022.

3. *Rule 67.3, Coating of Metal Parts and Products.*

The State must either: (1) Provide documentation that the rule represents RACT for miscellaneous metal parts and products, (2) amend the rule to cover the component parts of automobiles, light-duty trucks, aircraft, marine vessels, and aerospace vehicles, or (3) demonstrate that the rule will result in emission reductions which are within 5% of the reductions achievable with the controls recommended in the CTG document EPA–450/2–78–015.

The submitted regulations for the surface coating of cans, coils, and miscellaneous metal parts and products apply to sources also regulated by the Federal regulation 40 CFR 52.253, "Metal Surface Coating Thinner and Reducer." Since the APCD rules are future-effective, the Federal regulation is proposed to be retained applicable to the sources covered by the APCD, until those sources achieve full compliance with the respective APCD rule.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State.

The Acting Regional Administrator hereby issues this notice setting forth the SIP revisions described above as proposed rulemaking, and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiences. EPA is further interested in receiving comments on the proposed deadline for the State to submit the corrections, in the event of conditional approval.

Comments received on or before March 6, 1981 will be considered. Comments received will be available for public inspection at the EPA Regional IX Office and at the locations listed in the ADDRESSES section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revision will be based on the comments received and on a determination of whether the revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 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 only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

EPA believes the available period for comment is adequate because:

(1) The *San Diego Air Basin Control Strategy* has been available for inspection and public comment since July 31, 1979, and was the subject of previous **Federal Register** notices; and

(2) The issue involved in the revisions submitted on October 15 and 25, 1979, and on July 25, and December 15, 1980, are limited in scope and are sufficiently clear to allow comments to be developed in the available 30 day period.

Note.—EPA has determined that this action is "specialized" and therefore, not subject to the procedural requirements of Executive Order 12044.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: January 2, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 81-4076 Filed 2-3-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 60

[AD-FRL-1634-4]

Standards of Performance for New Stationary Sources; Bulk Gasoline Terminals

Correction

In FR Doc. 80-38932, appearing at page 83126, in the issue of Wednesday, December 17, 1980, please make the following changes:

(1) On page 83127, first column, first full paragraph, fifth line, "0.7" should be corrected to read "0.07".

(2) On page 83127, first column, third full paragraph, seventh line, "terminals" should read "Terminals".

(3) On page 83128, first column, third full paragraph, eighth line, "EPS" should read "EPA".

(4) On page 83129, first column, second paragraph, third line from the end, "Multiplerack" should read as two words, "Multiple rack".

(5) On page 83130, third column, first full paragraph, third line, "absorption" should read "adsorption" and again on the sixth line, "absorption" should read "adsorption".

(6) On page 83131, third column, third paragraph, third line, "CRC" should read "CRA".

(7) On page 83132, second column, eighth line, "In separate" should read "In a separate".

(8) On page 83132, "in this area" should read "In this area".

(9) On page 83132, second column, second full paragraph, "achiveable" should read "achievable".

(10) On page 83132, third column, second full paragraph, fourteenth line, "absorption" should read "adsorption".

(11) On page 83135, first column, first full paragraph, last line, "$650/Mg(590/ton)" should read "$650/Mg ($590/ton)".

(12) On page 83138, first column, first full paragraph, eighth line, "outley" should read "outlet".

(13) On page 83138, first column, third full paragraph, fourth line, "as the basis for the proposed standards, was selected" should be inserted in between "selected" and "to".

(14) On page 83138, second column, first full paragraph, ninth line, "competent" should read "component".

(15) On page 83140, second column, first full paragraph, eighteenth line, "form" should be corrected to read "from".

(16) On page 83141, second column, second full paragraph, fifth line, "proposed" should read "proposes".

(17) On page 83141, second column, second full paragraph, sixth line, "promulgated" should read "promulgates".

(18) On page 83141, third column, first full paragraph, eleventh line, "which would be quarterly reports of excess emissions" should be removed from the sentence beginning with the word "Third".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5845]

Revision of Proposed Flood Elevation Determinations for Carbon County, Montana Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Carbon County, Montana.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 46115 on July 9, 1980 and in the *Carbon County News*, published on or about June 12, 1980, and June 19, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Planning Office, P.O. Box 460, Red Lodge, Montana.

Send comments to: Honorable Dick Steffan, Carbon County Courthouse, Red Lodge, Montana 59068.

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 line (800–424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Carbon County, Montana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either 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).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Clarks Fork Yellowstone River.	Downstream side of County Road (east side of the Town of Fromberg) crossing the channel.	*3,521

(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 13, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4033 Filed 2-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5818

Revision of Proposed Flood Elevation Determinations for City of Hendersonville, Sumner County, Tennessee, Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hendersonville, Tennessee.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 52420 & 52421 on August 7, 1980 and in *The Free Press*, published on or about July 16, 1980, and July 23, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Hendersonville, Tennessee.

Send comments to: Honorable T. W. Patterson, P.O. Box 1570, Hendersonville, Tennessee 37075.

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 line (800–424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Hendersonville, Tennessee, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either 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).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Madison Creek (Backwater from the Cumberland River).	Intersection of creek and center of Caldwell Drive.	*430
Drakes Creek	Intersection of Stop Thirty Road and Callendor Lane.	*477
Drakes Creek Right Bank Tributary No. 2.	Upstream most corporate limits.	*499
Drakes Creek Right Bank Tributary No. 3.	100 feet south of intersection of Yorkside Place and Raindrop Lane.	*475

(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 13, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4034 Filed 2-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5978]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations 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 to either 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: 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 and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance 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 67.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Superior (Town), Pinal County	Queen Creek	Intersection of Mary Drive (Ford) and Queen Creek	*2,644
			Intersection of Stansberry Avenue (Ford) and Queen Creek	*2,780
	Maps available for inspection at Town Clerk's Office, 734 W. Main Street, Superior, Arizona.			
	Send comments to Honorable Joe Luevano, 734 W. Main Street, Superior, Arizona 85273.			
California	Del Rey Oaks (City), Monterey County.	Arroyo Del Rey	Fremont Boulevard culvert inlet	*29
			Upstream side of Rosita Road over channel	*57
			Upstream side of State Highway 68 over channel	*117
	Maps available for inspection at City Hall, 650 Canyon Del Rey Road, Del Rey Oaks, California.			
	Send comments to Honorable Robert B. Franco, 650 Canyon Del Rey Road, Del Rey Oaks, California 93940.			
California	King City (City), Monterey County.	San Lorenzo Creek	50 feet upstream of the intersection of Southern Pacific Railroad and San Lorenzo Creek.	*323
		Salinas River	30 feet downstream of the intersection of U.S. Highway 101 (Southbound Lane) and Salina River.	*291
	Maps available for inspection at City Hall, 212 S. Vander Hurst, King City, California.			
	Send comments to Honorable Irving Copley, 212 S. Vander Hurst, King City, California 93930.			
California	Salinas (City), Monterey County	Gabilan Creek	100 feet upstream of intersection of East Laurel Drive Extension and Gabilan Creek.	*50
		Natividad Creek	100 feet upstream of intersection of East Laurel Drive Extension and Natividad Creek.	*45
		Reclamation Ditch	200 feet upstream of intersection of State Highway 183 (North Main Street) and Reclamation Ditch.	*43
		Santa Rita Creek	50 feet downstream of intersection of North Main Street and Santa Rita Creek.	*74
	Maps available for inspection at City Hall, 200 Lincoln Avenue, Salinas, California.			
	Send comments to Honorable James Wood, 200 Lincoln Avenue, Salinas, California 93901.			
Florida	Pasco County (unicorporated areas).	Gulf of Mexico	Intersection of Dartmouth Avenue and Kenwood Drive	*12
			Intersection of Parkway Boulevard and Westwood Drive	*13
		Anclote River	Intersection of River and Seven Springs Boulevard	*20
			Intersection of River and State Highway 54	*29
		Duck Slough	180 Feet Upstream of Intersection of Slough Amity drive	*14
		Hills Borough River	100 Feet Upstream of Intersection of River and Old Crystal Spring Road.	*61
		Pithlachascotee River	Intersetion of River and Rowan Road	*11
			Intersection of River and Decubellis Drive	*21

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Withlacoochee River	Intersection of River and State Highway 575	*72
			Intersection of Roosevelt, Canal, and Wilson Streets	*78
Maps available for inspection at Pasco County Courthouse, 4025 Moonlake Road, New Port Richey, Florida 33552.				
Send Comments to Honorable Barry Doyle, 4025 Moonlake Road, New Port Richey, Florida 33552.				
Idaho	Bonneville County (unincorporated areas)	Snake River	200 feet upstream from center of U.S. Highway 26	*5,246
			100 feet upstream from center of Dam (approximately 2 miles upstream from Idaho Falls corporate limits).	*4,735
		Snake River West Channel	200 feet upstream from center of private road	*4,735
		Palisades Creek	100 feet upstream from U.S. Highway 26	*5,362
		Rainey Creek	200 feet upstream from center of Ranger Station Road	*5,280
		Sand Creek	Intersection of Crowley Road and East 21st Street	#2
			200 feet northwest from intersection of Ammon-Lincoln Road and Township Road.	*4,706
Maps available for inspection at Bonneville County Courthouse, 605 N. Capitol Avenue, Idaho Falls, Idaho.				
Send comments to Honorable Clyde A. Burtonshaw, 605 N. Capitol Avenue, Idaho Falls, Idaho 83401.				
Illinois	(V), Matteson, Cook County	Butterfield Creek	Just upstream of Crawford Avenue	*684
			Just downstream of 207th Street	*687
			About 0.27 mile downstream of Cicero Avenue	*692
			Just upstream of Cicero Avenue	*693
			About 0.12 mile downstream of Interstate 57	*695
			About 0.89 mile upstream of Central Avenue	*696
		Butterfield Creek East Branch	Just upstream of Lincoln Highway (corporate limits)	*685
			Just upstream of Lincoln Highway, about 0.24 mile upstream of Governors Highway.	*691
			Just upstream of Korvette Place, about 0.40 mile upstream of Governors Highway.	*693
			Just upstream of Lincoln Highway, about 0.57 mile downstream of Conrail.	*695
			Just upstream of Conrail	*701
			About 0.08 mile upstream of Elgin Joliet and Eastern Railway	*703
		East Branch Tributary	Mouth at Butterfield Creek East Branch	*701
			Just upstream of Elgin Joliet and Eastern Railway	*705
Maps available for inspection at the Clerk's Office, Municipal Building, 3625 West 215th Street, Matteson, Illinois.				
Send comments to Honorable Joseph T. Feehery, Village President, Village of Matteson, Municipal Building, 3625 West 215th Street, Matteson, Illinois 60443.				
Illinois	(C), Park City, Lake County	South Fork Gurnee Tributary	At downstream corporate limit	*691
			Just downstream of Cornell Avenue	*697
			About 800 feet upstream of Cornell Avenue	*700
		Shallow Flooding (ponding from rainfall).	About 400 feet south of intersection of Eighth Street and Sharon Avenue.	*695
			About 1,000 feet east of intersection of Mary Avenue and Teske Boulevard.	*696
			About 700 feet northeast of intersection of Howard Avenue and Teske Boulevard.	*697
Maps available for inspection at the Clerk's Office, Park City Municipal Building, 3420 Kehm Boulevard, Waukegan, Illinois.				
Send comments to Honorable Travis Sherrod, Mayor, City of Park City, Park City Municipal Building, 3420 Kehm Boulevard, Waukegan, Illinois 60085.				
Illinois	(V), Spring Grove, McHenry County.	Nippersink Creek	Downstream corporate limits	*758
			Approximately 500 feet upstream of Blivin Street	*760
			Upstream corporate limits	*764
		North Spring Creek	At confluence with Nippersink Creek	*761
			About 70 feet downstream of Dam	*781
			Just upstream of Dam	*791
			Approximately 4,700 feet upstream of Dam	*824
		East Fork North Spring Creek	At confluence with North Spring Creek	*761
			About 100 feet upstream of Private Road (first crossing)	*786
			At upstream corporate limits	*789
		South Spring Creek	About 510 feet upstream of mouth	*762
			Just upstream of Hatchery Road	*775
			Just upstream of Highview Street	*785
			About 120 feet upstream of U.S. Route 12	*794
			At the upstream corporate limits	*824
		Shallow Flooding (overflow from North Spring Creek).	About 400 feet east of Nippersink Creek and 2,660 feet north of Spring Lake Road.	#1
Maps available for inspection at the Clerk's Office, Spring Grove, Illinois.				
Send comments to Honorable Lyle C. Thomas, Village President, Village of Spring Grove, P.O. Box 214, Spring Grove, Illinois 60061.				
Indiana	(T), Cambridge City, Wayne County.	West Fork Whitewater River	About 450 feet downstream of Conrail (main tracks)	*926
			Just upstream of Conrail (spur track)	*932
			Just upstream of Delaware Street	*935
		Crietz Creek	Just upstream of Front Street	*935
			About 300 feet upstream of Conrail	*951
Maps available for inspection at the Town Hall, 127 North Foote Street, Cambridge City, Indiana.				
Send comments to Honorable Charles Webb, Town Board President, Town of Cambridge City, Town Hall, 127 North Foote Street, Cambridge City, Indiana 47327.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C), Fountain City, Wayne County	Nolands Fork	About 350 feet downstream of Highway 27	*1,089
			Downstream corporate limit	*1,091
			Just downstream Fountain City Pike	*1,096
			Upstream corporate limit	*1,100
	Maps available for inspection at the City Building, 312 West Main Street, Fountain City, Indiana.			
	Send comments to Honorable James Hammontree, Town Board President, City of Fountain City, City Building, 312 West Main Street, Fountain City, Indiana 47341.			
Indiana	(T), Greens Fork, Wayne County	Greens Fork	About 200 feet downstream of Northfolk and Western Railway	*1,002
			About 1,000 feet upstream of Pearl Street	*1,006
	Maps available for inspection at the Building Inspector's Office, P.O. Box 177, 12 S. Maple Street, Greens Fork, Indiana.			
	Send comments to Honorable Earl Stackhouse, President of the Town Board, Town of Greens Fork, P.O. Box 177, 12 S. Maple Street, Greens Fork, Indiana 47345.			
Indiana	(T), Hagerstown, Wayne County	West Fork Whitewater River	At downstream extraterritorial jurisdiction	*966
			Just upstream of South Street	*978
			Just upstream of Conrail	*988
			Just upstream of Jones Road	*991
			About 160 feet downstream of Hoover Road	*1,014
		Nettle Creek	At mouth	*978
			About 250 feet upstream of Washington Street	*987
			Just upstream of Five Point Road	*996
			About 120 feet downstream of Leavell Road	*1,013
			Just downstream of North Road	*1,032
	Maps available for inspection at the Town Hall, 49 East College Avenue, Hagerstown, Indiana.			
	Send comments to Honorable Richard Parrish, Town Board President, Town of Hagerstown, Town Hall, 49 East College Avenue, Hagerstown, Indiana 47346.			
Indiana	(T), Milton, Wayne County	West Fork Whitewater River	At downstream corporate limits	*906
			Just downstream of Main Street	*908
			Just upstream of Main Street	*912
			At the northeast corporate limits	*912
	Maps available for inspection at the Town Hall, West Walnut Street, Milton, Indiana.			
	Send comments to Honorable Harold Boyd, Town Board President, Town of Milton, Town Hall, West Walnut Street, Milton, Indiana 47357.			
Indiana	(T), Zionsville, Boone County	Eagle Creek	At the downstream corporate limits (near Interstate 465)	*820
			Approximately 100 feet downstream of Zionsville Road	*829
			Approximately 200 feet upstream of Zionsville Road	*833
			Just downstream of State Route 334	*835
			Approximately 200 feet upstream of Willow Avenue	*838
	Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, 110 South 4th Street, Zionsville, Indiana.			
	Send comments to Honorable Henry Coke, President of the Town Board, Town of Zionsville, Town Hall, 110 South 4th Street, Zionsville, Indiana 46077.			
Kansas	(C), Ogden, Riley County	Kansas River	Flooding within corporate limits	*1,045
		Dry Branch	Just downstream of Walnut Street	*1,049
			About 350 feet upstream of Fourteenth Street	*1,056
		Sevenmile Creek and Dry Branch Overflow.	Just downstream of Walnut Street	*1,045
			Just upstream of Union Pacific Railroad	*1,052
	Maps available for inspection at the City Hall, 224 Riley Avenue, Ogden, Kansas.			
	Send comments to Honorable W. W. Henson, Mayor, City of Ogden, City Hall, 224 Riley Avenue, Ogden, Kansas 66517			
Maine	New Gloucester, Town, Cumberland County.	Royal River	Downstream Corporate Limits	*105
			Approximately 600 feet upstream of State Route 231	*113
			Upstream of Canadian National Railroad (downstream crossing)	*123
			Upstream of Canadian National Railroad (furthest upstream crossing)	*128
			Approximately 2,800 feet downstream of the upstream corporate limits.	*140
			Upstream Corporate Limits	*158
	Maps available for inspection at the Town Offices, New Gloucester, Maine.			
	Send comments to Honorable George K. Webb, Chairman of the New Gloucester Board of Selectmen, P.O. Box 82, New Gloucester, Maine 04260.			
Massachusetts	Hopkinton, Town, Middlesex County.	Sudbury River	Downstream Corporate Limits	*236
			Upstream of Stone Arch Bridge	*242
			Just upstream of Cordaville Dam	*255
			Approximately 740' downstream of Fruit Street	*265
			Upstream of Fruit Street	*275
			Upstream Corporate Limits	*277
			Downstream Corporate Limits	*260
		Whitehall Brook	Approximately 2,150' upstream of Fruit Street	*285
			Whitehall State Park Boundary	*294
		Cold Spring Brook	Downstream Corporate Limits	*238
			Just downstream of North Mill Street	*244
			Upstream of North Mill Street Dam	*253
			Upstream of South Mill Street Dam	*262
			Just downstream of Front Street	*273

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Indian Brook	Approximately 1,150' downstream of confluence with Tributary to Indian Brook.	*301
			Approximately 1,300' downstream of Wood Street	*305
		Tributary to Indian Brook	Confluence with Indian Brook	*303
			Just downstream of Wood Street	*307

Maps available for inspection at Town Hall, 118 Main Street, Hopkinton.

Send comments to Honorable Sally Ann MacIntosh, Chairman of the Board of Selectmen, Town Hall, 118 Main Street, Hopkinton, Massachusetts 07148.

Massachusetts	Southborough, Town, Worcester County.	Sudbury River	Downstream Corporate Limits	*226
			Approximately 500' downstream of Cordaville Road	*236
			Approximately 160' downstream of Cordaville Dam	*243
			Upstream of Cordaville Dam	*255
			Upstream of Corporate Limits	*265
		Tributary to Sudbury River	Confluence with Sudbury River	*238
			Just upstream of Conrail	*241
			Just upstream of Cordaville Road	*253
		Stony Brook	Downstream Corporate Limits	*187
			Just downstream of Fayville Dam	*194
		Sudbury Reservoir	Just upstream of Fayville Dam	*256
			Just downstream of Deerfoot Road	*263
		Tributary to Sudbury Reservoir	Confluence with Sudbury Reservoir	*262
			Approximately 400' downstream of Neary School Footbridge	*272
			Approximately 320' upstream of Neary School Footbridge	*281
			Just upstream of Deerfoot Road	*293
			Approximately 350' upstream of Deerfoot Road	*300
			Approximately 800' upstream of Deerfoot Road	*312

Maps available for inspection at the First Selectman's office, Southborough Town Hall, 17 Commons Street, Southborough, Massachusetts.

Send comments to Honorable Donna L. McDaniel, Chairwomen of the Southborough Board of Selectmen, Southborough Town Hall, Box 241, 17 Commons Street, Southborough, Massachusetts 01772.

Massachusetts	Stockbridge, Town, Berkshire County.	Housatonic River	Downstream Corporate Limits	*747
			Upstream Breached Dam	*762
			Upstream side of Conrail	*773
			Downstream Glendale Dam	*794
			Upstream Glendale Dam	*816
			Downstream side of Glendale North Road	*822
			Upstream side of U.S. Route 7	*829
			Upstream Corporate Limits	*834

Maps available for inspection at the Town Clerk's Office, Stockbridge Town Hall, West Main Street, Stockbridge, Massachusetts.

Send comments to Honorable John A. Beacco, Jr., Chairman of the Stockbridge Board of Selection, Stockbridge Town Hall, West Main Street, Stockbridge, Massachusetts 01262.

Michigan	(Twp), Bedford, Monroe County	Halfway Creek	About 800 feet downstream U.S. High 25	*582
			Just downstream of Chessie System	*586
			Just upstream of Chessie System	*590
			About 1,750 feet downstream of Hickory Hill Road	*605
			Just downstream of Smith Road	*608
			Just upstream of Douglas Road	*611
			Approximately 1,290 feet upstream of Secor Road	*617
			Just downstream of western corporate limits	*633
		Indian Creek	Just upstream of Ann Arbor Railroad	*592
			Just downstream of Lewis Avenue	*606
			Just downstream of Jackman Road	*629
			Just downstream of Douglas Road	*656
			Just downstream of Temperance Road	*659
		Flat Creek	Just upstream of Mirix Road	*598
			Just downstream of Temperance Road	*616
			Just upstream of Ann Arbor Railroad	*620
			About 1,500 feet upstream Lewis Avenue	*621
		Kelley-Doty Drain	Approximate 1,100 feet downstream of Chessie System	*591
			Approximately 3,000 feet upstream of Sterns Road	*604
		Salter Drain	Confluence with Indian Creek	*620
			Just downstream of Jackman Road	*623
			Approximately 1,900 feet upstream of Jackman Road	*627
		Bragdon Ditch	Confluence with Indian Creek	*598
			Just downstream of Lewis Road	*601
			Just upstream of Lewis Road	*610
			Just downstream of Bernard Street	*627
			Approximately 1,400 feet upstream of Bernard Street	*631
		Spring Brook	Approximately 950 feet upstream of mouth at Halfway Creek	*612
			Just upstream of Sterns Road	*625
			Just downstream of Secor Road	*648
			Approximately 1,250 feet upstream of Monroe Road	*660

Maps available for inspection at the Clerk's Office, Bedford Township Hall, 8100 Jackman Road, Temperance, Michigan.

Send comments to Honorable Patricia Vozobule, Township Supervisor, Township of Bedford, Bedford Township Hall, 8100 Jackman Road, Temperance, Michigan 48182.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C), Hudson, Lenawee County	Bean Creek	Downstream corporate limits	*896
			Just upstream Mechanic Street	*900
			Just upstream old railroad grade	*905
			About 7,250 feet upstream old railroad grade	*909
		Shallow Flooding	Intersection of Market Street and Park Street	*898
	Maps available for inspection at the Clerk's Office, City Hall, 121 North Church Street, Hudson, Michigan.			
	Send comments to Honorable Joe O'Reilly, Mayor, City of Hudson, City Hall, 121 North Church Street, Hudson, Michigan 49247.			
Michigan	(C), Livonia, Wayne County	Upper Rouge River	At Inkster Road	*630
			Just upstream Inkster Road	*632
			Just downstream Eight Mile Road	*644
		Bell Branch	Just upstream of Inkster Road	*621
			About 1,390 feet downstream Merriman Road	*630
			Just upstream of Merriman Road	*633
			About 240 feet upstream confluence of Tributary Number 1	*647
			Just upstream Ellen Road	*653
		Beitz Drain	Just upstream mouth at Bell Branch	*642
			About 950 feet upstream confluence with Bell Branch	*643
			About 2,100 feet upstream 6 mile Road	*656
		Tributary No. 1	Just upstream mouth Bell Branch	*646
			About 0.83 mile upstream Six Mile Road	*681
		Tarabusi Creek	Just upstream mouth at Bell Branch	*623
			Just downstream Middlebelt Road	*630
			About 50 feet upstream Middlebelt Road	*635
			Just downstream Seven Mile Road	*660
			Just upstream Seven Mile Road	*664
			Just downstream of Eight Mile Road	*695
	Maps available for inspection at the Engineering Department, City Hall, 33000 Civic Center Drive, Livonia, Michigan.			
	Send comments to Honorable Edward McNamara, Mayor, City of Livonia, City Hall, 33000 Civic Center Drive, Livonia, Michigan 48154.			
Minnesota	(C), Oronoco, Olmstead County	Middle Fork Zumbro River	At the eastern corporate limit	*945
			Just downstream County Road 18	*948
			Just upstream Shady Lake Dam	*960
			At the western corporate limits	*964
		South Branch Middle Fork Zumbro River.	Confluence with Middle Fork Zumbro River	*961
			At the western corporate limit	*965
	Maps available for inspection at the City Hall, Oronoco, Minnesota.			
	Send comments to Honorable Gayle Cowden, Mayor, City of Oronoco, City Hall, Oronoco, Minnesota 55960.			
Minnesota	(C), Owatonna, Steele County	Straight River	At the downstream corporate limit	*1,129
			Just upstream of North Street	*1,132
			At Morehouse Park Dam	*1,137
			At the southern most corporate limit	*1,141
		Maple Creek	At the confluence with Straight River	*1,131
			About 215 feet upstream Cedar Avenue	*1,133
			Just upstream of Dartt's Park Dam	*1,137
			At the confluence with Maple Creek Tributary	*1,148
			Just upstream of Mineral Spring Park Dam	*1,167
			At upstream corporate limit	*1,170
		Maple Creek Tributary	About 450 feet downstream of Rose Street	*1,148
			Just downstream of Rose Street	*1,152
			Just upstream Rose Street	*1,158
			About 150 feet downstream Rice Lake Street	*1,159
			Just upstream Rice Lake Street	*1,174
			Just upstream School Street	*1,176
			About 950 feet downstream eastern corporate limit	*1,188
			About 740 feet downstream eastern corporate limit	*1,196
			At eastern corporate limit	*1,197
	Maps available for inspection at the City Hall, 540 West Hills Circle, Owatonna, Minnesota.			
	Send comments to Honorable John McGaherain, Mayor, City of Owatonna, City Hall, 540 West Hills Circle, Owatonna, Minnesota 55060			
New York	Afton, Town, Chenango County	Kelsey Brook	Village of Afton Corporate Limits	*987
			100' upstream of Algerine Street	*992
			900' upstream of Algerine Street	*996
			1,370' upstream of Algerine Street	*1,000
			1,960' upstream of Algerine Street	*1,004
			2,600' upstream of Algerine Street	*1,008
		Susquehanna River	Downstream Corporate Limits	*963
			2,800' upstream of Ives Hill Road (extended)	*968
			200' upstream of confluence with Landers Creek	*973
			Upstream Corporate Limits	*976
	Maps available for inspection at Town Hall, Main Street, Afton.			
	Send comments to Honorable Glenn Swart, Supervisor, 169 Main Street, Afton, New York 13730.			

Proposed 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	Afton, Village, Chenango County	Kelsey Brook	Confluence with Susquehanna River	*970
			550' upstream of Main Street (S.R. 7)	*970
			1,675' upstream of Main Street (S.R. 7)	*975
			2,485' upstream of Main Street (S.R. 7)	*980
			3,135' upstream of Main Street (S.R. 7)	*985
			3,500' upstream of Main Street (S.R. 7)	*987
		Susquehanna River	1,200' downstream of Evelyn Avenue	*968
			Maple Street (S.R. 41)	*969
			1,800' upstream of Maple Street (S.R. 41)	*970
			4,000' upstream of Maple Street (S.R. 41)	*971
	Maps available for inspection at Village Office, Main Street.			
	Send comments to Honorable Leland Kane, Mayor, Main Street, Afton, New York 13730.			
New York	Boston, Town, Erie County	Eighteen Mile Creek	Downtown Corporate Limits	*801
			Upstream of Spillway Dam	*812
			Upstream of Zimmerman Road	*817
			Approximately 4,600' upstream of Zimmerman Road	*825
			Approximately 9,500' upstream of Zimmerman Road	*835
			Approximately 12,500' upstream of Zimmerman Road	*845
			Approximately 16,600' upstream of Zimmerman Road	*855
			Shero Road	*860
			Approximately 3,200' upstream of Shero Road	*870
			Upstream of Polish Hill Road	*884
			Approximately 2,700' upstream of Polish Hill Road	*895
			Approximately 4,900' upstream of Polish Hill Road	*905
			Approximately 7,200' upstream of Polish Hill Road	*915
			Upstream of Mill Street	*924
			Spillway Dam 1,80' downstream of Trivett Road	*937
			Upstream of Trivett Road	*950
			Upstream of Corporate Limits	*976
	Maps available for inspection at the Town Hall, 8500 Boston State Road, Boston.			
	Send comments to Honorable David Zimmerman, Town Supervisor, Town Hall, 8500 Boston State Road, Boston, New York 14025.			
New York	Waterloo, Town, Seneca County	Seneca River	Upstream of the Corporate Limits Downstream	*448
			Upstream of Broadway Heights extended to Seneca River	*449
			Upstream Conrail crossing	*449
	Maps available for inspection at the Town Offices, 66 Virginia Street, 218 Genessee Street, Waterloo, New York.			
	Send comments to LaVerne Sessler, Town Supervisor, Town Hall, 66 Virginia Street, Waterloo, New York, 18165			
Ohio	(V), Brookville, Montgomery County.	Wolf Creek	At southern corporate limit	*986
			Just downstream Conrail	*1,019
	Maps available for inspection at the Village Clerk's Office, P.O. Box 8, 130 Main Street, Brookville, Ohio.			
	Send comments to Honorable Robert Apgar, Mayor, Village of Brookville, P.O. Box 8, 130 Main Street, Brookville, Ohio 45309.			
Ohio	(Unincorporated), Butler, County	Beals Run	About 160 feet upstream confluence with Indian Creek	*619
			About 180 feet upstream Ross Hove Road	*622
			Just downstream State Route 129	*626
			About 650 feet upstream State Route 129	*627
		Mill Creek	Just upstream Crescentville Road	*583
			About 100 feet upstream Crescentville Road	*585
			Just upstream Interstate 75 (Southbound)	*589
			About 316 feet upstream Interstate 75 (Southbound)	*592
			Just upstream Rialto Road	*595
			Just downstream State Route 747	*597
			Just upstream State Route 747	*599
			About 1.2 miles upstream State Route 747	*603
		Gregory Creek	Just upstream mouth at Great Miami River	*621
			Just downstream West Chester Road	*627
			Just upstream West Chester Road	*630
			Just downstream Kyles Station Road	*648
			Just downstream Milliken Road	*667
			Just upstream Milliken Road	*671
			Just downstream Maud Hughes Road	*298
			About 0.47 Mile upstream Maud Hughes Road	*703
		Browns Run	Just upstream mouth at Great Miami River	*655
			Just downstream Slouebig Road	*660
			About 265 feet upstream Sicebigh Road	*684
			Just downstream Meyers Road	*726
			Just upstream Meyers Road	*729
		Coldwater Creek	Just upstream mouth at Gregory Creek	*625
			About 150 feet downstream Van G Farms Drive	*630
			About 0.22 mile upstream of Van G Farms Drive	*635
		Elk Creek	Just upstream mouth at Great Miami River	*635
			Just upstream Sebald Park Bridge	*707
			About 160 feet downstream State Route 122	*725
			About 160 feet upstream State Route 122	*729
			About 160 feet upstream Elk Creek Road	*748

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Indian Creek	About 1.55 miles downstream State Route 128	*544
			Just downstream State Route 128	*560
			About 210 Feet upstream State Route 128	*562
			About 320 Feet downstream Hamilton-New London Road	*585
			Just upstream Hamilton-New London Road	*589
			About 370 feet downstream U.S. Route 27	*621
			Just upstream U.S. Route 27	*626
			About 4,170 feet upstream U.S. Route 27	*632
			About 5,500 feet upstream U.S. Route 27	*638
			Just downstream Cochran Road	*662
			Just upstream Cochran Road	*665
			About 211 feet downstream Garner Road	*695
			About 300 feet upstream Garner Road	*698
			About 0.42 mile upstream Garner Road	*711
			About 1.15 miles upstream Garner Road	*718
			About 210 feet downstream Reily-Millville Raod	*741
			Just downstream State Route 732	*747
			Just upstream State Route 732	*753
			About 600 feet upstream State Route 732	
		Dry Fork Whitewater River	About 2,140 feet downstream Confluence with Camp Run	*617
			About 264 feet downstream Race Lane Road	*626
			Just upstream Race lane Road	*632
			Just downstream Private Road	*643
			About 160 feet upstream Private Road	*645
			About About 1,060 feet upstream Okeana-Drewsburg Road	*654
		Sevenmile Creek	About 1.2 miles downstream Taylor School Road	*619
			Just upstream Taylor School Road	*639
			About 310 feet upstream U.S. Route 127	*684
			About 0.58 mile downstream State Road	*698
			About 125 feet downstream State Road	*702
			About 320 feet upstream Hamilton-Eaton Road	*747
			At county boundary	*762
		Great Miami River	Just upstream American Materials Railroad	*560
			About 150 feet upstream American Materials Railroad	*562
			About 3.6 miles upstream American Materials Railroad	*574
			About 2.6 miles downstream confluence with Four Mile Creek	*582
			About 1.1 miles downstream confluence with Four Mile Creek	*586
			About 0.25 mile upstream U.S. Route 127	*595
			Just upstream Woodedale Road	*615
			About 370 feet upstream State Route 73	*633
			At upstream county boundary	*662
		Four Mile Creek	About 0.35 mile downstream New Miami corporate limits	*597
			Just downstream New Miami corporate limits	*599
			About 0.27 mile upstream New Miami corporate limits	*602
			Just downstream of Eaton Road	*635
			About 320 feet upstream U.S. Route 177	*704
			Just upstream Darrtown Road	*714
			Just upstream Lanes Mill Road	*740
			About 0.39 mile downstream confluence of Lick Run	*771
			About 1,690 feet downstream Bonham Road	*789
			Just upstream Bonham Road	*795
			Just downstream State Road 732	*798
			Just upstream State Road 732	*800
			About 1.5 miles upstream State Route 732	*814

Maps available for inspection at the County Clerk's Office, Butler County Courthouse, 130 High Street, Hamilton, Ohio.

Send comments to Honorable C. Spencer Barkley, County Board Chairman, Butler County, Butler County Courthouse, 130 High Street, Hamilton, Ohio 45011.

Ohio	(V), Moraine, Montgomery County	Great Miami River	About 1,400 feet downstream of Sellars Road	*722
			About 1.6 miles downstream of Broadway	*727
			Just upstream of dam	*734
		Holes Creek	Mouth at Great Miami River	*722
			Just downstream of Springboro Pike	*727
			About 800 feet upstream of Springboro Pike	*729

Maps available for inspection at the City Clerk's Office, City Hall, 4200 Dryden Road, Moraine, Ohio.

Send comments to Honorable Harold L. Johnson, Mayor, City of Moraine, City Hall, 4200 Dryden Road, Moraine, Ohio 45439.

Ohio	(V), Riverside, Montgomery County.	Lilly Creek	Just downstream of Byesville Boulevard	*767
			About 900 feet upstream of Byesville Boulevard	*771

Maps available for inspection at the Village Clerk's Office, Riverside Village Hall, 1119 Harshman Road, Dayton, Ohio.

Send comments to Honorable Fred Kraft, Mayor, Village of Riverside, Riverside Village Hall, 1119 Harshman Road, Dayton, Ohio 45402.

Ohio	(C), Vandalia, Montgomery County.	Poplar Creek	Just upstream of Interstate 75	*844
			Just downstream of South Dixie Drive	*928
			Just upstream of South Dixie Drive	*941
			Just downstream of Private Road, upstream of South Dixie Drive	*944
			Just upstream of Private Road, upstream of South Dixie Drive	*952
			About 50 feet downstream of Elva Court	*956
			About 275 feet upstream of Elva Court	*968

Maps available for inspection at the City Clerk's Office, City Hall, 333 James E. Bohanan Drive, Vandalia, Ohio.

Send comments to Honorable M. Marvin Collins, Mayor, City of Vandalia, City Hall, 333 James E. Bohanan Drive, Vendalia, Ohio 45377.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C), West Carrollton, Montgomery County.	Owl Creek	At confluence with Great Miami River	*709
			About 100 feet downstream Conrail	*712
			Just upstream Conrail	*718
			Just upstream Alexandersville Road	*722
		Holes Creek	Just downstream of Conrail	*722
			Just upstream of Conrail	*725
			About 100 feet downstream Springboro Pike Road	*726
		Great Miami River	About 1,500 feet downstream of West Carrollton-Farmersville Road	*709
			At the confluence of Holes Creek	*722
		Shallow Flooding (Over-flow from Holes Creek and Owl Creek).	Area bounded by Conrail, Interstate 75, Redbuff Drive, Alexandersville Bellbrook Pike, and Vernell Drive.	*723
	Maps available for inspection at the City Clerk's Office, 41 East Central Avenue, West Carrollton, Ohio.			
	Send comments to Honorable Alfred Hinterminster, Mayor, City of West Carrollton, 41 East Central Avenue, West Carrollton, Ohio 45449.			
Pennsylvania	Shrewsbury, Township, York County.	South Branch Codorus Creek	Downstream Corporate Limits	*531
			State Route 616 approximately 1,050' upstream of Corporate Limits (Upstream).	*539
			Corporate Limits approximately 2,600' upstream of the confluence with Faust Creek.	*546
			Corporate Limits approximately 6,600' upstream of the confluence of Faust Creek.	*567
			T.R. 431 approximately 200' downstream of Trout Run (downstream)	*575
			T.R. 431 approximately 1,400' upstream of Trout Run (upstream)	*579
			State Route 616 approximately 2,500' upstream of Trout Run (downstream).	*594
			Commonwealth of Pennsylvania Railroad approximately 2,700' upstream of Trout Run (upstream).	*602
			Private Drive approximately 4,300' upstream of Trout Run (upstream)	*612
			Approximately 2,700' downstream of T.R. 420	*622
			Approximately 2,200' downstream of T.R. 420	*632
			Approximately 1,600' downstream of T.R. 420	*642
			Approximately 900' downstream of T.R. 420	*652
			T.R. 420 (upstream)	*670
			State Route 616 approximately 2,050' upstream of T.R. 420 (downstream).	*683
			State Route 616 approximately 2,050' upstream of T.R. 420 (upstream).	*688
			Commonwealth of Pennsylvania Railroad approximately 2,900' upstream of T.R. 420 (upstream).	*701
		Deer Creek	Five Forks Road (downstream)	*729
			Five Forks Road (upstream)	*731
			Private Drive approximately 2,300' upstream of Five Forks Road (upstream).	*744
			Stewartstown Railroad (downstream)	*757
			Private Drive approximately 400' upstream of Stewartstown Railroad (upstream).	*763
			Confluence of Tributary 1	*771
			Saddler Church Road (upsteam)	*781
			Approximately 1,250' upstream of Saddler Church Road	*790
			Private Drive approximately 2,950' upstream of Saddler Church Road (downstream).	*602
			Private Drive approximately 2,950' upstream of Saddler Church Road (upstream).	*806
			Wolfe Road (downstream)	*819
			Wolfe Road (upstream)	*823
			Approximately 900' upstream of Wolfe Road	*829
		Tributary 1	Confluence with Deer Creek	*771
			Private Drive approximately 900' upstream of the confluence with Deer Creek (upstream).	*779
			Private Drive approximately 1,600' upstream of the confluence with Deer Creek (upstream).	*786
			T.R. 441 approximately 2,140' upstream of the confluence with Deer Creek (upstream).	*797
			Stewartstown Railroad approximately 3,300' upstream of the confluence with Deer Creek (upstream).	*808
			Approximately 4,240' upstream of the confluence with Deer Creek	*818
	Maps available at the Shrewsbury Township Building.			
	Send comments to Honorable John J. O'Keefe, Chairman of the Board of Supervisors, R.D. 1, Glen Rock, Pennsylvania 17327.			
Texas	Humble, City, Harris County	West Fork San Jacinto River	Intersection of Route 59 and Corporate Limits	*65
			Confluence of Spring Creek	*66
		Spring Creek	Downstream Corporate Limits	*66
			Upstream Corporate Limits	*70
		Tributary A	Northbound U.S. 59	*65
		Tributary C	Downstream Corporate Limits	*66
			2,100' upstream of Corporate Limits	*71
			5,000' upstream of Corporate Limits	*79

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary D	Downstream Corporate Limits	*68
			Intersection of Wilson Road	*72
		Garners Bayou	1,000' upstream of Corporate Limits	*70
			Downstream of Southern Pacific Railroad	*75
			Upstream Corporate Limits	*77
		Reinhardt Bayou	Upsteam of confluence with Garners Bayou	*70
			Downstream of Upstream Corporate Limits	*72
	Maps available for inspection at City Hall, Humble.			
	Send comments to Honorable H. E. McKay, Mayor, P.O. Box 250, Humble, Texas 77338.			
Texas	Jersey Village, City, Harris County	White Oak Bayou	Downstream Corporate Limits	*104
			Upstream Corporate Limits	*110
		Tributary A	Confluence with White Oak Bayou	*108
			Upstream Southern Pacific Railroad	*113
			Upstream Corporate Limits	*116
		Tributary B	Confluence with White Oak Bayou	*110
			Upstream Corporate Limits	*115
	Maps available for inspection at City Hall, 16501 Jersey Drive, Jersey Village.			
	Send comments to Honorable John Lewis, Mayor, City Hall, 16501 Jersey Drive, Jersey Village, Texas 77040.			
Washington	Union Gap (City), Yakima County	Ahtanum Creek	100 feet upstream from the center of an unnamed road (which is approximately 0.82 mile above the mouth of Ahtanum Creek).	*962
		Wide Hollow Creek	Intersection of Creek and Main Street	*956
		Spring Creek	Area at east end of Washington Street (east of Main Street)	*957
	Maps available for inspection at City Hall, 102 West Ahtanum, Union Gap, Washington 98903.			
	Send comments to Honorable John P. Hodkinson, 102 West Ahtanum, Union Gap, Washington 98903.			
Wisconsin	(C), Boscobel, Grant County	Wisconsin River	About 500 feet downstream of U.S. Highway 61	*659
			About 300 feet upstream of U.S. Highway 61	*660
		Sanders Creek	About 1,600 feet upstream of Elm Street	*659
			About 100 feet upstream of Kansas Street	*669
			About 1,500 feet upstream of Freemont Street	*678
		Crooked Creek	About 400 feet southwest of Madison Street and U.S. Highway 61	*684
	Maps available for inspection at the City Clerk's Office, City Hall, 1031 Wisconsin Avenue, Boscobel, Wisconsin.			
	Send comments to Honorable Ernest Reynolds, Mayor, City of Boscobel, City Hall, 1031 Wisconsin Avenue, Boscobel, Wisconsin 53805.			
Wisconsin	(V), Cascade, Sheboygan County	North Branch Milwaukee River	Downstream corporate limit	*846
			About 300 feet downstream Milwaukee Avenue	*856
			Just upstream Milwaukee Avenue	*862
			Just upstream State Highway 28	*867
			Just upstream Francis Street	*873
			Just downstream North Avenue culvert	*884
			Just upstream Cascade Dam	*889
			Upstream corporate limit	890
	Maps available for inspection at the Village Clerk's Office, Village Hall, 515 Clark Street, Cascade, Wisconsin.			
	Send comments to Honorable Alvin Jaeckles, Village President, Village of Cascade, Village Hall, 515 Clark Street, Cascade, Wisconsin 53011.			
Wisconsin	(Unincorporated), Dunn County	Chippewa River	At southern county boundary	*725
			About 2.8 miles upstream County Highway "H"	*762
		Eau Galle River	Just upstream of the Eau Galle Dam	*778
			About 2.4 miles upstream from the Eau Galle Dam	*780
		Red Cedar River	At confluence with Chippewa River	*730
			About 200 feet upstream County Highway "D"	*775
			At the downstream City of Menomonie corporate limits	*787
			At the upstream City of Menomonie corporate limits	*816
			Just downstream Cedar Falls Dam	*830
			Just upstream Cedar Falls Dam	*879
			Just upstream Soo Line Railroad	*908
			About 6.0 miles upstream Village of Colfax corporate limits at the downstream side of Town Road.	*941
			About 6.0 miles upstream Village of Colfax corporate limits at upstream side of Town Road.	*946
			Just upstream State Highway 64	*982
			At northern county boundary	*1,004
		Wilson Creek	Just upstream of City of Menomonie corporate limits	*828
			Just upstream of County Highway "K"	*861
			About 1,700 feet upstream County Highway "O"	*911
		Hay River	At confluence with Red Cedar River	*880
			Just upstream Soo Line Railroad	*900
			Just upstream County Highway "FF"	*944
			Just upstream County Highway "F"	*984
			At northern County boundary	*1,011
		South Fork Hay River	At confluence with Hay River	*914
			About 600 feet downstream of confluence of Johns Creek	*962

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Town Road (about 2.1 miles upstream of State Highway 64).	*994
		Tiffany Creek	At confluence with South Fork Hay River	*933
			About 4,000 feet upstream confluence with South Fork Hay River	*939
		Eighteen Mile Creek	Just upstream County Highway "M"	*930
			Just downstream County Highway "A"	*966
		Elk Creek	Just upstream Elk Lake Dam	*814
			Just downstream County Highway "EE"	*852
Maps available for inspection at the Office of the Zoning Administrator, Dunn County Courthouse, 800 Wilson Avenue, Menomonie, Wisconsin.				
Send comments to Honorable Roger Hones, County Board Chairman, Dunn County, Dunn County Courthouse, 800 Wilson Avenue, Menomonie, Wisconsin 54751.				
Wisconsin	(C), Port Washington, Ozaukee County.	Sauk Creek	At mouth of stream	*584
			Approximately 100 feet upstream of South Wisconsin Street	*591
			Just upstream of footbridge, located approximately 1,400 feet downstream of Pierre Lane.	*616
			Approximately 400 feet upstream of Pierre Lane	*636
			Approximately 0.55 mile upstream of Pierre Lane	*671
			Approximately 0.73 mile upstream of Pierre Lane	*675
		Sucker Brook	At mouth of stream	*588
			Approximately 275 feet upstream of Lake Street	*594
			Just downstream of Hales Trail	*644
			Just upstream of Hales Trail	*661
			Just downstream of Norport Drive	*672
			Just upstream of Norport Drive	*678
			At northern corporate limits	*690
		Sauk Creek Tributary	At mouth of stream	*589
			Just upstream of private road	*593
			Just upstream of Division Street	*610
			Approximately 50 feet upstream of West Oakland Avenue	*618
			Just downstream of abandoned dam	*636
			Just upstream of abandoned dam	*643
			Just upstream of South Ravine Street	*650
			About 75 feet downstream of South Park Street	*657
			Approximately 100 feet upstream of South Park Street	*664
			Just downstream of Sunset Road	*688
		Lake Michigan	Shore line	*584
Maps available for inspection at the City Engineer's Office/Building Inspector, City Hall, 100 West Grand Avenue, Port Washington, Wisconsin.				
Send comments to Honorable George Lampert, Mayor, City of Port Washington, City Hall, 100 West Grand Avenue, Port Washington, Wisconsin 53074.				
Wisconsin	(V), West Salem, La Crosse County.	La Crosse River	Downstream corporate limit	*667
			Upstream corporate limit	*690
		Lake Neshonoc	Shoreline	*702
Maps available for inspection at the Office of the Village Clerk, Village Hall, 103 South Leonard Street, West Salem, Wisconsin.				
Send comments to Honorable Martin Hass, Village President, Village of West Salem, Village Hall, 103 South Leonard Street, West Salem, Wisconsin 54669.				

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: January 12, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4035 Filed 2-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5979]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations 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 to either 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: 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 and Hawaii call Toll Free Line (800) 424–9060), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Gonzales (City), Monterey County	Gonzales Slough	At intersection of Gonzales Slough and 5th Street	*135
		East Branch Gonzales Slough	20 Feet Downstream of the intersection of U.S. Highway 101 (South Bound Lane) and East Branch Gonzales Slough	*145
	Maps Available for inspection at City Hall, Gonzales, California			
	Send comments to Honorable Joseph Swenson, Post Office Box 647, Gonzales, California 93926.			
California	Siskiyou County (unincorporated areas).	Johnson Creek (Near Etna)		2,919*
		Etna Creek	Upstream side of state Highway 3 over the channel	#2
			Approximately 400 feet south of the intersection of the channel and state Highway 3.	
		Shasta River (Near Edgewood)	Upstream side of Southern Pacific Railroad over the channel	*2,943
		Yreka Creek (Near Yreka)	Approximately 150 feet south along the channel from its intersection with Sharps Road.	*2,684
		Moffett Creek (Near Fort Jones)	Approximately 100 feet east of the intersection of Fort Jones Highway and Scott River Road.	*2,725
			Douglas Avenue Bridge over the channel	*2,743
			Approximately 1,000 feet southwest along Marble View Drive from its intersection with State Highway 3.	*1
		Cottonwood Creek (Near Hornbrook).	Upstream side of Front Street over the channel	*2,161
		Indian Creek (Near Happy Camp).	Approximately 300 feet northwest of Deer Lick Creek confluence	*1,300
		Sacramento River (Near Dunsmuir)	Upstream side of Scherrer. Avenue over the channel	*2,247
		Klamath River (Near Happy Camp)	At Elk Creek confluence	*1,076
		Klamath River (Near Seiad Valley)	At confluence with West Grider Creek	*1,361
			Downstream side of State Highway 96 over the channel	*1,396
		humbug Gulch (Near Yreka)	Intersection of downstream county limits and channel	*2,748
		Seiad Creek	Approximately 500 feet north of the intersection of State Highway 96 and Old Seiad Creek Road.	#2
	Maps available for inspection at Public Works Building, 311 4th Street, Yreka, California.			
	Send comments to Honorable Mike Belcastro, 311 4th Street, Yreka, California 96097.			
California	Yreka (City), Siskiyou County	Yreka Creek	Montague Road over the channel	*2,571
			North edge of Raymond Street over the channel	*2,608
			South edge of Sharps Road over the channel	*2,684
			Intersection of South Main Street and West Oberlin Road	#1
		Humbug Gulch	East edge of Third Street over the channel	*2,590
			Intersection of Hearn Street and West Street	*2,641
		Greenhorn Creek	West edge of South Main Street over the channel	*2,685
			At the intersection of Greenhorn Road and South Main Street	#1
	Maps available for inspection at Planning and Building Office, 701 4th Street, Yreka, California.			
	Send comments to Honorable James Eckman, 701 4th Street, Yreka, California 96047.			
Maine	Gray, Town, Cumberland County	Royal River	Downstream Corporate Limits	*96
			Downstream Depot Road	*102
			Upstream Corporate Limits	*105
		Collyer Brook	Confluence with Royal River	*103
			2,100' upstream of Pineland Dam	*112
			Merrill Road (Upstream)	*120
			4,500' upstream of Merrill Road	*130
			3,800' downstream of Megquier Road	*139
			2,400' downstream of Megquier Road	*148
			1,300' downstream of Megquier Road	*155
			250' downstream of Megquier Road	*162
			1,300' upstream of Megquier Road	*172
			700' downstream of U.S. Route 202	*182
			Confluence of Eddy Brook	*189
			Weymouth Road (Upstream)	*199
			Maine Turnpike (Upstream)	*212
			100' upstream of Woods Road	*222
			500' upstream of Woods Road	*230
			1,250' upstream of Woods Road	*240
			1,900' upstream of Woods Road	*250
			2,900' downstream of State Route 26	*259
			1,450' downstream of State Route 26	
			800' downstream of State Route 26	*279
			Directly downstream of State Route 26	*290
			Upstream of State Route 26	*306
			North Raymond Road	*312
		Eddy Brook	Confluence with Collyer Brook	*189
			Corporate Limits (Upstream)	*195
		Pleasant River	Downstream Corporate Limits	*219
			1,500' downstream of Libby Road	*229
			Directly downstream of Libby Road	*233
			Directly upstream of Libby Road	*239
			Directly upstream of Windham Center Road	*247
			Directly downstream of Maine Turnpike	*252
		Thayer Brook	Confluence with Pleasant River	*224
			200' downstream of U.S. Route 202	*228

Proposed Base (100-Year) Flood Elevations—Continued

State	City town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary A	Confluence with Thayer Brook	*226
			250' downstream of U.S. Route 202	*230
	Maps available for inspection at the Gray Town Offices, Gray, Maine 04039.			
	Send comments to Honorable Richard Wood, Chairman of the Gray Town Council, Gray Town Office, P.O. Box 258, Gray, Maine 04039.			
Maine	Limington, Town, York County	Saco River	Downstream Corporate Limits	*224
			Upstream of State Route 25	*232
			5,000 upstream of State Route 25	*240
			downstream of State Route11	*255
			Approximately 725 upstream of State Route 11	*261
			Approximately 18,500 upstream of State Route 11	*270
			Upstream Corporate Limits	*278
		Little Ossipee River	Downstream of Hardscrabble Road	*277
			500 upstream of Hardscrabble Road	*238
			1,700 downstream of Milltum Road	*251
			1,300 downstream of Milltum Road	*260
			1,000 downstream of Milltum Road	*267
			Just downstream of Milltum road	*281
			Upstream of STate Roiute 117	*291
			Upstream Corporate Limits	*295
	Maps available for inspection at the Limington Town Hall, Limington, Maine.			
	Send comments to the Honorable Reginald Pulsiver, Chairman of the Limington Board of Selectmen, Limington Town Hall, Limington, Maine 04049.			
Minnesota	(C), Morristown, Rice County	Cannon River	At downstream corporate limits	*998
			At upstream corporate limits	*1,003
	Maps available for inspection at the City Hall, P.O. Box 362, Morristwon Minnesota.			
	Send comments to Honorable Jack O'Rourke, Mayor, City of Morristown, City Hall, P.O. Box 362, Morristown, Minnesota 55052.			
Minnesota	(Unincorporated), Steele County	Straight River	Just upstream Township Road at Northern County Boundary	*1,069
			Just upstream County Highway 45 (downstream crossing)	*1,079
			About 800 feet downstream Chicago, Rock Island and Pacific Railroad (2nd crossing)	*1,098
			Just downstream County Highway 34	*1,126
			About 200 feet downstream of U.S. Highway 14 (Westbound)	*1,141
			Just upstream County Highway 19	*1,148
		Ozone Creek	Confluence with Straight River	*1,091
			Just downstream Frontage Road	*1,091
		Maple Creek	At City of Owatonna corporate limits	*1,170
			Just upstream County Highway 35 (downstream crossing)	*1,178
			Just upstream County Highway 43	*1,195
	Maps available for inspection at the Steele County Administrative Annex, 590 Dunnell Drive, Owatonna, Minnesota.			
	Send comments to Honorable Robert Jurgeson, Chairman of the County Board, Steele County, Steele County Administrative Annex, 590 Dunnell Drive, Owatonna, Minnesota 55060.			
Minnesota	(C), Wanamingo, Goodhue County.	North Fork Zumbro River	At downstream corporate limits	*1,011
			Just downstream of Main Street	*1,015
			Just upstream of Main Street	*1,020
			At upstream corporate limits	*1,023
		Shingle Creek	Just downstream of Chicago Milwaukee St. Paul and Pacific Railroad	*1,024
			At upstream corporate limits	*1,040
	Maps available for inspection at the City Hall, P.O. Box 224 W, Wanamingo, Minnesota.			
	Send comments to Honorable Joel Frederickson, Mayor, City of Wanamingo, City Hall, P.O. Box 224 W, Wanamingo, Minnesota 55983.			
Minnesota	(C), Zumbro Falls, Wabasha County.	North Fork Zumbo River	At downstream corporate limits	*842
			At upstream corporate limits	*844
		Buckman Coulee	Just upstream U.S. Highway 63 (downstream corporate limits)	*842
			About 250 feet downstream of Main Street	*847
			At upstream corporate limits	*858
	Maps available for inspection at the City Hall, P.O. Box 100, Zumbro Falls, Minnesota.			
	Send comments to Honorable Ralph Odden, Mayor, City of Zumbro Falls, City Hall, P.O. Box 100, Zumbro Falls, Minnesota 55991.			
Mississippi	Town of Flowood, Rankin County.	Pearl River	Approximately 0.25 mile upstreamof Woodrow Wilson Road	*275
			Just downstreamof State Highway 25 (Lakeland Avenue)	*280
		Hog Creek	Just downstream of State Highway 475	*281
		Neely Creek (Main Channel-Left Channel)	Just downstream of State Highway 468 (Flowood Drive)	*269
			Just upstream of State Highway 468 (Flowood Drive)	*271
		Neely Creek (Right Channel)	Just upstream of State Highway 468 (Flowood Drive)	*271
			Just upstreamof the Illinois Central Gulf Railroad (downstream most crossing).	*271
		Needy Creek Tributary 2	Just upstream of confluence with Neely Creek (Left Channel)	*271
		Pearl River Tributary 1	Just upstream of North Flowood Drive	*281
		Prairie Banch Canal	Just upstream of Mangum Drive	*279
		Prairie Branch Tributary 1	Just upstream of Mangum Drive	*279
			Just downstream of State Highway 475	*281
	Maps available for inspection at Town Hall, Corner of First and Oak Street, Flowood, Mississippi 39208.			
	Send comments to Mayor Chastaine Flynt or Mr. E. C. Dewitt, Mayor Pro-Tem, Town Hall, Corner of First and Oak Street, Flowood, Mississippi.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Mexico	City of Belen, Valencia County	Shallow Flooding Ponding Area	Intersection of Castillo Avenue and 4th Street	*4,803
	Maps available for inspection at City Hall, 503 Becker Avenue, Belen, New Mexico 87002.			
	Send comments to Mayor Boleso Lovato or Mr. Bonafacio Lopez, City Manager, City Hall, 503 Becker Avenue, Belen, New Mexico 87002.			
Pennsylvania	Hopewell, Township, Beaver County.	Ohio River	Downstream Corporate Limits	*708
			Upstream Corporate Limits	*710
		Raccoon Creek	Downstream Corporate Limits	*767
			Upstream Beaver Valley Expressway	*771
			Upstream Corporate Limits (Second crossing)	*782
			Approximately 300' upstream of Upstream Corporate Limits (Thired crossing).	*790
		Trumpmill Run	Confluence with Raccoon Creek	*779
			Upstream Mill Street Culvert	*782
			Approximately 940' upstream Mill Street	*786
	Maps available for inspection at the Municipal Building, Clark Boulevard, Aliquippa, Pennsylvania.			
	Send comments to Honorable James Albert, Commission President of Hopewell, Clark Boulevard, Municipal Building, Aliquippa, Pennsylvania 15001.			
South Carolina	Town of City View, Greenville County.	Reedy River	Just downstream of West Washington Road	*938
			Just downstream of Bramlette Road	*933
	Maps available for inspection at City Hall, 1105 Woodside Avenue, City View, South Carolina 29611.			
	Send comments to Mayor Zimmie E. Meson or Ms. Dolores Strickland, City Clerk, City Hall, 1105 Woodside Avenue, City View, South Carolina 29611.			
South Carolina	Unincorporated areas of York County.	Steele Creek	Just upstream of State Road 270	*517
			Just upstream of U.S. Highway 21 Bypass	
			Just upstream of Interstate Highway I-77	*552
			Just downstream of State Road 22	*569
		Sugar Creek	Just upstream of State Road 36 (Dobys Bridge Road)	*490
			Just upstream of U.S. Highway 160	*509
			Just upstream of Southern Railway	*536
		Blankmanship Branch	Just downstream of Interstate Highway I-77	*552
			Just upstream of Interstate Highway I-77	*562
			Just downstream of State Road 22	*569
			NC-SC State Line	*612
		Jackson Branch	Approximately 100 feet downstream of State Road 22	*575
			Approximately 100 feet upstream of State Road 22	*578
			Just downstream of Interstate Highway I-77	*559
			Just upstream of Interstate Highway I-77	*562
		Jonnytown Branch	Just upstream of State Road 251	*515
		Catawba River	Confluence of Catawba River and Burgis Creek	*491
			Just upstream of Southern Railway	*509
			Just downstream of U.S. Highway 21	*506
			Just upstream of Interstate Highway I-77	*508
			Just downstream of Lake Wylie Dam	*513
		Burgis Creek	Just downstream of State Road 654 (Mac Road)	*559
			Just downstream of State Road 57 (Hope Well Road)	*577
		Manchester Creek	Approximately 200 feet downstream of Interstate Highway	*517
			Just upstream of Interstate Highway I-77	*519
			Approximately 200 feet downstream of Baskins Road	*533
			Just upstream of State Highway 122	*564
		Manchester Creek Tributary 1	Just upstream of Interstate Highway I-77	*519
			Just downstream of Evelyn Street	*536
		Big Dutchman Creek	Just downstream of Mt. Gallant Road	*513
			Just downstream of India Hook Road	*521
			Just upstream of Bonny Brook Drive	*527
		Little Dutchman Creek	Just upstream of India Hook Road	*535
			Aproximately 150 feet downstream of State Road 161	*555
			Just upstream of State Road 161	*560
		Little Dutchman Creek Tributary	Just downstream of Ebingport Road	*549
			Just upstream of Ebingport Road	*562
		Little Dutchman Creek Tributary 4	Just downstream of Twin Lakes Road	*565
			Just upstream of Twin Lakes Road	*572
		Stoney Branch	Just upstream of State Highway 243 (Neely Road)	*540
	Map available for inspection at Planning Department, South Congress Street, York South Carolina 29745.			
	Send comments to Judge Lee Allord or Mr. Gene Klugh, County Manager, York County Courthouse, 3 South Congress Street, York, South Carolina 29745.			
South Dakota	Hill City (Town), Pennington County.	Spring Creek	150 feet downstream from centerline of downstream most crossing of Harney Peak Avenue.	*4,996
			150 feet upstream from centerline of upstream most crossing of Harney Peak Avenue.	*4,978
			150 feet upstream from centerline of Polar Street	*4,996
	Maps available for inspection at City Hall, Hill City, South Dakota.			
	Send comments to Honorable Mary Cornelson, City Hall, Hill City, South Dakota 57745.			
Vermont	Hyde Park, Town, Lamoille County.	Beaver Meadow Brook	Confluence with Gihon River	*856
			Upstream of Town Highway 3	*858
			Approximately 3,300' upstream of Town Highway 3	*859
			Approximately 4,800' upstream of Town Highway	*864
			Approximately 650' downstream from Town Highway 26	*885
			Approximately 100' downstream from Town Highway 26	*914
			Upstream of Town Highway 26	*931
			Approximately 150' upstream of Town Highway 26	*933

Proposed Base (100-Year) Flood Elevations—Continued

State	City town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Gihon River	Downstream Corporate Limits	*828
			Downstream of State Route 100 C	*833
			Upstream of State Route 100 C	*837
			Approximately 1,300' upstream of State Route 100	*840
			Downstream of State Route 100	*848
			Upstream of State Route 100	*851
			Approximately 1,200' upstream of State Route 100	*855
			Approximately 2,750' upstream of State Route 100	*859
			Approximately 5,060' upstream of State Route 100	*868
			Upstream Corporate Limits	*870
		Lamoille River	Downstream Corporate Limits	*534
			Approximately 7,200' downstream from Bends Bridge	*537
			Upstream of Ten Bends Bridge	*542
			Approximately 2,150' upstream of Ten Bends Bridge	*543
			Upstream Corporate Limits	*545
	Maps available for inspection at the Hyde Park Town Offices, Hyde Par, Vermont.			
	Send comments to the Honorable Romain Godin, Chairman of the Hyde Park Board of Selectmen, Hyde Park Town Offices, Hyde Park, Vermont.			
Wisconsin	(C), Beloit, Rock County	Rock River	At downstream corporate limits	*737
			Just upstream Grand Avenue	*742
			About 160 feet downstream of Wisconsin Power and Light Dam and Spillway.	*744
			Just upstream of Wisconsin Power and Light dam and Spillway	*747
			At upstream corporate limits	*749
			About 2.8 miles upstream Henry Avenue	*750
		Turtle Creek	About 400 feet downstream Chicago, Milwaukee, St. Paul, and Pacific Railroad (near confluence with Rock River).	*738
			About 400 feet downstream State Street	*744
			About 500 feet upstream Prospect Street	*748
			About 100 feet downstream Chicago, Milwaukee, St. Paul, and Pacific Railroad (near Park Avenue).	*749
			Just upstream Manchester Street	*745
			About 0.63 mile upstream Manchester Street	*761
			About 0.2 mile downstream Milwaukee Road	*770
			Just upstream Milwaukee Road	*773
			About 370 feet upstream Cranston Road	*785
			At Shopiere Road	*796
		Spring Brook	About 0.5 mile downstream Chicago, Milwaukee, St. Paul and Pacific Railroad (railroad crossing located about 0.75 mile up stream Townhall Road.	*829
			About 220 feet upstream chicago, Milwaukee, St. Paul and Pacific Railroad.	*847
	Maps available for inspection at the Office of the City Manager, City Hall, 220 W. Grand, Beloit, Wisconsin.			
	Send comments to Honorable William Watson, City Council President, City of Beloit, City Hall, 220 W. Grand, Beloit, Wisconsin 53511.			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: January 16, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4096 Filed 2-3-81 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 549

[Docket No. 81-9 General; Order 29]

Regulations Governing Level of Military Rates; Temporary Suspension

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This Rule would suspend regulations governing rates quoted for the transportation of U.S. Department of Defense cargoes pursuant to Military Sealift Command requests for proposals RFP–1600, First Cycle commencing on October 1, 1981, and RFP–1600, Second Cycle commencing on April 1, 1982. This action is taken in light of the determination that military rates are no longer so low as to be detrimental to the commerce of the United States and with a view toward lessening the regulatory burden on U.S. flag operators.

DATES: Comments due March 6, 1981.

Comments (original and fifteen copies) and inquiries to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission proposes a temporary suspension of its regulations governing the level of military rates established in Part 549 of Title 46 of the Code of Federal Regulations, Federal Maritime Commission General Order 29.

The Commission's General Oder 29 (46 CFR 549) governing the level of military rates was published in the **Federal Register** on December 2, 1972 (37 FR 25720). The promulgation of these regulations resulted from a serious concern on the part of the Commission with the drastic downward trend of rates bid to the Military Sealift Command (MSC) by U.S. flag operators.

It was concluded that rates which did not recover "fully distributed cost" could be considered detrimental to the commerce of the United States. The Commission stated that U.S. Flag operators should not be required to do business with the Federal Government at a loss. The Commission held that such a situation could only result in a deterioration of service or an upward pressure on commercial rates and that both of these results could lead to a

situation detrimental to the commerce of the United States.

A recent study conducted by the Commission staff disclosed that the conditions that led to the promulgation of General Order 29 no longer exist. In most instances, rates offered the MSC for the transportation of military cargoes are substantially above cost. Consequently, with a view toward lessening the regulatory burden on U.S. flag operators engaged in the carriage of military cargoes, the Commission's regulations governing the level of military rates (46 C.F.R. 549; General Order 29) are hereby proposed to be suspended. This suspension would be in effect through the conclusion of RFP-1600, Second Cycle on September 30, 1982.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841(a)), the Commission proposes to amend Part 549 of Title 46 CFR by the addition of a new section as follows:

§ 549.9 Temporary suspension.

The provisions of this Part are suspended during the period October 1, 1981 through September 30, 1982.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-4084 Filed 2-3-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22 and 94

[SS Docket No. 79-18; RM-2824; RM-1635; RM-1849; RM-2045; FCC 80-751]

Multiple-Address Radio Systems, Allocation of Forty-eight 25 kHz Channels in the 900 MHz Range; and Establishment of a New Standard for Frequency Tolerance in the 952-960 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Third notice of proposed rulemaking.

SUMMARY: In response to a petition, the Commission proposes the reallocation of forty-eight 25 kHz channels in the 928-929 and 952-960 MHz band segments to the Private Operational-Fixed Microwave Service and the Domestic Public Land Mobile Radio Service for distribution automation and wide-area control and repeater operations, respectively. The spectrum from 928 to 929 MHz is presently reserved for Land Mobile. The 952-960 MHz band is currently allocated to the Private Operational-Fixed Microwave Service and the International Control Services.

EFFECTIVE DATE: Comments are due on or before February 18, 1981 and replies on or before March 5, 1981.

ADDRESS: Federal Communciations Commission 1919 "M" St., N.W. Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: George Sarver, Office of Science and Technology, Washington, D.C. 20554, (202) 653-7434—Room 7310.

Third Notice of Proposed Rulemaking

Adopted: December 18, 1980;

Released: January 14, 1981.

In the Matter of Amendment of Part 2 of the Commission's Rules governing frequency allocations, Part 22 of the Commission's Rules governing the Domestic Public Land Mobile Radio Service, and Part 94 of the Commission's Rules government the Private Operational-Fixed Microwave Service to allocate forty-eight 25 kHz channels in the 900 MHz range for multiple-address radio systems.

By the Commission: Commissioners Quello and Jones absent.

1. This rule making proceeding (SS Docket 79-18) was initiated in response to a petition submitted by the Utilities Telecommunications Council (UTC) requesting a spectrum allocation for energy distribution automation radio systems (RM-2824). A Notice of Proposed Rule Making, FCC 79-93, was adopted on February 14, 1979, and released on March 1, 1979, (44 FR 12221). A Further Notice of Proposed Rule Making was adopted on December 19, 1979, and released on January 10, 1980 (45 FR 2060). Both Notices proposed the allocation of channels for distribution automation in the Power Radio Service as well as for other Part 94 users for multiple addressed radio operations as requested by UTC. In a Report and Order adopted in this proceeding on December 4, 1980, we allocated channels for the exclusive use of the Power Radio Service for energy distribution automation. This Third Notice addresses the othe Part 94 users as well as other non-Part 94 users whose needs are technically similar to those of distribution automation.

2. The private users who are eligible under Part 94 of the Rules, but who are not part of the Power Radio Service, include Industrial, Public Safety and Land Transportation groups. Their needs for multiple address operations are varied and include some mobile as well as fixed uses. Among the possible fixed uses mentioned by UTC and the commenters were central station alarm, traffic light control, trucking, railroad classification yard operations, and petroleum and natural gas production field monitoring and control. The need for mobile frequencies are addressed in paragraph 10 of this Notice.

3. Telocator Network of America (TNA) filed both comments and reply comments to the Commission's original Notice asking that Radio Common Carriers (RCC's) be included among the users eligible to operate on the new frequencies. In its Further Notice, the Commission informally denied TNA's request for access to the new spectrum. Although the Commission did not order this denial, TNA filed a petition for reconsideration asking that the FCC reverse its decision and include common carriers in the new allocation.

4. As stated by Telocator in its Petition for Reconsideration, the Commission misinterpreted TNA's request as set forth in that party's comments and replies. Telocator had previously filed a petition for access to the 952-960 MHz band, for conventional point-to-point two-way RCC control and repeater operations. TNA's new request was aimed at satisfying the needs of multiple transmitter, wide-area and multi-city paging networks. Since the Commission in its first Notice had invited the public to suggest other appropriate uses with similar communications requirements which might share the proposed channels, Telocator sought to show the similarities between the radio control characteristics of an RCC wide-area paging system and those of a private user eligible under the new proposed Part 94 Rules. We have considered this matter further and are including Radio Common Carriers in this allocation.

5. Because the Commission is modifying its position insofar as an allocation to common carriers is concerned, and because the channels are being made available to "other" Part 94 users are somewhat different from those proposed previously, we thought it judicious to issue a third notice and to solicit public comment.

6. Telocator's suggestion that frequencies be made available to the RCC's as well as to the private users was filed in its comments. The fact that no party filing reply comments even addressed the common carrier issue does imply tacit approval; however, the Commission's negative response to TNA in the FNPRM may have misled some members of the public into not commenting since they believed that the Commission was not going to act favorably on the RCC's request.

7. We believe that Telocator has adequately demonstrated in its comments why wireline cannot be used to control multi-station paging systems. According to TNA, a typical wide-area paging network is comprised of a control point and remote multiple transmitters forming an arc. Simulcasting is used to reach all remote transmitters with an omnidirectional signal. As stated by TNA in its comments, the success of simulcasting depends upon an RCC being able to fire all transmitters in the network within extremely tight time and frequency tolerance. To link each transmitter to its control point by means of wireline would be inefficient and sometimes impractical as the problem of achieving proper phase delay and equalization over wireline facilities increases at the same rate as the number of transmitters in a system increases. TNA concludes, and we concur, that radio control is the most reliable, economical and available means of operating wide-area paging networks. UTC in its original petition made a similarly strong showing of how radio can provide more reliable and economical coverage with mass or individual addressing regardless of population density, climatic conditions or frequent changes in system configuration.

8. The Domestic Public Land Mobile Radio Service (DPLMRS) is authorized to conduct control and repeater operations in the 74 MHz (72–76), 460 MHz (450–460) and 2100 MHz (2110–2130 and 2160–2180) bands. Use of the 74 MHz band is restricted to locations where television channel 4 or 5 is not assigned, and the 460 MHz band is available strictly on a secondary basis and cannot be used at all in the vicinity of densely populated areas. The remaining 2100 MHz band may be used for point-to-point communications only, and therefore could not be used for omnidirectional control of a wide-area paging network. Based on the above information, Telocator has convinced the Commission that existing Common Carrier allocations are inadequate and/or inappropriate to fulfill the needs of the relatively large number of base stations operating in the full duplex mode, independent of one another, in a wide-area paging system. The Commission is therefore modifying the position it advanced in its Further Notice, and is proposing to satisfy Telocator's request.

9. This Notice proposes the reallocation [1] of forty-eight 25 kHz channels as follows (see Appendix):

a. Twelve unpaired [2] channels (928.8625–928.9875 and 959.8625–959.9875 MHz) to the Fixed Service for Common Carrier use in wide-area paging operations (Part 22).

b. Fourteen paired channels (928.0125–928.3375 and 952.0125–952.3375 MHz) and eight unpaired channels (956.2625–956.4375 MHz) to the Fixed Service for use by all persons eligible under Part 94 of the Rules. Power Radio Service users would be eligible for these channels only if all other Power Radio Service frequencies are utilized in the area.

The twelve channels described in "a" above will be available to Part 94 users if the channels in "b" are exhausted in a given area. Likewise the thirty-six channels (14 pairs and eight single channels) listed in "b" will be available to Part 22 users if the latter should exhaust the channels listed in "a" in a given area. It is our intention in making this allocation to maximize the use of the spectrum by making it available to whoever needs it most. We have therefore provided room for expansion by sharing after an initial allocation has been exhausted. We hope that in so doing we have provided for more flexibility at some future date than would have existed had we allocated blocks of spectrum for exclusive Common Carrier or private use.

10. In our Further Notice, we indicated that we would not allow mobiles to use the newly allocated spectrum, as was suggested in the comments. The American Gas Association (AGA) asked that we reconsider our decision. AGA stated that the development of mobile units for meter reading is just beginning, and that many distribution automation functions will be accomplished by these mobile systems. UTC supported AGA, proposing that "mobile master station" operation be permitted on a case-by-case basis, if it can be shown that mobile requirements cannot be met on existing mobile allocations, and that the mobile systems will not cause interference to existing or applied for stations. Standards Oil Company (Indiana) also requested that mobile master stations be allowed. As indicated in the Report and Order in regard to the use of the 952 MHz master station frequencies by mobile stations, we have reconsidered our decision in the light of these arguments and we agree that, in certain cases, there is some merit in allowing limited mobile operation, such as in remote areas, or when low power equipment and directional antennas are used. Therefore, notwithstanding the fact that this allocation is primarily for fixed stations, we are proposing to permit the use of the eight unpaired 956 MHz frequencies by mobile stations on a secondary basis. Systems utilizing mobiles, however, will be limited to single frequency one-way or two-way operations, the latter being for transmission from a master station and a subsequent response, on the same frequency, by the remote station.

11. In the original Notice in this proceeding, we proposed a transmitter frequency tolerance of ±0.0004% as was suggested by UTC in its March 1, 1978, amendment to petition RM–2824. In commenting on this proposal, H.F. Systems proposed a relaxed frequency tolerance which would permit more economical systems in the less populated rural areas. Since this would have required two sets of equipment standards, one for "urban" equipment and one for "rural" equipment, as well as categorization of areas with respect to population density, we proposed the tolerance of 0.0005% which currently existed in the rules. This tolerance was subsequently adopted by the Commission in the Report and Order adopted on December 4, 1980. The adoption of this tolerance has the dual benefit of minimizing the number of frequency tolerances allowed in a given frequency band and allows the use of more economical equipment. Minimizing the number of tolerances facilitates administrative control, equipment type acceptance and enforcement as well as allowing the use of a smaller tolerance if a greater information bandwidth is required within the 25 kHz authorized bandwidth. However, due to the record developed in this proceeding, as well as information available regarding tolerances presently achieved by land mobile systems operating in adjacent bands we are proposing to tighten the allowable tolerance for equipment in the 952–960 MHz band from ±0/0005% to ±0.00015%. We have had sufficient experience with the Land Mobile Services using 0.00015% to believe that this new tolerance for fixed operations in the 952–960 MHz band is achievable.

12. Based on the information developed in this proceeding and the land mobile experience with this tolerance, we believe that the cost/benefit tradeoffs associated with this change definitely make the change to the new tolerance desirable. As an example of the benefits, the new tolerance will enable the users to obtain better adjacent channel interference

[1] Under the present Rules, the band 928–947 MHz is "reserved" for Land Mobile and the band 952–960 MHz is allocated to the Private Operational-Fixed Microwave Service and the International Control Services.

[2] These 12 channels may be paired, if so desired, since there is a 31 megahertz separation between the lower six and the upper six.

protection or more channel capacity through the use of higher data rates. Although we don't anticipate significant cost impact, we specifically solicit comments regarding any increase in equipment or system cost this proposed change might generate, and on the advantages and disadvantages of maintaining two sets of tolerance for the multiple addressed radio systems. We also solicit your comments regarding the necessity for a grandfather period and what the length of this period should be.

13. Some of the comments expressed concern about the necessity for frequency coordination when applying for frequencies that are available to all eligible Part 94 users. Since we are proposing that these frequencies also be used for multiple address systems, we are proposing the same separation criteria that were proposed for the Power Radio Service and that are further addressed in Appendix B of the Report and Order. We are also proposing that these same criteria be used for the Common Carrier use of these frequencies in multiple address systems. When it becomes necessary for a Radio Common Carrier to apply for those frequencies originally allocated to Part 94 users, it is proposed that the Common Carrier must, before filing, follow the coordination procedures that are adopted as a result of the Report and Order.

14. For the 12 frequencies that are to be available to the Common Carriers we are proposing a separation criteria of 70 miles between control stations instead of the 70-mile separation between service areas that is proposed for the reuse of the Part 94 frequencies. We specifically solicit comments regarding the suitability of this criteria, keeping in mind the desire to achieve spectrum efficiency through maximum frequency reuse.

15. It is proposed that when the Common Carrier's apply for the use of the 12 frequencies being proposed for the Domestic Public Land Mobile Radio Service that the licensing procedures presently set forth in Part 22 of the Rules be followed. If it becomes necessary for the Part 94 users to apply for any of the 12 frequencies allocated to the DPLMRS, it is proposed that these applicants must file with the Commission with the frequencies requested being placed on public notice for comment. If any of these frequencies are assigned to a Part 94 user, the Part 94 separation criteria would apply.

16. For the 12 Common Carrier frequencies, we are proposing the same transmit power criteria that is specified in Rule § 22.501(i)(3) for control and repeater stations in the lower frequency bands. Thus, the maximum effective radiated power for the control and repeater stations will be limited to 150 watts. For Part 94 use of these frequencies the power limitations specified in the Report and Order would apply. Your comments regarding the suitability of these limits are requested.

17. Finally, for Common Carrier use of the 12 Common Carrier frequencies we are proposing the same directional antenna limitations for the control and repeater stations that are specified in Rule § 22.108. It should be noted that the directional antenna requirements will also apply to the receive only antennas used in one-way paging systems. This will allow more efficient frequency reuse with less potential for interference.

18. In the Report and Order in this proceeding, which allocates spectrum for the Power Radio Service, we indicated that our own analysis and survey of available literature convinced us that modulation techniques that would increase spectral efficiency were available. The record, however, was inadequate in regard to cost and reliability. In that Report and Order we established a channel bandwidth of 25 kHz. In this Third Notice, we remain concerned about spectrum efficiency, especially the inefficiency of using 25 kHz of spectrum for a single voice or 2400 bp/s data channel. As evidence of our concern we are, in a separate proceeding,[3] exploring the means and possibility of introducing new narrow band technology to achieve greater spectrum efficiency in single channel voice transmissions. Although we are seeking comments on a proposal to establish 25 kHz channels in this Third Notice, we are not prepared to implement this proposal without further information and comment regarding the availability and suitability of more spectrally efficient modulation techniques. If comments convince us that it would be impractical to introduce new technology at this time, we expect to limit the use of such channels to a given period of time and therefore seek comments as to how new technology might be phased in.

19. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contracts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission's official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

20. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before February 18, 1981, and reply comments on or before March 5, 1981. All relevant and timely 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. A summary of the Commission's procedures governing ex parte contracts in informal rulemakings is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

21. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

[3] See Notice of Inquiry in Docket 80-440, FCC 80-484, released September 9, 1980.

22. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact George Sarver (202) 653–7434.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 22 and 94 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

Part 2—Frequency Allocation and Radio Treaty Matters, General Rules and Regulations

1. In § 2.106, the Table of Frequency Allocations is amended as follows:

§ 2.106 Table of frequency allocations.

Band (MHz)	Service	Class of station	Frequency	Nature of service of stations
7	8	9	10	11
* * *	* * *	* * *	*	*
928–929 (NG–120)	FIXED	Operational fixed. Domestic fixed public		
929–947	LAND MOBILE			Reserve.
* * *	* * *	* * *	*	*
952–960 (NG 10) (NG 120)	FIXED. Mobile (multiple address systems).	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed. Domestic fixed public.		
* * *	* * *	* * *	*	*

2. In the list of footnotes immediately following the table in § 2.106, footnote NG 120 is changed to read as follows:

* * * * *

NG 120 Frequencies in the 928–929 and 952–960 MHz bands may be assigned for multiple address systems as specified in Parts 22 and 94.

* * * * *

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

In § 94.65, paragraph (a)(1), is revised to read as follows:

94.65 Frequencies.

* * * * *

(a) 928–929 and 952–960 MHz.

(1) 25 kHz maximum bandwidth.[1] Persons licensed on these frequencies as of January 1, 1981, may continue to operate as licensed until January 1, 1991.

[1] When required, upon justification, two adjacent channels may be assigned to provide a 50 kHz bandwidth.

Remote transmit	Master transmit
Paired Frequencies (MHz)	
928.0125	[1] 952.0125
928.0375	[1] 952.0375
928.0625	[1] 952.0625
928.0875	[1] 952.0875
928.1125	[1] 952.1125
928.1375	[1] 952.1375
928.1625	[1] 952.1625
928.1875	[1] 952.1875
928.2125	[1] 952.2125
928.2375	[1] 952.2375
928.2625	[1] 952.2625
928.2875	[1] 952.2875
928.3125	[1] 952.3125
928.3375	[1] 952.3375
928.3625	[2] 952.3625
928.3875	[2] 952.3875
928.4125	[2] 952.4125
928.4375	[2] 952.4375
928.4625	[2] 952.4625
928.4875	[2] 952.4875
928.5125	[2] 952.5125
928.5375	[2] 952.5375
928.5625	[2] 952.5625
928.5875	[2] 952.5875
928.6125	[2] 952.6125
928.6375	[2] 952.6375
928.6625	[2] 952.6625
928.6875	[2] 952.6875
928.7125	[2] 952.7125
928.7375	[2] 952.7375
928.7625	[2] 952.7625
928.7875	[2] 952.7875
928.8125	[2] 952.8125
928.8375	[2] 952.8375
Unpaired Frequencies (MHz)	
928.8625[3]	956.2625[4] 959.8625
928.8875[3]	956.2875[4] 959.8875
928.9125[3]	956.3125[4] 959.9125
928.9375[3]	956.3375[4] 959.9375
928.9625[3]	956.3625[4] 959.9625
928.9875[3]	956.3875[4] 959.9875
	956.4125[4]
	956.4375[4]

[1] Available primarily to all persons eligible under Part 94 for use in multiple address radio systems. Available to the Power Radio Service only if the frequencies in footnote[2] are exhausted in a particular geographic area. Available for shared use by Part 22 Domestic Public Land Mobile Radio Service users only if frequencies in footnote[3] are exhausted in a particular geographic area.

[2] Available only to persons eligible under § 90.63 for licensing in the Power Radio Service for use in multiple address electric, gas, water, or steam utility distribution automation system operation.

[3] Available primarily for Part 22 Domestic Public Land Mobile Radio Service users. Available for shared use by Part 94 users only if the frequencies noted in footnote[1] are exhausted in a particular geographic area. These frequencies may be assigned for paired or unpaired multiple address system use in one-way or two-way systems. If paired, the lower frequency shall be for the remote unit use.

[4] Available to all persons eligible under Part 94 for single frequency multiple address systems utilizing one-way or two-way fixed operations. Also available to all persons eligible under Part 94 single frequency multiple address systems utilizing one-way or two-way mobile operations on a secondary basis.

PART 22—PUBLIC MOBILE RADIO SERVICES

Section 22.501 is amended by revising paragraph (g) to read as follows:

§ 22.501 Frequencies.

* * * * *

(g)(1) The frequencies listed in this paragraph are available for assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service. A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emission of the repeater station is under operational surveillance of the land mobile system's operating personnel.

890–960 MHz Band [1]

928.8625
928.8875
928.9125
928.9375
928.9625
928.9875
959.8625
959.8875
959.9125
959.9375
959.9625
959.9875

(2) Upon an affirmative showing that the frequencies shown in § 21.501(g)(1) are not available, the following frequencies (in Private Operational-Fixed Microwave Service) may be authorized for assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service on a shared basis with fixed stations in the Private Operational-Fixed Microwave Service. A repeater station normally will not be

[1] Except as indicated above, new control and repeater stations will not be authorized in the 890–940 MHz band. However, stations which were authorized to operate on such frequencies on April 16, 1958, may be granted renewed licenses subject to the following conditions:

Operations shall not be protected against any interference received from the emission of industrial, scientific and medical equipment operating on 915 MHz or from the emission of radiolocation stations in the 890–942 MHz band.

No harmful interference shall be caused to stations operating in the radiolocation service in the 890–942 MHz band.

authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emission of the repeater station under the operational surveillance of the land mobile system's operating personnel.

Paired Frequencies		890–960 MHz band [1]
928.0125	952.0125	956.2625
928.0375	952.0375	956.2875
928.0625	952.0625	956.3125
928.0875	952.0875	956.3375
928.1125	952.1125	956.3625
928.1375 [4]	952.1375	956.3875
928.1625	952.1625	956.4125
928.1875	952.1875	956.4375
928.2125	952.2125	
928.2375	952.2375	
928.2625	952.2625	
928.2875	952.2875	
928.3125	952.3125	
928.3375	952.3375	

[1] Except as indicated above, new control and repeater stations will not be authorized in the 890–940 MHz band. However, stations which were authorized to operate on such frequencies on April 16, 1958 may be granted renewed licenses subject to the following conditions:

Operations shall not be protected against any interference received from the emission of industrial, scientific and medical equipment operating on 915 MHz or from the emission of radiolocation stations in the 890–942 MHz band.

No harmful interference shall be caused to stations operating in the radiolocation service in the 890–942 MHz band.

(3) The reassignment of frequencies operating in the 928.8625–928.9875 and 959.8625–959.9875 MHz bands shall be governed by the following criteria:

(i) The separation between co-channel control stations shall be 70 miles.

(ii) Exceptions to the geographic separation standard in paragraph (g)(3)(i) of this section will be approved only if an engineering analysis is submitted that shows conclusively that no interference will be caused to either system. In this case a developmental authorization will be issued for one year. If no interference is experienced during this period, the licensee may submit an application for a permanent authorization.

* * * * *

[FR Doc. 81-4078 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-33; RM-3663]

FM Broadcast Station in Kingwood, W. Va.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 244A to Kingwood, West Virginia, in response to a petition filed by Preston Communications. The assignment could provide Kingwood with its first local FM assignment.

DATES: Comments are due on or before March 23, 1981, and reply comments on or before April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653–7586.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Kingwood, West Virginia), BC Docket No. 81–33, RM–3663.

Notice of Proposed Rule Making

Adopted: January 22, 1981.

Released: February 3, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Preston Communications (petitioner), proposing the assignment of FM Channel 244A to Kingwood, West Virginia, as that community's first FM assignment. No comments in response to the petition were received.

(b) The channel can be assigned in compliance with the minimum distance separation requirements.[2]

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Kingwood, the seat of Preston County, is located 208 kilometer (130 miles) northeast of Charleston, West Virginia.

(b) *Population:* Kingwood—2,550; [3] Preston County—25,455.

(c) *Local Aural Broadcast Service:* Kingwood currently has no local aural broadcast service. Preston County has one broadcast station, WFSP (AM), which is located approximately one mile west of Kingwood, and broadcasts during the daytime only.

3. *Economic Considerations:* Petitioner asserts that Kingwood is the largest and most active community in the area. According to petitioner, the community's economy is primarily based on light industry, coal, lumber, buckwheat, hay, grain, potatoes, livestock, poultry, and dairy products, in addition to a growing tourist trade. Petitioner estimates that approximately 175 businesses and professionals are licensed within the Kingwood city limits, and that 45 to 50 percent of the county's retail sales take place in the Kingwood area. The need for a fulltime FM station in Kingwood, as described by the petitioner, results from the severe weather conditions present in the area during the winter. Because the only broadcast station in the area begins operation at 7:15 a.m., many area residents fail to receive timely weather reports. Nighttime coverage of news, sporting events, and public affairs will also fill a programming void, according to the petitioner.

4. *Preclusion Study:* The petitioner asserts that the assignment of Channel 244A to Kingwood would not have any preclusive effect on adjacent channels because all such channels are already precluded by existing stations, unoccupied assignments, or pending rule making proposals.

5. Because Kingwood is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 244A to Kingwood, West Virginia, requires coordination with the Canadian government.

6. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to Kingwood, West Virginia, as follows:

City	Channel No.	
	Present	Proposed
Kingwood, West Virginia		244A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and*

[1] Public Notice of the petition was given on May 20, 1980, Report No. 1229.

[2] The assignment of Channel 244A to Kingwood conflicts with a petition for rule making seeking the assignment of the same channel to Elkins, West Virginia (RM–3716). The distance between Kingwood and Elkins, is approximately 62 kilometers (38 miles), but the required separation for co-channel Class A operations is 104 kilometers (65 miles). Because other Class A FM assignments are available in Elkins, we are proposing a different assignment for Elkins in a separate proceeding.

[3] Population figures are taken from the 1970 U.S. Census.

73.606(b) of the Commission's Rules, — FR ———, published ————, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653–7586. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assigment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promply. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in the proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice of this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be serve on the petitioner by the person filing the comments. Reply comments shall be served on the persons(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply, comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-4159 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-37; RM-3674]

FM Broadcast Station in Liberal, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes to assign two Class C FM channels (268 and 298) to Liberal, Kansas, and to modify the licenses of Stations KSLS and KEZS to specify operation on the newly assigned channels. The action was initiated in response to a petition filed by Lawrence E. Steckline, licensee on Station KSLS in Liberal and comments filed by Seward County Broadcasting Company, Inc.

DATES: Comments must be filed on or before March 23, 1981 and reply comments must be filed on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653–7586.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Liberal, Kansas), BC Docket No. 81–37 and RM–3674.

Notice of Proposed Rulemaking

Adopted: January 22, 1981.

Released: February 2, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Lawrence E. Steckline ("petitioner"), licensee of Station KSLS(FM) in Libral, Kansas, proposing the replacement of Channel 257A with Class C FM Channel 268 at Liberal and modification of its license from Channel 257A to specify Channel 268.[2]

(b) The Proposed channel can be assigned to Liberal in compliance with the minimum distance separation requirements.

(c) Seward County Broadcasting Company, Inc. ("Seward"), licensee of Stations KSCB and KEZS(FM) at Liberal, filed a partial opposition to the petition, stating that it would also apply for the Class C assignment and that petition's license, therefore, should not be modified to specify Channel 268. In reply to the partial opposition, petitioner notes that several Class C assignments are available for Liberal, and that Seward could petition the commission for another assignment. Rather than wait for Seward to prepare a separate petition and thus initiate another round of pleadings, we are proposing herein to assign a second Class C channel,

---

[1] Public Notice of the petition was given on May 28, 1980, Report No. 1230.

[2] We have substituted Channel 268 for the channel originally requested by petitioner, Channel 264, to avoid short spacing with a requested assignment of Channel 264 to Hoisington, Kansas (RM-3748). Channel 264 is one of only two remaining Class C channels available at Hoisington, whereas there are several remaining channels available for assignment at Liberal. This substitution, in our opinion, best meets the statutory mandate to ". . . provide a fair, efficient, and equitable distribution of radio service . . ." as provided in § 307(b) of the Communications Act of 1934, as amended.

Channel 298, to Liberal, and modify the license of Station KEZS to specify operation on that channel. Channel 298 can be assigned to Liberal in compliance with the minimum distance separation requirements.[3]

2. *Demographic Data:*

(a) *Location:* Liberal, the seat of Seward County, is located approximately 328 kilometers (205 miles) west of Wichita, Kansas.

(b) *Population:* Liberal-13,471;[4] Seward County—15,744.

(c) *Local Aural Broadcast Service:* Liberal is presently served by two AM radio stations, daytime only Station KLIB and full-time Station KSCB, and two Class A FM Stations, KSLS and KEZS.

3. *Economic Considerations:* Petitioner asserts that by 1975, the population of Liberal had grown to 14,533. Beyond Liberal, we are told that Seward and the adjacent countries are very sparsely populated. Agriculture is the area's main business. According to petitioner, Liberal has been and remains the major community of southwest Kansas. Statistics are presented by petitioner showing Liberal's economic dominance in the southwest Kansas area. Also, the only commercial airport serving the five county southwest Kansas area is located at Liberal.

4. Petitioner notes that Station KSLS provides agricultural information, discussion and commentary service, but that many of the farm populations are currently beyond the reach of the station. KSLS is affiliated with the Mid-America Ag-Network which is owned by petitioner. The network's programs, as well as those originated by KSLS, would be available to many of the outlying farm areas if KSLS operated on a Class C frequency. Additionally, petitioner avers that Liberal is a community with the size and attributes to which the Commission is now more frequently assigning Class C channels.

5. *Preclusion Study:* Although petitioner did a preclusion study for the channel initially proposed, Channel 264, no studies have been submitted for the channels currently being proposed. However, petitioner notes that there is little doubt that alternate channels would be available for use at all the precluded locations currently without assignments because its search for channels for use in the precluded areas found that 6 Class A channels and 7 Class C channels meet the spacing requirements.

6. In the event additional interests are expressed in the Class C channels here proposed, petitioner's and Seward's licenses may not be modified to specify operation on Channels 268 and 298, respectively. According to Commission policy, as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), other parties must be afforded an opportunity to state their interest in applying for a newly assigned Class C channel.[5] In this rule making, we are proposing to modify the licenses of Stations KSLS and KEZS.

7. We have determined that *Orders to Show Cause* to the petitioner and Seward are not necessary because consent to the modifications of the licenses is indicated by the parties' stated interests in Class C stations in Liberal.

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the named community, as follows:

Community	Channel No.	
	Present	Proposed
Liberal, Kansas	257A, 268A	268, 298

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* —— FR ——— published ————, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a

[3] We note that proposing two Class C assignments would remove a potential intermixture problem.

[4] Population figures are taken from the 1970 U.S. Census.

[5] We do note that still other Class C channels could be assigned to Liberal upon a proper showing being made.

different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), and (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-4160 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 285; RM-3511 and RM-3755]

FM Broadcast Stations in Yakima, Ellensburg, Quincy, Wash.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making.

SUMMARY: This action seeks comment on a proposal to assign FM Channel 257A to Yakima, Washington; reassign Channel 276A from Quincy, Washington, to Ellensburg, Washington; and assign Channel 244A to Quincy, Washington. These assignments are proposed in response to requests from Read Broadcasting, and Tri-County Broadcasting.

DATES: Comments must be filed on or before March 23, 1981; Reply comments must be filed on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Yakima, Ellensburg,[1] and Quincy,[1] Washington), BC Docket No. 80-285, RM-3511 and RM 3755.

Further Notice of Proposed Rule Making

Adopted: January 22, 1981.

Released: February 2, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has before it a *Notice of Proposed Rule Making*, 45 FR 43812, published June 30, 1980, proposing the assignment of FM Channel 257A to Yakima, Washington, as that city's fifth FM assignment. The *Notice* was issued in response to a petition filed by Read Broadcasting ("petitioner"). On August 18, 1980, a counterproposal was filed by Tri-County Broadcasting ("Tri-County"), seeking the assignment of Channel 257A to Ellensburg, Washington, and proposing the assignment of Channel 228A to Yakima.[2]

2. Petitioner responded to the counterproposal of Tri-County by suggesting an alternative assignment plan which it alleges is a more efficient use of the broadcast spectrum. Petitioner states that reassigning unused Channel 276A from Quincy to Ellensburg would be preferable because it would allow the location of the transmitter site at or near the eastern city limit of Ellensburg. This site would be in the same vicinity as the existing Ellensburg FM station, thereby providing nearer equality of coverage between the two signals. Petitioner asserts that either Channel 224A or 244A could replace the deleted assignment at Quincy. In a further comment, Tri-County gave approval of the assignment plan proposed by petitioner and states that if Channel 276A is assigned to Ellensburg, it will apply for authority to build a station for that channel.

3. The assignments, as proposed by petitioner can be made in compliance with the minimum distance separation requirements with the following site restrictions:

Yakima, Channel 275A—8.5 kilometers (5.3 miles) southeast;

Ellensburg, Channel 276A—1.1 kilometers (0.7 miles) east;

Quincy, Channel 224A—2.7 kilometers (1.7 miles) north;

Quincy, Channel 244A—2.1 kilometers (1.3 miles) north.

4. Ellensburg (population 13,568),[3] the county seat of Kittitas County (population 25,029), is located approximately 150 kilometers (92 miles) southeast of Seattle, Washington. The city currently receives local aural service from one full-time AM station and one FM station. According to Tri-County, the local economy is supported primarily by agri-business, food processing, education, and lumbering. Tri-County has presented numerous facts and statistics demonstrating the city's need for an additional FM assignment.

5. The Commission believes that the assignment plan submitted by petitioner and agreed to by Tri-County has merit but we must give notice and seek public comment on these revised proposals before their adoption. In its comments, Tri-County should submit a study regarding the preclusion to be caused by the assignment of Channel 276A to Ellensburg. We have proposed the substitute assignment of 244A to Quincy since that channel involves less restriction on transmitter site availability.

6. Because Yakima, Ellensburg and Quincy are located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignments require coordination with the Canadian Government.

7. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the listed communities as follows:

City	Channel No.	
	Present	Proposed
Yakima, Washington	233, 252A, 281, 297	233, 252A, 257A, 281, 297
Ellensburg, Washington	237A	237A, 276A
Quincy, Washington	276A	244A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before March 23, 1981,

[1] These additional communities have been added to the caption.

[2] Public Notice of Tri-County's counterproposal was given October 2, 1980, Report No. 1249.

[3] Population figures are taken from the 1970 U.S. Census.

and reply comments on or before April 13, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, — FR ———, published ————, 1981.*

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-4162 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-36; RM-3748]

FM Broadcast Station in Hoisington, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes the substitution of Class C FM Channel 264 for Channel 265A, in Hoisington, Kansas, and the modification of the license of Station KHOK in Hoisington to specify operation on Channel 264. The rule making was initiated by Heart of Kansas Radio, Inc., licensee of Station KHOK.

DATES: Comments must be filed on or before March 23, 1981, and reply comments must be filed on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 653-7586

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Hoisington, Kansas), BC Docket No. 81-36 and RM-3748.

Notice of Proposed Rule Making

Adopted: January 22, 1981.

Released: February 2, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Heart of Kansas Radio, Inc. ("petitioner"), licensee of FM Station KHOK, Hoisington, Kansas, proposing the substitution of Class C Channel 264 for Channel 265A at Hoisington. Comments opposing the assignment were filed by Lawrence E. Steckline, who had requested the same channel assignment to Liberal, Kansas (RM-3674).[2] However, since we have substituted Channel 268 for Channel 264 for consideration at Liberal, the conflict has been resolved and Steckline's opposition has not been set forth herein. Reply comments were submitted by petitioner to which Steckline responded with a "Motion to Dismiss."[3]

(b) The proposed channel can be assigned to Hoisington in compliance with the minimum distance separation requirements.

2. *Demographic Data:* (a) *Location:* Hoisington is located in Barton County approximately 152

[1] Public Notice of the petition was given on September 19, 1980, Report No. 124.

[2] Channel 264 could not have been assigned to both communities due to minimum spacing requirements.

[3] The "Motion to Dismiss" submitted by Steckline notes that petitioner's reply was filed on November 20, 1980, 16 days late than the deadline for replies. Since no reason was given for the late filing and no request to waive the deadline was submitted, we have not considered the reply herein.

kilometers (95 miles) northwest of Wichita, Kansas.

(b) *Population:* Hoisington—3,710; Barton County—30,663.[4]

(c) *Local aural broadcast service:* Hoisington is presently served by Class A FM Station KHOK, of which the petitioner is licensee.

3. *Economic Considerations:* According to the petitioner, Hoisington's population in 1976 was estimated to be approximately 5,000. The area's economy is supported primarily by farming, oil and oil-related industry, cattle, retail trade, and light manufacturing. Hoisington is also a terminal point for the Missouri Pacific Railroad.

4. Petitioner states that surveys among local and area residents indicate a desire for Station KHOK to expand its coverage area. The station provides a unique programming format in the area which outlying residents are interested in but cannot now receive with any quality. An engineering study submitted by petitioner indicates that the assignment to Hoisington will provide a first FM service to 64 square kilometers (25 square miles) having a population of 303 persons. A second FM service would be provided to 10,572 persons in an area encompassing 2065 square kilometers (807 square miles). Additionally, the assignment will provide a second aural service to 599 square kilometers (234 square miles) and 2,260 persons.

5. *Preclusion Study:* Preclusion would be caused on Channels 261, 263, 264, and 265. Twenty-three communities with populations greater than 1,000 would sustain preclusion on one or more of these channels. Of these twenty-three, ten have existing FM assignments, and two more have alternate channels available to them.

6. At the present time, no other person has expressed an interest in the proposed assignment at Hoisington. Therefore, we are proposing to modify the license of Station KHOK to specify operation on Channel 264. In the event an additional interest is expressed in the Class C channel here proposed, we note that Channel 300 is available for assignment to Hoisington.

7. An *Order to Show Cause* to the petitioner is not necessary since consent to modification of its license is indicated by its request for a Class C channel.

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to Hoisington, Kansas, as follows:

Community	Channel No.	
	Present	Proposed
Hoisington, Kansas	265A	264

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau (202) 653-7586. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.607(b) of the Commission's Rules.— Fed. Reg. ———, published ————, 1981.*

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* of which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel that was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleading. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or

[4] All population figures are taken from the 1970 U.S. Census.

other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-4166 Filed 2-3-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-31; RM-3672]

FM Broadcast Station in McNary and Whiteriver, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes the reassignment of FM Channel 201A from McNary, Arizona, to Whiteriver, Arizonz, in response to a petition filed by the Whiteriver Apache Tribe Arizona.

DATES: Comments must be filed on or before March 23, 1981, and reply comments must be filed on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Rosa Iris Ovaitt, Broadcast Bureau (202) 632-6302

SUPPLEMENTARY INFORMATION:

In the matter of § 73.504(a), Table of Assignments, FM Broadcast Stations. (McNary and Whiteriver, Arizona)

Adopted: January 22, 1981.

Released: February 2, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed The White Mountain Apache Tribe of Arizona ("petitioner"), proposing the reassignment of FM Channel 201A from McNary to Whiteriver, Arizona. Whiteriver would receive a first local broadcast service.

(b) Channel 201A could be reassigned to Whiteriver, Arizona, in compliance with all distance separation requirements.

(c) Petitioner states it will apply for the channel if reassigned to Whiteriver.

2. *Demographic Data:*

(a) The communities of McNary and Whiteriver are located in eastern Arizona. Whiteriver is located approximately 200 kilometers (125 miles) east of Phoenix, Arizona. McNary is located approximately 30 kilometers (18.5 miles) north ot Whiteriver, Arizona. Neither Whiteriver nor McNary are listed in the 1970 U.S. Census. Petitioner indicates that the present population of Whiteriver is 8,000 but does not recite a source.[2]

3. *Other Considerations:* In support of the proposed reassignment, petitioner asserts that the assignment of Channel 201A to Whiteriver would provide the Indian reservation with its first local broadcast service. We are told that 80 percent of the Indian populaiton lives in the Whiteriver area whild only one percent lives in the McNary area. In addition, the location of Whiteriver will permit the licensee to extend service, by translators, to the remaining principal population centers on the Fort Apache Indian Reservation. Furthermore, petitioner states that in the absence of a daily newspaper and with no direct local programming serice to the people of Whiteriver and other communities on the reservation, the assignment of Channel 201A to Whiteriver will provide a vehicle for programming directed toward the particular needs and interests of the residents of the Fort Apache Indian Reservation.

4. In view of the fact that the proposed FM channel assignment would provide for a first local broadcast service to Whiteriver, Arizona, the Commission believes it appropriate to propose amending the Table of Assignments, § 73.504(a) of the Commission's Rules, with regard to Whiteriver, Arizona, as follows:

City	Channel No.	
	Present	Proposed
McNary, Arizona	201A	
Whiteriver, Arizona		201A

5. Since Whiteriver, Arizona, is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment of Channel 201A requires coordination with the Mexican Government.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* — Fed. Reg. ———, published ————, 1981.

9. For further information concerning this proceeding, contact Rosa Iris Ovaitt, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.504(a) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if

[1] Public Notice of the petition was given on May 28, 1980, Report No. 1230.

[2] The 1970 U.S. Census lists only the McNary Division (pop. 810) of Apache County (pop. 32,292), in which Whiteriver is located.

authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Proceedings.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-4189 Filed 2-3-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-32; RM-3667]

FM Broadcast Station in Temecula, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a noncommercial education FM channel to Temecula, California, in response to a petition filed by Valley Public Radio, Inc. The proposed assignment could provide for a first local aural broadcast service to Temecula.

DATES: Comments must be filed on or before March 23, 1981, and reply comments on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9600.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: February 2, 1981.

In the Matter of Amendment of § 73.504(a), Table of Assignments, Noncommercial Educational FM Broadcast Stations (Temecula, California)

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Valley Public Radio, Inc. ("petitioner"), proposing the assignment of FM Channel 205A to Temecula, California, for noncommercial educational use.

(b) The channel can be assigned in compliance with the minimum distance separation requirements, provided the transmitter is located 1.7 kilometers (1.1 miles) southeast of Temecula.

(c) Petitioner failed to state it would apply for the channel, if assigned. It is requested to do so in comments.

2. *Community Data:*

(a) *Location:* Temecula, in Riverside County, is located approximately 118 kilometers (74 miles) southeast of Los Angeles, California.

(b) *Population:* Temecula—not listed; Riverside County 459,074.[2]

(c) *Local Aural Broadcast Service:* None.[3]

3. Petitioner claims that the proposed assignment would benefit the community by providing a new programming source directed toward the needs of the residents.

4. Since Temecula is located within 320 kilometers (199 miles) of the U.S.-Mexico border, the proposed assignment requires concurrence of the Mexican Government.

5. In view of the fact that the proposed channel could provide a first local noncommercial educational FM service to Temecula, the Commission believes it appropriate to propose amending the Noncommercial Educational FM Table of Assignments (§ 73.504(a) of the Commission's Rules) with regard to the following community:

City	Channel No.	
	Present	Proposed
Temecula, California		205A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

[1] Public Notice of the petition was given on May 28, 1980, Report No. 1230.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner is presently licensed to operate a low power Class D noncommercial station, KRTM-FM, at Temecula, California.

See, *Certification that §§ 603 and 604 of the Regulatory Fexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, — FR ———, published ————, 1981.*

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Federal Communications Commission.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may commment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-4171 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-35; RM3658]

FM Broadcast Station in Augusta, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Augusta, Georgia, in response to a petition filed by Santee-Cooper Broadcasting Co. The proposed channel could provide for a fifth local FM broadcast service to Augusta.

DATES: Comments must be filed on or before March 23, 1981 and reply comments on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tryee, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: February 3, 1981.

In the Matter of Amendment of § 73.202(b) Table of assignments FM Broadcast Stations (Augusta, Georgia)

By the Chief, Policy and Rules Divison:

1. The Commission herein considers a petition for rule making,[1] filed by Santee-Cooper Broadcasting Co., which seeks the assignment of Channel 252A to Augusta, Georgia, as that community's fifth FM assignment. Petitioner expressed an interest in applying for the channel, if assigned.

2. Augusta (population 59,864),[2] in Richmond County (population 162,437) is located approximately 224 kilometers (140 miles) east of Atlanta, Georgia. It is served locally by three daytime only AM stations (WHGI, WGUS, and WTHB), four full-time AM Stations (WRDW, WBBQ, WBIA and WGAC), and four FM stations (WGUS-FM, Channel 272A; WZZW, Channel 276A; WBBQ-FM, Channel 282; and WYMX, Channel 289).

3. Petitioner asserts that Augusta is the second largest metropolitan area in Georgia and growing in population. It further states that Augusta's importance in commerce, industry, culture and government justifies a fifth FM assignment.

4. Petitioner claims that the proposed assignment will result in preclusion on Channel 252A to a very small area near Augusta. No communities with a population greater than 1,000 are said to be affected. Due to spacing requirements, the transmitter site must be located in a small area 5 kilometers (3 miles) southeast of the city.

5. The assignment of Channel 252A to Augusta will not result in an intermixing of channels since that situation already exists (Channels 272A, 276A, 282 and 289 are assigned to Augusta). The proposed assignment would not provide first or second service to the community since there are several AM and FM assignments to close proximity to Augusta.

6. In view of the foregoing information and the fact that the proposed assignment would provide a growing metropolis with a fifth commercial FM service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following community:

---

[1] Public Notice of the petition was given on May 20, 1980, Report No. 1229.

[2] Population figures are taken from the 1970 U.S. Census.

City	Channel No.	
	Present	Proposed
Augusta, Ga	272A, 276A, 282, 289	252A, 272A, 276A, 282, 289

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* Fed. Reg. ———, published ———, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-4161 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-29; RM-3680]

FM Broadcast Station in Osceola, Iowa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Osceola, Iowa, in response to a petition filed by M. W. Jack Beaman ("petitioner"). The proposed channel would provide a first local FM broadcast service to Osceola.

DATES: Comments must be filed or before March 23, 1981 and reply comments on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Typree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 29, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Osceola, Iowa).

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by M. W. Jack Beaman, which seeks the assignment of Channel 296A to Osceola, Iowa, as that community's first FM assignment. Petitioner expressed an interest in applying for the channel, if assigned.

2. Osceola (population 3,124),[2] seat of Clarke County (population 7,581), is located approximately 64 kilometers (40 miles) south of Des Moines, Iowa. It has no local aural broadcast service.

[1] Public Notice of the petition was given on June 11, 1980, Report No. 1234.

[2] Population figures are taken from the 1970 U.S. Census.

3. Petitioner asserts that Osceola has shown a rapid growth in population and is currently the largest and most prominent community in Clarke County. It further states that the economy is based on agriculture, manufacturing and local government. Petitioner claims that a Class A channel assignment to Osceola could provide needed programming service to the community.

4. In view of the fact that the proposed FM channel could provide a first local aural broadcast service to Osceola, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
Osceola, Iowa		296A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, —— *Fed. Reg.* —, *published* ————, *1981.*

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (á), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-4170 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 81-30; RM-3701]

FM Broadcast Station in Carthage, New York; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to assign FM Channel 276A to Carthage, New York, in response to a petition filed by Inter-County Broadcasting Corporation.

DATES: Comments must be filed on or before March 23, 1981, and reply comments must be filed on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: February 3, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Carthage, New York).

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Inter-County Broadcasting

[1] Public Notice of the petition was given on July 7, 1980, Report No. 1238.

Corporation ("Petitioner"), requesting the assignment of FM Channel 276A [2] to Carthage, New York, as that community's first FM assignment. Comments on the petition were filed by Oswego Jefferson Broadcasting, Inc. and petitioner responded.[3]

(b) The proposed assignment can be made in compliance with the minimum distance separation requirements.

2. *Community Data:*

(a) *Location:* Carthage is located in Jefferson County approximately 384 kilometers (240 miles) north of New York, New York.

(b) *Population:* Carthage—3,999;[4] Jefferson County—88,508.

(c) *Local Aural Broadcast Service:* Carthage currently has no local aural service.

3. *Economic Considerations:* Petitioner states that Carthage is an incorporated village with two elementary schools and one high school. It has its own fire department and police department and is a major center of highway transportation in New York State. Petitioner asserts that Carthage is the trading center for a wide area embracing eastern Jefferson, northern Lewis and southwestern St. Lawrence Counties. The economy of Carthage, according to petitioner, is based primarily on its diversified industry and is nationally known for its dairy farming and its paper manufacturing. Petitioner lists several industrial concerns located in the community.

4. Preliminary Canadian concurrence in the assignment of Channel 276A to Carthage as a specially negotiated short spaced assignment has been obtained. Formal consent will be requested.

5. In view of the foregoing information and the fact that the proposed assignment would provide Carthage with its first local aural service, the Commission believes the proposed assignment would be in the public interest. Therefore, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following:

City	Channel No.	
	Present	Proposed
Carthage, N.Y.		276A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 23, 1981, and reply comments on or before April 13, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* —— *Fed. Reg.* ——, *published* ————, *1981.*

9. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653–7586. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to commission consideration or court review, all ex parte contats are prohibited in Commission proceedings, such as this one which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is Proposed to Amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the

[2] Petitioner originally requested the assignment of Channel 269A to Carthage and the substitution of Channel 224A for Channel 269A at Pulaski, New York. We have proposed Channel 276A instead of Channel 269A at Carthage to prevent short spacing with an application to operate a noncommercial, educational facility at Watertown, New York, on Channel 215C. Section 73.207 of the Commission's rules requires a minimum distance separation of 32 kilometers (20 miles) between Class A and Class C stations operating on frequencies separated by 54 channels. Carthage and Watertown are only 16 kilometers (10 miles) apart.

[3] Oswego objected to petitioner's proposed substitution of Channel 224A for Channel 269A at Pulaski, New York. Because of the Commission's proposal to assign Channel 276A at instead of Channel 269A to Carthage, no changes in the Table of Assignments for Pulaski are necessary. Therefore, Oswego's comments and petitioner's reply are dismissed as moot.

[4] Population figure are taken from the 1970 U.S. Census.

Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-4164 Filed 2-3-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-34; RM-3716]

FM Broadcast Station in Elkins, West Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes the assignment of Channel 257A to Elkins, West Virginia, in response to a petition by Marja Broadcasting Corp. The assignment could provide Elkins with its second commercial FM assignment.

DATES: Comments must be filed on or before March 23, 1981, and reply comments are due on or before April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 29, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Elkins, West Virginia).

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Marja Broadcasting Corp. ("petitioner"), proposing the assignment of FM Channel 244A to Elkins, West Virginia, as that community's second commercial FM assignment. No responses to the petition have been filed.

(b) The proposal is mutually exclusive with a proposal filed by Preston Communications for assignment of Channel 244A to Kingwood, West Virginia (RM-3663).[2] Our engineering studies indicate that Channel 244A is the only possible channel available to Kingwood, but that Channel 257A can be assigned to Elkins in compliance with the minimum distance separation requirements. We are therefore substituting Channel 257A for Channel 244A in this *Notice.* Channel 244A will be proposed for assignment to Kingwood in a separate *Notice.*

2. *Community Data:*

(a) *Location:* Elkins, the seat of Randolph County, is located approximately 168 kilometers (105 miles) northeast of Charleston, West Virginia.

(b) *Population:* Elkins—8,287[3]; Randolph County—24,596.

(c) *Local Aural Broadcast Service:* Elkins is served locally by full-time AM Station WDNE (which is licensed to petitioner) and a noncommercial FM station, WCDE-FM. A first commercial FM assignment was recently made to Elkins in BC Docket No. 80-142, adopted December 31, 1980.

3. *Economic Considerations:* Petitioner states that Elkins' population grew from 8287 in 1970 to 8326 in 1975, and the population of Randolph County grew from 24,596 to 25,934 during that time. Coal mining and lumber are the area's most important industries, and tourism is becoming increasingly important to the economies of Elkins and Randolph County. According to the petitioner, Elkins serves as the shopping, lodging, dining, and transportation center for the area's flourishing tourist industry. Petitioner asserts that the retail sector has grown rapidly, and that retail sales in Elkins currently total $85 million annually. Based on the area's strong prospects for continued growth and its own experience as a broadcaster in Elkins, the petitioner believes that Elkins could support two commercial FM stations.

4. No preclusion study for Channel 257A in Elkins has been submitted. Petitioner should file such a study in its comments to this *Notice.*

5. Petitioners note that Elkins is in the "quiet zone" of the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and the Naval Research Laboratory ("NRL") at Sugar Grove, West Virginia. Both of these facilities have the right to object to any new FM assignments in the quiet zone and any applicant for a station must coordinate with respect to the proposed facilities pursuant to § 73.1030 of the Commission's Rules. Petitioner states that both the NRAO and the NRL indicated that they probably would not object to the operation of the channel assignment granted to Elkins in BC Docket No. 80-142. On that basis, petitioner states that it does not anticipate any objections to its proposal.

6. Because Elkins is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 257A to Elkins, West Virginia, requires coordination with the Canadian Government.

7. In light of the above information, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Elkins, West Virginia, as follows:

City	Channel No.	
	Present	Proposed
Elkins, West Virginia	237A	237A, 257A

8. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* Fed. Reg. —, published ——— 1981.

10. Interested parties may file comments on or before March 23, 1981 and reply comments on or before April 13, 1981.

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau (202) 653-7586. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

[1] Public Notice of the petition was given on August 6, 1980, Report No. 1242.

[2] The distance between Kingwood and Elkins is approximately 62 kilometers (38 miles), but the required separation for co-channel Class A operations is 104 kilometers (65 miles). Therefore, Channel 244A cannot be assigned to both communities.

[3] Population figures are taken from the 1970 U.S. Census.

the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-4165 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Receipt of Permit Application; Notice of Formal Hearing; Notice of Formal Hearing Procedures; Notice of Proposed Regulation.

SUMMARY: On January 19, 1981, the National Marine Fisheries Service received an application from The Federation of Japan Salmon Fisheries Cooperative Association for a permit under the Marine Mammal Protection Act to take Dall's porpoise and other marine mammals incidental to commercial fishing operations. This notice announces the formal hearing to consider certain scientific aspects of the permit request, the procedures to govern the formal hearing, and the proposed regulation to accompany a permit if granted.

DATE: NOAA/NMFS has scheduled a formal hearing to consider the population status of Dall's porpoise. It will begin at 9:30 a.m. local time on Thursday, March 5, 1981 in Seattle, Washington.

ADDRESSES: The formal hearing will be held in the Federal Building, Room 2866, 915 2nd Avenue, Seattle, Washington, 98174.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Telephone: 202/634-1792. Office location: Room 414B, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION:

Background

Marine Mammals, primarily the Dall's porpoise, *Phocoenoides dalli,* are taken in the course of commercial salmon gill net operations by Japanese fishing vessels within and outside the U.S. fishery conservation zone (FCZ) in the North Pacific and Bering Sea. A three-year exemption from the incidental take permit requirements of the Marine Mammal Protection Act of 1972 (MMPA) granted the Japanese salmon fishery in the North Pacific Ocean, and implemented by 1978 amendments to the North Pacific Fisheries Act of 1954, will expire in June 1981.

A cooperative research program was begun in 1978 to assess the status of the Dall's porpoise, the extent of incidental take, and methods to minimize such taking. Reports on the research conducted through 1980, are now available.

Receipt of Permit Application

On January 19, 1981 the Federation of Japan Salmon Fisheries Cooperative Associations, 9th Floor, San Kaido Building, 9-13, Akasaka 1-Chome, Minato-ku, Tokyo, Japan submitted an application for an incidental take permit, Category 5, "Other Gear," salmon drift gill net. The permit application requests a three (3) year term (1981-1983) and estimates that the maximum number of marine mammals expected to be incidentally taken on a yearly basis by the Japanese salmon fishery in the U.S. Fishery Conservation Zone (FCZ) is as follows: Dall's porpoise, 5,500; harbor porpoise (*Phocoena phocoena*), 50; Pacific white-sided dolphin (*Lagenorynchus obliquidens*), 25; killer whale (*Orcinus orca*), 25; Steller sea lion (*Eumetopias jubatus*), 25; and northern fur seal (*Callorhinus ursinus*), 450.

Copies of the application are available for review in the following offices: Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Room 414B, Washington, D.C.; Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 96109; and Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Interested persons may submit written views on this application on or before (30 days hence) to the Office of Marine Mammals and Endangered Species, NMFS.

Regarding the applicant's request to take Dall's porpoise, the Agency has determined that the best available scientific data about its population status must be reviewed in a formal hearing before an Administrative Law Judge (ALJ). The specific issues that need to be addressed in the formal hearing are noted in a subsequent section of this preamble.

A formal administrative hearing is not required to review the applicant's other requests. Steller sea lion and northern fur seal have already been subject to scientific reviews and findings as required by the Marine Mammal Protection Act of 1972, as amended (MMPA). For example, see 44 FR 2540, January 11, 1979; 45 FR 21844, December 10, 1980. However, as noted above, written views on the applicant's request for a permit covering these two species are solicited by the Agency.

The applicant's request for a permit covering harbor porpoise, Pacific white-sided dolphin, and killer whales cannot be processed. The Agency cannot grant permits to incidentally take these animals because the supporting documentation in the permit application and in the scientific literature is not sufficient to warrant a review at this time.

MMPA Requirements

With limited exceptions, the MMPA establishes a moratorium on taking of marine mammals in the United States FCZ. One of these exceptions provides for a permit to take marine mammals incidental to commercial fishing operations.

Section 104(h) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) require that a general permit be obtained and that a Certificate of Inclusion be on board any vessel which takes marine mammals in the course of commercial fishing operations within the FCZ. Before issuing general permits, the Secretary of Commerce, on the basis of the best scientific evidence available, must assess the optimum sustainable population (OSP) of the affected stocks and determine whether the proposed incidental take will disadvantage these stocks.

In order to make the disadvantage determination, the first question is whether the subject marine mammal stock is at its optimum sustainable population (OSP) level. If the stock is not at OSP, an incidental take permit may not be issued. If a stock is determined to be at OSP, the disadvantage test further requires assurances that the takings will not be harmful to the stock. This requires some projection as to the effect of the proposed incidental takings on the stock and whether the stock will be at OSP after the takings.

If it is determined that a species will not be disadvantaged by allowing an incidental take, the next question is whether a lower quota is technologically feasible. This is in furtherance of the MMPA objective that "it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching zero mortality and serious injury rate."

Notice of Formal Hearing; Formal Hearing Procedures

The formal hearing will begin at 9:30 a.m. local time on Thursday, March 5, 1981 at the Federal Building, Room 2866, 915 2nd Avenue, Seattle, Washington, 98174. It will last for two days.

In general, the procedural rules for the formal hearing are those found in 50 CFR 216.70–216.90. However, the 60–day notice provision of 50 CFR 216.73(b)(6) will not be followed so that a permit, if it is to be granted, may be granted in May 1981 before the start of this year's fishing season. Therefore, it is for good cause found that the advance notice, public procedures, and delayed effectiveness provision of 5 U.S.C. 553 are impracticable and contrary to the public interest and that the adjustment to the procedural rules just noted is effective immediately.

The Assistant Administrator for Fisheries of NOAA and The Federation of Japan Salmon Fisheries Cooperative Association are made automatic parties to the hearing. For other interested parties, notices of intent to participate as an active party in the formal hearing must be submitted to the Assistant Administrator for Fisheries no later than February 16, 1981.

Any written direct expert testimony for the hearing must be prepared in advance and submitted to all parties no later than February 27, 1981.

The docket number assigned to this case is MMPAH 1981–1. All notices, copies of written evidence, and other documents to be filed or submitted should be sent to the following address and bear the designated docket number: Presiding Officer MMPAH 1981–1, c/o Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

Records and documents relative to the proposal will be maintained in the offices of the National Marine Fisheries Service, and may be reviewed during normal working hours, 8 a.m. to 4:30 p.m. in the Page Building 2, Room 414B, 3300 Whitehaven Street, NW., Washington, D.C.

Issues to be Considered at the Formal Hearing

The hearing will be limited to the following issues and facts: (a) estimates of existing population levels of Dall's porpoise; and (b) the expected impact of the proposed regulations on the optimum sustainable population (OSP) of Dall's porpoise. These issues necessarily involve consideration of whether the scientific evidence is sufficient to make any of the required MMPA findings, future scientific research needs, and the means available to the applicant to further reduce the mortality of Dall's porpoise. Evidence relevant to other issues may be submitted at the hearing subject to the rulings of the presiding officer on the relevance and materiality of such issues.

The permit applicant contends that the stock of Dall's porpoise is at OSP and will be at OSP after the proposed three year incidental taking regime. In the formal hearing, the applicant must present evidence to support this contention.

The Agency believes that the allegations in the permit application are such that it is obligated under the MMPA to provide the setting for the evidence to be considered. However, the Agency takes no position at this time as a proponent or opponent of the requested permit. The Agency will act according to the record developed in the hearing. If a permit is granted, the Agency will promulgate a regulatory quota limiting the incidental take of Dall's porpoise in this fishery.

Prehearing Conference

A prehearing conference will be held on February 18, 1981 at 10:00 a.m. in Room 6705, Main Department of Commerce Building, 14th Street and

Constitution Avenue, NW, Washington, D.C. Only parties may participate in the prehearing conference. The conference will consider the issues of fact to be presented in the hearing; the witnesses who will testify and the object of their testimony; other alterations to the hearing rules that may be required; the need for oral argument, if any; the briefing schedule; and the timing of the ALJ's Recommended Decision and the Administrator's Final Decision.

Required Statements

Section 103(d) of the MMPA requires the publication of the following statements: (a) estimated existing levels of the species and population stocks of the marine mammals concerned; (b) a statement fo the expected impact on the optimum sustainable population (OSP) [1] of such species or population stocks; (c) a statement describing the evidence before the agency; and (d) any studies made by or for the agency and any recommendations made by or for the agency or the Marine Mammal Commission, if any. The first two required statements are satisfied by the following table:

Stock	Present population	Present OSP status	OSP status at the end of 1983
Dall's porpoise.	580,000 to 2,300,000.	Within	Within.

The second two statements are satisfied by the following list:

Boucher, G.C., L.D. Consiglieri and L.L. Jones. 1980. Report on the distribution and preliminary analysis of the abundance of Dall's porpoise. INPFC Document 2267. 27 pp.

Jones, L.L. 1980. Estimates of the incidental take of Northern fur seals in Japanese salmon gill nets in the North Pacific 1975–1978. Background Paper, submitted to the 23rd Annual Meeting of the Standing Scientific Committee of the North Pacific Fur Seal Commission, April 7–11, Moscow, U.S.S.R.

Leatherwood, S. and R. Reeves. 1978. Porpoise and dolphins, in Marine Mammals of the Eastern North Pacific and Arctic Waters. D. Haley (ED.), Pacific Search Press, Seattle, Washington.

National Marine Mammal Laboratory. 1980. Progress report on Dall porpoise research, Annual Report to the INPFC, Northwest and Alaska Fisheries Center, Seattle, Washington. 13 pp.

Ridgway, S.H. (ED.) 1972. Mammals of the Sea, Biology and Medicine. Charles C. Thomas, Publisher, Springfield, Illinois. p. 115.

U.S. Department of Commerce. 1979. Annual Report on Dall Porpoise—Salmon Research. A report to Congress.

U.S. Department of Commerce. 1980. Final Environmental Impact Statement on the Interim Convention on Conservation of North Pacific Fur Seals.

U.S. Department of State. 1978. Final Environmental Impact Statement on the Renegotiation of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Draft Environmental Impact Statement (DEIS)

On January 23, 1981, the Environmental Protection Agency announced the availability of a DEIS describing the Japanese high seas salmon fishery and the incidental take of Dall's porpoise in this fishery. The DEIS is available from the NMFS Office of Marine Mammals and Endangered Species at the above noted address and contains much detail regarding the history of this fishery and the International North Pacific Fisheries Commission (INPFC) that regulates the fishery.

Ex Parte Communications

Section 4 of the Government in the Sunshine Act (Pub L. 94–409), dealing with ex parte communications, is applicable to this hearing. The following persons are those employees of the Agency who may reasonably be expected to be involved in the decision process of the proceeding, and are, therefore, hereby identified to all interested persons outside the agency in order that the provisions of Section 4 can be complied with:

Code, Name, and Title

DOC—Malcolm Baldrige, Secretary of Commerce.
A—James P. Walsh, Acting Administrator, NOAA.
EE—Martin H. Belsky, Director, Office of Ecology and Marine Conservation, NOAA.
GC—Eldon V.C. Greenberg, General Counsel, NOAA.
GCF—Jay Johnson, Assistant General Counsel—Fisheries, NOAA
F—Terry L. Leitzell, Assistant Administrator for Fisheries, NOAA.
F—William H. Stevenson, Deputy Assistant Administrator for Fisheries, NOAA.
Fx3—Robert K. Crowell, Acting Executive Director, NMFS.
F/MM—Richard B. Roe, Acting Director, Office of Marine Mammals & Endangered Species, NMFS.
F/MM—Robert B. Brumsted, Office of Marine Mammals and Endangered Species, NMFS.
F/CM—William G. Gordon, Director, Office of Resource Conservation & Management, NMFS.
F/IA—Carmen J. Blondin, Director, Office of International Affairs, NMFS.
F/NWC—William Aron, Director, Northwest and Alaska Fisheries Center, NMFS.
F/AKR—Robert W. McVey, Director, Alaska Region, NFMS.

Ex parte communications relevant to the scientific issues to be considered in the formal hearing between the above named persons and any interested person outside the Department of Commerce are prohibited from the date of this notice until the date the Final Decision resulting from the hearing is published in the **Federal Register.** Section 4 provides mechanisms for enforcing this prohibition, including (1) the requirement that an employee making or receiving prohibited communications disclose them and all responses to them for the public record of the proceeding; and (2) authorization of dismissal or other adverse action against the claim of the party to the proceeding who makes or causes prohibited communication. "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests of status reports on the matter of proceeding.

Drafting Information

The principal author of these regulations is Ronald S. Naveen, Office of the Assistant General Counsel-Fisheries, NOAA, with the participation of the NMFS Office of Marine Mammals and Endangered Species and the NMFS Office of International Affairs.

(Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361–1407))

Dated: January 30, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

Proposed Regulation

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

The proposed amendment to 50 CFR Part 216 is as follows:

§ 216.24 [Amended]

1. 50 CFR 216.24(d)(5) is amended by adding a new subparagraph (vii) reading as follows:

* * * * *

(d) * * *

[1] Optimum sustainable population (OSP) of the species and stocks involved is defined as a population which falls in a range from the population level which is the largest supportable within the ecosystem to the population that results in maximum net productivity. (see 41 FR 55536, December 21, 1976). Maximum net productivity (MNP) is the greatest net annual increment in the population due to reproduction and growth less losses due to natural mortality. Maximum net productivity is interpreted as being the lower limit of the range of optimum sustainable population, the lower bound of OSP (or MNP) is considered to be 60 percent of initial unexploited populations (45 FR 72178, October 31, 1980). It is a population size that will produce the maximum number of animals that can be added to the ecosystem.

(5) * * *

(vii) The number of Dall's porpoise *(Phocoenoides dalli)* killed or seriously injured by Japanese vessels shall be limited to 5,500 animals per year. Any permit issued under this regulation shall indicate the measures by which the permit holder shall comply with the reporting requirements of paragraph (d)(5)(v) of this section. Any incidental take permit issued under this regulation shall allow retention of marine mammals for scientific research purposes and not require a separate permit under paragraph (d)(5)(iv).

[FR Doc. 81-4155 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 23
Wednesday, February 4, 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.

DEPARTMENT OF AGRICULTURE

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 7:30 p.m., February 26, 1981, at the Nezperce National Forest Smokejumper Barracks, conference room, Grangeville, Idaho. The purpose of this meeting is to review potential transportation routes and develop a committee recommendation on a preferred transportation alternative.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho 83530; telephone 208/983–1950. Written statements may be filed with the committee before or after the meeting.

Dated: January 27, 1981.

Don Biddison,

Forest Supervisor.

[FR Doc. 81–4067 Filed 2–3–81; 8:45 am]

BILLING CODE 3410–11–M

Committee of State Foresters; Notice of Meeting

The Committee of State Foresters will meet in Albuquerque, New Mexico, on March 5, 1981. The meeting will convene at 1:00 p.m. on March 5 in the Gold Room of the Winrock Inn, Winrock Center, Albuerque, New Mexico.

The Committee, comprised of 7 members who are the Executive Committee of the National Association of State Foresters, consults with the Secretary of Agricutlture and various agencies of the Department on the implementation of the Cooperative Forestry Assistance Act of 1978 (P.L. 95–313). The Assistant Secretary for Natural Resources and Environment will chair the meeting. He and representatives of the Forest Service and other interested agencies will attend from the Department of Agriculture.

The meeting will be open to the public. Persons who wish to attend should notify the Committee's Executive Secretary, Einar L. Roget, Deputy Chief for State and Private Forestry, USDA—Forest Service, P.O. Box 2417, Washington, DC 20013, telephone (202) 447–6657. Written statements may be filed with the Committee before or after the meeting.

Einar L. Roget,

Deputy Chief, S2FF.

[FR Doc. 81–4146 Filed 2–3–81; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Authorization for Watershed Planning

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Authorization for Watershed Planning.

FOR FURTHER INFORMATION CONTACT: Concerned State Conservationists of the Soil Conservation Service: Cliffton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone number (608) 252–5351; Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360; George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone number (803) 765–5681; Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 E. Hancock Avenue, Athens, Georgia 30603, telephone number (404) 546–2274; Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Office Building, 1220 S.W. 3rd Avenue, Portland, Oregon 97209, telephone number (503) 221–2751; and Van K. Haderlie, State Conservationist, Soil Conservation Service, Federal Building, P.O. Box 970, Bozeman, Montana 59715, telephone number (406) 587–5271.

NOTICE: The concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the following six watersheds: Upper Sugar River Watershed, Wisconsin; Campbell Creek Watershed, Oklahoma; Cartwheel Community Watershed, South Carolina; Beaver Creek Watershed, Georgia; Mt. Hood Irrigation District Watershed, Oregon; and Wolf Creek Watershed, Montana. The State Conservationists may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Public Law 83–566, and in accordance with requirements of the National Environmental Policy Act of 1969, Public Law 91–190.

Dated: January 21, 1981.

Norman A. Berg,

Chief, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

bc:

Cliffton A. Magurie, State Conservationist, SCS, Madison, Wisconsin
Roland R. Willis, State Conservationist, SCS, Stillwater, Oklahoma
George E. Huey, State Conservationist, SCS, Columbia, South Carolina
Dwight M. Treadway, State Conservationist, SCS, Athens, Georgia
Guy W. Nutt, State Conservationist, SCS, Portland, Oregon
Van K. Haderlie, State Conservationist, SCS, Bozeman, Montana
Eugene J. Pope, Director, MTSC, SCS, Lincoln, Nebraska
Billy M. Johnson, Director, STSC, SCS, Fort Worth, Texas
Charles F. Lemon, Director, WTSC, SCS, Portland, Oregon
Benny Martin, Assistant Chief, Midwest, SCS, Washington, D.C.
Benny Martin, Acting Assistant Chief, Southwest, SCS, Washington, D.C.
Edward E. Thomas, Assistant Chief, Southeast, SCS, Washington, D.C.
Galen S. Bridge, Assistant Chief, Northwest, SCS, Washington, D.C.

[FR Doc. 81–4072 Filed 2–3–81; 8:45 am]

BILLING CODE 3410–16–M

Limestone Creek Watershed, North Carolina

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Jesse L. Hicks, State Conservationist, Soil Conservation Service, Post Office Box 27307, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Jesse L. Hicks, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of North Carolina, is hereby providing notification that a record of decision is available for the Limestone Creek Watershed. Single copies of this record of decision may be obtained from Jesse L. Hicks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4073 Filed 2–3–81; 8:45 am]

BILLING CODE 3410–16–M

Muddy Creek Watershed of Duplin County, North Carolina

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Jesse L. Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Jesse L. Hicks, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of North Carolina, is hereby providing notification that a record of decision is available for the Muddy Creek Watershed of Duplin County. Single copies of this record of decision may be obtained from Jesse L. Hicks at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4074 Filed 2–3–81; 8:45 am]

BILLING CODE 4310–16–M

Bootheel RC&D Area; Critical Area Treatment Measures, Missouri

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314–442–2271.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Bootheel RC&D Area Critical Area Treatment Measures in Stoddard, Scott, New Madrid, Pemiscot, Mississippi, and Dunklin Counties, Missouri.

The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measure concerns plans for critical area treatment. The planned works of improvement include grade stabilization structures, minor tile drainage, and critical area seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4069 Filed 2–3–81; 8:45 am]

BILLING CODE 3410–16–M

Bear River Campground Critical Area Treatment Measure, California

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone 916–758–2200.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bear River Campground RC&D Measure, Placer County, California.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include erosion control practices such as streambank stabilization structures (gabions), minor grading and shaping, and revegetation of exposed and critically eroding areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis C. H. Lum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation

and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resources Projects.

[FR Doc. 81-4068 Filed 2-3-81; 8:45 am]

BILLING CODE 3410-16-M

Big Creek Watershed, Arkansas

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Mr. Jack C. Davis, State Conservationist, Soil Conservation Service, 700 West Capitol Avenue, Little Rock, Arkansas 72205, telephone number (501) 378-5445.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Big Creek Watersheld, Columbia County, Arkansas.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jack C. Davis, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

This project concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. Alternatives under consideration to reach these objectives include systems of conservation land treatment, nonstructural measures, and multipurpose reservoirs.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites the participation and consulation of all agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Jack C. Davis, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.)

January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-4075 Filed 2-3-81; 8:45 am]

BILLING CODE 3410-16-M

Connellsville Area School District Critical Area Treatment RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Connellsville Area School District Critical Area Treatment RC&D Measure, Fayette County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabalize heavy use areas of community land. Practices include surface water diversions, subsurface drains, wall footers, grading, fertilizing, and vegetating with mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 23, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-4070 Filed 2-3-81; 8:45 am]

BILLING CODE 3410-16-M

Third East Hills Park Critical Area Treatment RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Third East Hills Park Critical Area Treatment RC&D Measure, Allegheny County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to control surface and water runoff, the seasonal high water table, and erosion and sedimentation. Practices include vegetative waterways, rock-lined waterways, subsurface drains, water diversions, and revegetation with mulch of approximately three acres.

The Notice of a Finding of No Significant Impact (FNSI) has been

forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 6, 1981.

Dated: January 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-4071 Filed 2-3-81; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Mississippi 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 Mississippi Advisory Committee to the Commission will convene at 4 p.m. and will end at 6 p.m., on February 25, 1981, at the Federal Building, 100 West Capitol Street, Room 707–Seventh Floor, Jackson, Mississippi 39201. The purpose of the meeting is to discuss follow-up activities on Laurel videotape report; plan participation in regional study of voting rights; and receive reports on meetings with Mayor Danks, Governor Winter.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Maryl L. Ramberg, 1514 Gay Street, Jackson, Mississippi 39211, (601) 355–1175; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 29, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-4064 Filed 2-3-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey 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 New Jersey Advisory Committee to the Commission will convene at 6:30p and will end at 8:30p, on February 18, 1981, at the Ramada Inn, New Brunswick, New Jersey. The purpose of the meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Commission, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 97060, (212) 572–7577; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 29, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-4066 Filed 2-3-81; 8:45 am]

BILLING CODE 6335-01-M

Washington 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 Washington Advisory Committee to the Commission will convene at 10:00a and will end at 12:00 Noon, on February 23, 1981, at 2886 Federal Building, 915 Second Avenue, Seattle, Washington 98174. The purpose of this meeting is to project planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Katharine M. Bullitt, 1125 Harvard Avenue E., Seattle, Washington 98102, (206) 587–3544; 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 30, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-4006 Filed 2-3-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of Cubans and Haitians Who Entered the United States Between April 1, 1980, and October 1, 1980

In accordance with the requirements of Executive Order 12256 (published in the **Federal Register**, Dec. 18, 1980), notice is hereby given that the estimates by state of the total number of Cuban and Haitian immigrants who entered the United States between April 1, 1980 and October 1, 1980, and who reside in states having at least 50 such immigrants are as shown in the following table. For the purpose of these estimates, the term "immigrants" excludes those Cuban and Haitian entrants who, as of October 1, 1980, had not been processed and released from camps or detention centers. Estimates for substate jurisdictions will be available from the Population Division, Bureau of the Census, sometime in February.

Executive Order 12256 requires that all departments and agencies of the Executive Branch utilize these estimates for all formulas affecting the allocation of funds in the administration of laws distributing benefits according to population or other population characteristics, unless such utilization would be contrary to law.

Daniel B. Levine,

Acting Director, Bureau of the Census.

Estimates of Cuban and Haitian Immigrants Who Entered the United States Between Apr. 1, 1980 and Oct. 1, 1980, by State of Residence for States Having 50 or More Such Entrants [1]

[Number rounded to 10]

State	Number
United States	127,280
Alabama	110
Alaska	-
Arizona	150
Arkansas	290
California	4,850
Colorado	100
Connecticut	330
Delaware	-
District of Columbia	370
Florida	94,720
Georgia	480
Hawaii	-
Idaho	-
Illinois	1,730
Indiana	120
Iowa	-
Kansas	150
Kentucky	-
Louisiana	770
Maine	-
Maryland	310
Massachusetts	670
Michigan	240
Minnesota	330
Mississippi	-
Missouri	140
Montana	-

Estimates of Cuban and Haitian Immigrants Who Entered the United States Between Apr. 1, 1980 and Oct. 1, 1980, by State of Residence for States Having 50 or More Such Entrants [1]—Continued

[Number rounded to 10]

State	Number
Nebraska	90
Nevada	370
New Hampshire	-
New Jersey	8,020
New Mexico	220
New York	7,980
North Carolina	60
North Dakota	-
Ohio	150
Oklahoma	300
Oregon	180
Pennsylvania	1,000
Rhode Island	-
South Carolina	-
South Dakota	-
Tennessee	120
Texas	1,410
Utah	60
Vermont	-
Virginia	220
Washington	70
West Virginia	-
Wisconsin	860
Wyoming	-

- Less than 50.
[1] Sum of states may not add to United States total due to independent rounding and due to the inclusion in the U.S. total of states having fewer than 50 entrants.

A description of sources and methodology is available from Population Division, Bureau of the Census, Washington, D.C. 20233.

[FR Doc. 81-4012 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Trade Information Services; Fee Schedule

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce announces an increase in fees for information services provided to exporters.

EFFECTIVE DATE: February 15, 1981.

ADDRESSES: Requests for services described in this notice should be directed to the Office of Trade Information Services, International Trade Administration, Room 1033, U.S. Department of Commerce, Washington, D.C. 20230, or to the nearest Department of Commerce District Office.

FOR FURTHER INFORMATION CONTACT: Arthur W. Rice, 202-377-4532.

SUPPLEMENTARY INFORMATION: Effective February 15, 1981, fees charged for the following services will be increased as shown:

World Traders Data Report (WTDR). WTDRs are trade profiles prepared by the U.S. Foreign Service, U.S. Department of State, and the Foreign Commercial Service, U.S. Department of Commerce. These reports contain detailed commercial information including financial references on individual foreign firms. Fee is increased to $40.00 per report.

Agent/Distributor Service (ADS). Agent/Distributor Service, through individual searches, provides U.S. businesses with the names, addresses and other information on interested and qualified foreign agent and distributor prospects. Fee is increased to $90.00 per market.

Export Mailing List (EML). Through the Export Mailing List service, U.S. businesses can obtain targeted lists or mailing labels on prospective foreign importers, agents and distributors. Fee is increased to $15.00 set-up fee and $.12 per printed name.

Dated: January 29, 1981.

Robert H. Nath,

Acting Deputy Assistant Secretary for Export Development.

[FR Doc. 81-4017 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Construction of Two 48,000 dwt Dry Bulk Carriers for Ogden Marine Inc.; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of two 48,000 dwt dry bulk carriers.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 23, 1981, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Dated: January 30, 1981.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-4143 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-15-M

Reconstruction of Two MA Design C6-S-85a Container Vessels To Increase Container Capacity From Current 1176 TEU's to 1356 TEU's by Structural Modification Above and Below Main Deck; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of two MA Design C6-S-85a container vessels to increase container capabity from current 1176 TEU's to 1356 TEU's by structural modification above and below main deck.

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on March 4, 1981, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Dated: January 30, 1981.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-4144 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Amendment

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The published meeting notice in the Federal Register, January 22, 1981 (46 FR 7042), of the Western Pacific Fishery Management Council (public meeting with partially closed sessions), is hereby amended to address the following:

The supplementary information cited in the above meeting notice should be amended to specify the signatory date by the Assistant Secretary for Administration for the Department of Commerce to authorize closed meeting sessions by the Council. These closed meeting sessions exclude public participation and were authorized by the Assistant Secretary for Administration with the concurrence of the Department's General Counsel on January 15, 1981. All other information remains unchanged.

Dated: January 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-4149 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration; Intent To Prepare an Environmental Impact Statement on a Proposed Estuarine Sanctuary, Chesapeake Bay, Md.

AGENCY: Office of Coastal Zone Management (OCZM), NOAA Department of Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA) intends to prepare a draft environmental impact statement (DEIS) on a proposed estuarine sanctuary in the Chesapeake Bay, in accordance with the guidelines for the acquisition and management of estuarine sanctuaries (39 FR 19922 (1974), 42 FR 45522 (1977) (to be codified in 15 CFR 921)). The sanctuary, when complete, will include a number of sites reflecting the broad diversity of salinity, physical systems, and biota in the Bay for system-wide research and educational purposes. The action proposed by NOAA/OCZM is to assist the State of Maryland with 50% matching funds to acquire and manage the initial two sites in the sanctuary, one on the Rhode River in Anne Arundel County on the western shore (approximately 2,876 acres) and the other on the Monie Bay in Somerset County on the eastern shore (approximately 3,316 acres). The DEIS will contain a description of a process and criteria to be used by the State of Maryland for identifying and adding other areas to the sanctuary over a period of time in order to fully represent the varying estuarine ecological zones in the Bay.

DISCUSSION: The estuarine sanctuary proposal is currently being developed in consultation with the State of Maryland, Federal agencies, and affected public groups. The State of Maryland established a Steering Committee early in 1980 comprised of representatives of scientific and educational institutions, State and Federal agencies, environmental organizations, county planning offices, and the State-wide Coastal Resources Advisory Council (CRAC). On September 24, 1980, the Steering Committee took action to accept two sites initially into the sanctuary, the Rhode River site and the Monie Bay site; the composite site was recommended to OCZM in order to apply for a preacquisition planning grant. The State of Maryland intends to apply for an acquisition grant by the middle of 1981. At the same meeting, the Steering Committee voted to appoint a subcommittee to consider the possibility of a multiple-site sanctuary for the Chesapeake Bay, draft a set of criteria for selection of additional sites, and to invite the State of Virginia to participate in the process. OCZM has encouraged the concept of a multiple-site sanctuary for the Chesapeake Bay with a Bi-State approach that would include sites in both the Maryland and Virginia portions of the Bay as components of one Chesapeake Bay National Estuarine Sanctuary.

With regard to the initial sites, the Rhode River site will encompass a portion of the Smithsonian Institution's Chesapeake Bay Center for Environmental Studies. A public meeting to discuss the Rhode River site will be held in February 1981 in Anne Arundel County. Information on this meeting may be obtained by contacting Franklin Christhilf. Meetings to discuss the Monie Bay site were held in Princess Anne, Maryland on September 22, 1980, with the general public.

The proposal, as a Federally assisted action, has been reviewed by the Tidewater Administration of the Maryland Department of Natural Resources, in accordance with OMB Circular A-95.

Interested parties who wish to submit suggestions, comments, or substantive information concerning the scope or content of this proposed environmental impact statement should do so by February 27, 1981. The DEIS will be prepared in compliance with the Council on Environmental Quality regulations (FR, Vol. 43, November 29, 1978). In accordance with Executive Orders 11988, *Floodplain Management* and 11990, *Protection of Wetlands*, issued May 24, 1977, this notice also is being used to provide early public notice that the estuarine sanctuary would be located in wetlands and floodplains, and the sanctuary's impacts, if any, will be addressed.

For further information or to submit written or verbal comments, please contact: Franklin D. Christhilf, Estuarine Sanctuary Program Office, OCZM/NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (202/653-7301).

Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries.

Dated: January 29, 1981.

Donald W. Fowler,

Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-4022 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-08-M

Availability of Draft National Precipitation Assessment Plan

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, on behalf of the Interagency Task Force on Acid Precipitation.

ACTION: Notice.

SUMMARY: An Interagency Task Force on Acid Precipitation was established under the Acid Precipitation Act of 1980 (Title VII of the Energy Security Act of 1980, Public Law 96-294) to develop and implement a coordinated National Acid Precipitation Assessment Program. The Act mandates that the Task Force produce a comprehensive research plan for a ten-year program and that the comprehensive plan be available for public comment for a period of sixty days after its submission in draft form to the Congress. The draft plan was transmitted to the Congress on January 19, 1981. Accordingly, copies of the draft entitled, "The National Acid Precipitation Assessment Plan", are available for public comment.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the draft plan or comments on it should be made in writing to Dr. Chris Bernabo, Executive Secretary, Task Force on Acid Precipitation, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. Comments should reach the Executive Secretary by April 3, 1981, to ensure their consideration.

SUPPLEMENTARY INFORMATION: The Act names the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Administrator of NOAA as co-chairs of the Task Force. The council on Environmental Quality is serving as Executive Secretariat.

Dated: February 2, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-4053 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-12-M

THE COMMISSION OF FINE ARTS

Cancellation of Meeting

The Commission of Fine Arts is cancelling its meeting scheduled for Tuesday, February 10, 1981 at 10:00 a.m. This notice appeared in the Federal Register 46 FR 8641 dated January 27, 1981.

The Commission of Fine Arts will next meet in open session on Tuesday, March 10, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated: Washington, D.C., January 27, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-4057 Filed 2-3-81; 8:45 am]

BILLING CODE 6330-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Committee on Poison Prevention Packaging; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Technical Advisory Committee on Poison Prevention Packaging.

SUMMARY: This notice announces a meeting of the Technical Advisory Committee on Tuesday, February 24, 1981 from 12 noon to 4 p.m. The meeting will be held at 1111 18th Street, NW, Washington, DC, Third Floor Hearing Room.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street, NW, Wahington, DC 20207, 202-634-7700.

SUPPLEMENTARY INFORMATION: The Technical Advisory Committee provides advice and recommendations on the types and kinds of products which require special packaging that will protect children from injury or illness resulting from handling or ingestion of household substances. This meeting is an orientation session for new members of the TACPPP and for old members who did not attend a previous orientation. The half-day session is designed to familiarize new members with the procedures which guide the TACPPP's work, so as to enable them to carry out future assignments.

The meeting is open to the public.

Dated: January 29, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-4147 Filed 2-3-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of the Army Historical Advisory Committee; Meeting

1. In accordance with Section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting: Name of Committee: Department of the Army Historical Advisory Committee.

Date: 1 May 1981
Place: Conference Room, 8222-C Casimir Pulaski, Building, 20 Massachusetts Ave., NW., Washington, DC
Time: 1000-1140, 1345-1515
Proposed Agenda:
1000-1140—Review of historical activities
1345-1515—Discussion of activities and executive session of the committee
Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendations through the Chief of Military History to the Chief of Staff, US Army and the Secretary of the Army for advancing the purposes of the Army Historical Program.

2. Meetings of the Advisory Committee are open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the May 1 meeting.

3. Any members of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

4. All communications regarding this Advisory Committee should be addressed to LTC Joseph W. A. Whitehorne, Advisory Committee Management Officer for the Chief of Military History, HQS Department of the Army, Washington, DC 20314.

Dated: January 19, 1981.

J. W. A. Whitehorne,

LTC, AG Executive Officer.

[FR Doc. 81-4019 Filed 2-3-81; 8:45 am]

BILLING CODE 3710-08-M

National Advisory Council Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: February 20 and 21, 1981.

ADDRESS: The Capital Hilton Hotel, 16th & K Streets, NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council on Vocational Education is open to the public, and the proposed agenda is as follows:

Friday, February 20, 1981—9:00 a.m.-4:00 p.m.

1. Status Reports—Council Committee Projects
—Vocational Education in Corrections
—Sex Equity
Reauthorization and Legislation

2. Review of Council Work Plan and Budget

3. Reaction to Draft Outline of NACVE Comprehensive Education Statment

4. Council Members' (New Appointees) Statements of Interest

Saturday, February 21, 1981—9:00 a.m.–Noon

Committee Reorganization:
Identification of Interests of new Members to work on Specific Council Committees.

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education, 425 13th Street, NW., Suite 412, Washington, D.C. 20004. For further information contact: Virginia Solt, NACVE Staff at above address. Telephone (202) 376–8873.

Signed at Washington, D.C., on January 29, 1981.

George Wallrodt,

Acting Executive Director.

[FR Doc. 81–4021 Filed 2–3–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP81–31–001]

Algonquin Gas Transmission Co.; Filing

January 28, 1981.

Take notice that on January 21, 1981, Algonquin Gas Transmission Company ("Algonquin Gas") filed three tariff sheets relating to Rate Schedule SNG–1. The three tariff sheets provide for revision and expansion of Extra–SNG Deliveries under Rate Schedule SNG–1. Such Extra–SNG deliveries add to the similar Extra deliveries authorized by tariff sheet acceptance on January 9, 1981.

Algonquin Gas states that the continuation of the extreme New England weather with the concomitant acceleration in the normal, planned usage of wintertime supplies, have resulted in certain of Algonquin Gas' SNG customers requesting expanded Extra SNG deliveries to help forestall gas shortages.

Algonquin Gas further states that the January 9, 1981 approval related to 630,000 MMBtu of gas during the winter season. The currently filed expansion involves another 826,500 MMBtu of gas during this winter season, making a total of 1,456,500 MMBtu of extra gas.

Algonquin Gas states that a copy of its letter and enclosures has been mailed to all affected customers and interested state commissions and is being posted as provided by our Regulations.

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 12, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–3089 Filed 2–3–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RE81–17–000]

Board of Water, Gas & Light Commission; Albany, Georgia; Application for Exemption

January 28, 1981.

Take notice that the Board of Water, Gas & Light Commission, Albany, Georgia, on December 22, 1980, filed an application for exemption from certain rules of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, information on the cost of providing electrical service as specified in Section 290.404(g)(1) pertaining to load data for large rate classes based on sample metering.

In its application for exemption the Board of Water, Gas & Light Commission of the City of Albany, Georgia, states that it should not be required to file the specified data by June 30, 1982 for the reasons that it does not have the internal ability or staff capability to provide the information requested in the time specified and has sought a deferred compliance date of June 30, 1984.

Copies of the application for exemption are on file with the Commission and is available for public inspection. Any person desiring to present written views, arguments or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45 day period such person must also serve a copy of such comments on the Board of Water, Gas & Light Commission, City of Albany, Georgia, Attention: U. Walter Rodemann, General Manager, 207 Pine Avenue, Post Office Box 1788, Albany, Georgia 31703.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–3090 Filed 2–3–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–219–000]

Boston Edison Co.; Filing

January 28, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company ("BECo"), on January 14, 1981, tendered for filing a proposed change in its Rate Schedule FERC No. 123. The proposed change would increase revenues from jurisdictional sales and service. BECo Rate Schedule FERC No. 123 is a contract for the exchange of electric capacity between BECo and The Hartford Electric Light Company ("HELCO"), The Connecticut Light and Power Company ("CL&P"), and Western Massachusetts Electric Company ("WMECO").

Copies of the filing were served on HELCO, CL&P, WMECO, and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application 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 10, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–3091 Filed 2–3–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–218–000]

Boston Edison Co.; Filing

January 28, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company ("Edison") on January 13, 1981, tendered for filing a revised

Exhibit D for Contract Demand Service to the Town of Reading (Massachusetts) Municipal Light Department. The new Exhibit D contains Reading's specifications of its contract demand and transmission service requirements for the period November 1, 1983 to October 31, 1984.

Any person desiring to be heard or to protest said application 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 10, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3992 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-24-000]

City of High Point, North Carolina; Application for Exemption

January 28, 1981.

Take notice that the City of High Point, North Carolina, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, the City of High Point, North Carolina states that it should not be required to file the specified data because "the regulations require information of a type and level of detail that is either inappropriate for, or not applicable to, the City's electric system operations, and, further, that denial of relief from the requirement of furnishing information that is otherwise appropriate and applicable to the City's electric system operations would result in costs that would be unduly burdensome upon the City's electricity ratepayers and citizens and would not further the purposes of this section of PURPA. The City submits that the facts described in this application support the City's request for full exemption."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on the City of High Point, North Carolina, P.O. Box 10, Wilson, North Carolina 27893.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3993 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3654-000]

City of Tenino and Pacific Hydro, Inc.; Application for Preliminary Permit

January 29, 1981.

Take notice that City of Tenino and Pacific Hydro, Inc. (Applicant) 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. 3654 to be known as Skookumchuck Project located on the Skookumchuck River in Thurston County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert H. Sherman, P.O. Box 572, 14030 Yelm Highway S.E., Yelm, Washington 98597. 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 Pacific Power and Light Company's existing 180-foot high, earth-filled Skookumchuck Dam, impounding a 42,000 acre-foot reservoir; (2) an existing intake structure; (3) a 3,300-foot long penstock connected to and inserted partially into the existing outlet tunnel of the Skookumchuck Dam; (4) a powerhouse containing two generating units, each rated at 3,000 kW; and (5) a 1.2-mile long transmission line. The Applicant estimates that the average annual energy output would be 25.3 million kWh.

Purpose of Project—The energy output of the project would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, perform preliminary designs and an economic analysis, consult with agencies, make a feasibility analysis, conduct environmental studies, and prepare an FERC license application. The cost of the studies to be performed under the preliminary permit is estimated by the Applicant to be $31,750.

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 April 6, 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 June 5, 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 April 6, 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. 3654. 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, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3994 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-23-000]

City of Wilson, North Carolina; Application for Exemption

January 28, 1981.

Take notice that the City of Wilson, North Carolina, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, the City of Wilson, North Carolina states that it should not be required to file the specified data because "the regulations require information of a type and level of detail that is either inappropriate for, or not applicable to, the City's electric system operations, and, further, that denial of relief from the requirement of furnishing information that is otherwise appropriate and applicable to the City's electric system operations would result in costs that would be unduly burdensome upon the City's electricity ratepayers and citizens and would not further the purposes of this section of PURPA. The City submits that the facts described in this application support the City's request for full exemption."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such persom must also serve a copy of such comments on the City of Wilson, North Carolina, P.O. Box 10, Wilson, North Carolina 27893.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3995 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-26]

Department of Air Force v. Southern California Edison Co.; Motion To Withdraw and Terminate

January 28, 1981.

Take notice that the Department of the Air Force on January 7, 1981 filed a Motion to Withdraw and Terminate the Docket in the above-noted docket. This motion states that the parties to the action have reached agreement and there is no need to pursue litigation further.

The above-noted docket was originally instigated on April 1, 1980 when the Department of the Air Force filed a motion of Department of Air Force to compel filing by Southern California Edison Company of Contract No. F047007790015 between the Department of Air Force (Edwards Air Force Base) and Southern California Edison Company and a Petition for a Declaratory Order of the Department of Air Force to invalidate the contract provision between Department of Air Force (Edwards Air Force Base) and Southern California Edison Company.

Any person desiring to be heard or to protest the January 7, 1981 Motion to Withdraw and Terminate should file a 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 and 1.10). All such protests should be filed on or before February 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3990 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-232-000]

Duke Power Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on January 19, 1981 a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand:

Delivery Point No. 5 from 3,300 KW to 3,500 KW
Delivery Point No. 7 from 4,000 KW to 4,200 KW
Delivery Point No. 8 from 650 KW to 900 KW
Delivery Point No. 10 from 4,000 KW to 5,200 KW
Delivery Point No. 11 from 600 KW to 700 KW
Delivery Point No. 13 from 3,000 KW to 3,800 KW
Delivery Point No. 14 from 1,800 KW to 2,400 KW
Delivery Point No. 15 from 2,800 KW to 3,600 KW

Delivery Point No. 16 from 2,000 KW to 3,000 KW
Delivery Point No. 18 from 1,100 KW to 1,300 KW
Delivery Point No. 20 from 3,600 KW to 3,000 KW
Delivery Point No. 21 from 4,400 KW to 5,000 KW
Delivery Point No. 23 from 2,300 KW to 2,700 KW

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of March 19, 1981.

According to Duke Power copies of this filing were mailed to Laurens Electric Cooperative, Inc., and the South Carolina 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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3907 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-13-000]

First Electric Cooperative Corp., Jacksonville, Arkansas; Application for Exemption

January 28, 1981.

Take notice that First Electric Cooperative Corporation, on December 22, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.502 of the Regulations under PURPA.

In its application for exemption, First Electric Cooperative Corporation states that it should not be required to file the specified data for the following reasons: It has no generation and purchases power under a firm demand and energy rate with fuel adjustment. The collection of the required data would be expensive and serve no useful purpose.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on First Electric Cooperative Corporation, P.O. Box 5018, Jacksonville, Arkansas 72076.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3898 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-20-000]

Greenville Utilities Commission; City of Greenville, North Carolina; Application for Exemption

January 28, 1981.

Take notice that the Greenville Utilities Commission, City of Greenville, North Carolina, on December 29, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, the Greenville Utilities Commission states that it should not be required to file the specified data because "the regulations require information of a type and level of detail that is either inappropriate for, or not applicable to, the GUC's electric system operations, and, further, that denial of relief from the requirement of furnishing information that is otherwise appropriate and applicable to the GUC's electric system operations would result in costs that would be unduly burdensome upon the GUC's electricity ratepayers and the citizens of Greenville and would not further the purposes of this section of PURPA. The GUC submits that the facts described in this application support the GUC's request for full exemption."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, on or before March 23, 1981. Within that 45 day period such person must also serve a copy of such comments on the Greenville Utilities Commission, City of Greenville, North Carolina, P.O. Box 1847, Greenville, North Carolina 27834.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3999 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-26-000]

Iowa Public Service Co.; Application

January 28, 1981.

Take notice that on January 16, 1981, Iowa Public Service Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking authority to issue $50 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1982, and will bear final maturity dates not later than March 31, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4000 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-10-000]

Lafayette Utilities System; Lafayette, Louisiana; Application for Exemption

January 28, 1981.

Take notice that Lafayette Utilities System, on December 5, 1980, filed an application for exemption from certain requirements of Part 290 of the

Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 [44 FR 58687, October 11, 1979]. Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in § 290.404(g)(1).

In its application for exemption, Lafayette Utilities System states that it should not be required to file the specified data for the following reasons: The exemption request is based on alternate compliance with the requirements of Section 133 of PURPA. Due to the size of the utility and the expense involved in sample metering, the utility request to use other available information in place of sample metering as a basis for the required load curves. It is the intent of the utility to comply with the purpose of Section 133 by this method. Since there are three large utilities in the same geographical area, the utility expects to obtain data based on similar economic, climatological, rate, customer mix, and other known information which will serve the intent and purpose of Section 133 of PURPA.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on Lafayette Utilities System, Box 4017-C, Lafayette, Louisiana 70502.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4001 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-21-000]

Missouri Power & Light Co. and Missouri Edison Co.; Application for Exemption

January 28, 1981.

Take notice that Missouri Power & Light Company and Missouri Edison Company on December 30, 1980, filed an application for partial exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 [44 FR 58687, October 11, 1979]. Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as particularly specified in §§ 290.404(a) and 290.404(g)(1).

In its application for exemption, Missouri Power & Light Company and Missouri Edison Company state that they should not be required to file the data in the manner specifically required for the reason that a joint load research study has been underway by the two companies since before PURPA became law. The data is being gathered by means of samples which vary somewhat in nature from the specific requirements of Part 290. Compliance with the specific requirements of Part 290 would result in the abandonment of the existing study since relocation of meters would be required. The Companies state they intend to fully comply with the requirements of PURPA and the regulations thereunder but request an exemption to allow them to compile the data using the sampling technique now in use, or use borrowed data with regard to the all-electric class.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on Mr. David C. Harrison, President, Missouri Power & Light Company and Missouri Edison Company, 101 Madison Street, Jefferson City, Missouri 65101.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4002 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3794-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

January 29, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3794 to be known as Deschutes Main Canal, Mile 45 Hydroelectric Project located on the U.S. Department of the Interior, Water and Power Resources Service's (WPRS) North Unit Canal in Jefferson County, Oregon. 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, 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 consist of: (a) a gated intake structure within the North Unit Canal at Sta. 2376+70; (b) a 1,550-foot long, 80-inch diameter penstock leading to; (c) a powerhouse on the canal containing a single generating unit with a rated capacity of 2,186 kW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 14 million kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of ehvironmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to 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 April 6, 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 June 5, 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, protests, or petition to intervene must be received on or before April 6, 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. 3794. 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4003 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3796-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 29, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3796 to be known as Deschutes Main Canal, Mile 46 Hydroelectric Project located on the U.S. Department of the Interior, Water and Power Resources Service's (WPRS) North Unit Canal in Jefferson County, Oregon. 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, 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 consist of: (a) a gated intake structure within the North Unit Canal at Sta. 2481+30; (b) a 650-foot long, 84-inch diameter penstock leading to; (c) a powerhouse on the canal containing a single generating unit with a rated capacity of 1,831 kW; and (d) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 11.7 million kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Premit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to 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 April 6, 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 June 5, 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 April 6, 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. 3796. 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, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4004 Filed 2-3-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI66-919, et al.]

Mobil Oil Exploration & Producing Southeast Inc. (Successor to Mobil-GC Corporation); Application To Amend Certificates of Public Convenience and Necessity, To Amend Applications, To Redesignate Rate Schedules, and To Redesignate Pending Proceedings

January 28, 1981.

Take notice that on February 13, 1980, Mobil Oil Exploration & Producing Southeast Inc. (MOEPSI) of Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed an application in Docket Nos. CI 66-919, et al., to amend certain certificates currently held by Mobil-GC Corporation (Mobil-GC), to show MOEPSI as certificate holder, to redesignate certain rate schedules and to substitute MOEPSI for Mobil-GC as a party in any pending proceedings before the Commission.

By conveyance effective December 28, 1979, Mobil-GC transferred and assigned to MOEPSI all of Mobil-GC's rights, titles, interest, and obligations in those certain gas sales and purchase contracts.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a part in any heaing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisidiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petiiton to intervene is filed within the time required hearing if the Commissions on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4006 Filed 2-3-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE80-66]

Moon Lake Electric Association; Application for Exemption

January 28, 1981.

Take notice that the Moon Lake Electric Association (Moon Lake), on January 8, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1981, information on the costs of providing electric service as specified in Part 290, Subparts B, C, D, and E.

In its application for exemption, Moon Lake states that it should not be required to file the specified data for the following reasons:

(1) More than 98 percent of the power it distributes is purchased from Western Area Power Administration and the Desert Generation and Transmission Cooperative.

(2) Moon Lake, because most of its load is for around the clock pumping operations, has unique operating characteristics with extremely high load factor.

(3) The spirit of PURPA and its goals have been met without complying to Section 133.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on: Moon Lake Electric Association, Attention: Mr. Steve A. Glaim, Manager, P.O. Box 178, Roosevelt, Utah 84066.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4008 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-26-002]

Natural Gas Pipeline Co. of America; Change in Rates

January 28, 1981.

Take notice that on January 21, 1981, Natural Gas Pipeline Company of American (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective March 1, 1981:

Forty-third Revised Sheet No. 5
Third Revised Sheet No. 5C
Third Revised Sheet No. 5D

Natural states the purpose of the filing is to reflect rate adjustments under Sections 18, 27, and 29 of the General Terms and Conditions of its tariff. The overall effect of the filed for adjustments is to increase Natural's DMQ-1 rates by $0.02 in the demand component and by 28.98¢ in the commodity component. Appropriate adjustments were also made to Natural's other sales rate schedules. The annualized revenue increase amounts to approximately $270.4 million. The various components are summarized below:

	Rate schedule DMQ-1 rate adjustment		Annualized jurisdictional revenue increase (decrease)
	Demand	Commodity	
Purchased gas cost adjustment:			
Producer supplier		18.20¢	$169.3
Pipeline supplier	$0.02	5.05¢	47.6
Deferred purchased gas cost		4.15¢	38.6
Total PGA	0.02	27.40¢	255.7
Louisiana first use tax		1.58¢	14.7
Total	0.02	28.98¢	270.4

Sheet Nos. 5C and 5D reflect the fact that all of Natural's sale-for-resale customers reported zero MSAC. Natural's four direct industrial customers have either furnished exemption affidavits or are exempt based on information contained in Natural's records. Therefore, there is no PGA reduction due to incremental pricing.

Natural requests waiver of the Commission regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1981.

A copy of this filing has been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application 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 12, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4000 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-25-000]

Northeast Utilities Service Co.; Application for Exemption

January 28, 1981.

Take notice that Northeast Utilities Service Company on behalf of The Connecticut Light and Power Company (CL&P), The Hartford Electric Company (HELCO) and Western Massachusetts Electric Company (WMECO), all subsidiaries of Northeast Utilities (collectively the NU Companies), on December 31, 1980, filed an application for exemptions from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982 certain information as specified in Sections 290.404(a)(1) and (a)(2).

In that application for exemptions, the NU Companies state that they should not be required to file the specified data for residential customers of CL&P and HELCO or for small commercial/industrial customers (with demands less than 50 KW) of CL&P, HELCO and WMECO on June 30, 1982, because those companies have implemented a systemwide load testing program. In order to minimize cost and create efficiency, that load testing program is being administered by using testing equipment on a rotating basis. Data for residential customers presently is being gathered for WMECO customers, but will not be available for CL&P and HELCO customers by June 30, 1982. Rather, it will be available by June 30, 1984 and submitted with the filing of that data. Similarly, load testing for large commercial and industrial customers of CL&P, HELCO, and WMECO will be implemented first and data for small commercial/industrial (less than 50 KW) will not be available by June 30, 1982. Rather, it will be available and supplied by June 30, 1984.

Copies of the application for exemptions are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut 06101 (Attention: Robert P. Wax, Counsel).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3979 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-9-000]

Orlando Utilities Commission; Application for Exemption

January 28, 1981.

Take notice that Orlando Utilities Commission (OUC) on December 5, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.401, 290.403, 290.404(a), 290.404(d), 290.501 and 290.502.

In its application for exemption, OUC states that it should not be required to file the specified data for the following reasons:

(1) OUC will not have the necessary metering equipment in place and will not have collected sufficient data needed to comply with Sections 290.401, 290.403 and 290.404(a).

(2) OUC has not yet had time to conduct commercial customer's end use class surveys to see if the sales for these classes exceeds the criteria established by Section 290.404(d).

(3) OUC will not be able to supply cost information for various voltage levels and costing periods, as required by Sections 290.501 and 290.502 as this is also a function of load research.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on: Orlando Utilities Commission, C. H. Stanton, Executive Vice-President and General Manager, P.O. Box 3193, Orlando, Florida 32802.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3980 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-22-000]

Northwestern Public Service Co.; Application for Exemption

January 28, 1981.

Take notice that Northwestern Public Service Company (NWPS), on December

30, 1980, filed an application for exemption for certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 1982, information on the costs of providing electric service as specified in Subpart D, sample metered load data for all large rate classes. NWPS proposes to sample meter only two of its three large rate classes for the June 1982 filing.

In its application for exemption, NWPS states that it should not be required to file the specified data for the following reasons:

(1) Simultaneously metering all large rate classes would be financially unwise relative to the results achieved;

(2) Best estimate load data for the exempted large rate class will satisfy the intent of Section 133 of PURPA and will not significantly distract from the overall accuracy of NWPS load data estimates; and

(3) NWPS will fully comply with § 290.404 in all future filings by a rotation of metering equipment to the required classes.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on Northwestern Public Service Company, P.O. Box 1318, Huron, South Dakota 57350.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4007 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER-81-230-000]

Pacific Gas & Electric Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that on January 19, 1981, Pacific Gas & Electric Company (PG&E) tendered for filing a letter agreement dated September 3, 1980. The agreement specifies the rate to be charged to the Los Angeles Department of Water and Power (LADWP) for emergency capacity provided to LADWP between August 21 and August 25, 1980.

The rate charged for this emergency capacity was 10 cents per kilowatt per day. No energy was taken during this period.

PG&E has requested waiver of the notice requirements pursuant to § 35.11 of the Commission's regulations to permit an effective date of August 21, 1980.

Copies of this filing were served upon the California Public Utilities Commission and the Los Angeles Department of Water Resources.

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 16, 1981. Protests will be considered by the Commission 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3981 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-229-000]

Portland General Electric Co.; Rate Schedule Filing

January 28, 1981.

The filing Company submits the following:

Take Notice that Portland General Electric Company on January 19, 1981, tendered for filing an Agreement and rate schedule whereunder Portland General Electric Company has agreed to supply 200 MW of firm peaking capacity to the City of Seattle, not to exceed 10,000 MWh per week, beginning November 1, 1980 and ending February 28, 1981, for which the City of Seattle will pay Portland General Electric Company a total of $1,840,000. Any energy delivered pursuant to the Agreement will be returned unless otherwise designated by Portland General Electric Company. Where so designated, energy not returned shall be purchased by the City of Seattle at Portland General Electric Company's incremental cost.

Copies of the filing were served upon the City of Seattle—City Light Department.

Portland General Electric Company requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 1, 1980, which it claims is the date of commencement of service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commisson, 825 N. 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3982 Filed 2-3-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-26-000]

Potomac Electric Power Co.; Application for Exemption

January 28, 1981.

Take notice that Potomac Electric Power Company (Pepco), on December 31, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.102 and 290.103(a). Deferred compliance to November 2, 1982 is sought.

In its application for exemption, Pepco states that it should not be required to file the specified data on June 30, 1982 for the following reasons:

(1) Because Pepco is a multijurisdictional company, detailed coet of service studies and analyses required under the Commission's regulations and based upon a reporting period of calendar year 1981 cannot physically be completed in time to meet the filing deadline of June 30, 1982; and

(2) The detailed cost of service studies and analyses required under the Commission's regulations can reasonably be completed by November 2, 1982.

Copies of the application for exemption are on file with the

Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comment on Edward A. Caine, Esquire, Deputy General Counsel, Potomac Electric Power Company, Room 841, 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3083 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE80-48]

Puerto Rico Electric Power Authority; Application for Exemption

January 28, 1981.

Take notice that Puerto Rico Electric Power Authority (Puerto Rico) on April 21, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687, October 11, 1979). Exemption is sought from certain parts of the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subpart D of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Puerto Rico states that it should not be required to file the specified data for the following reasons:

(1) It is involved in a cooperative contract with the Department of Energy involving load research and experimental time-of-day rates to which all available equipment and manpower have been committed.

(2) Although approximately 400 meters will be available for residential class load research, insufficient equipment is available for performing load studies in the commercial and industrial classes supplied at high voltage, although it is being procured.

(3) New data translating facilities are required.

(4) The climatological and socio-economic characteristics of Puerto Rico are such that borrowed data cannot be used.

(5) Research Triangle Institute has been engaged to develop sampling plans to develop the load data.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on the Puerto Rico Electric Power Authority, Attention: Mr. Jose Marina, P.O. Box 4267, San Juan, Puerto Rico 00936.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3084 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-5183-000, et al.]

Sun Oil Company (Delaware) (Successor to Texas Pacific Oil Company, Inc.); Application To Render Service Previously Authorized in Certificates of Public Convenience and Necessity Issued Texas Pacific Oil Company, Inc., Redesignate Rate Schedules and To Redesignate Pending Proceedings

January 28, 1981.

Take notice that on October 16, 1980, Sun Oil Company (Delaware) ("Sun"), of P.O. Box 20, Dallas, Texas 75221, successor to Texas Pacific Oil Company, Inc., ("Texas Pacific"), filed an application in Docket Nos. G-5183-000, et al., to amend certain certificates currently held by Texas Pacific, to show Sun as certificate holder, to redesignate certain Texas Pacific's related rate schedules and to substitute Sun for Texas Pacific as a party in any pending proceedings before the Commission.

By Conveyance and Agreement effective August 29, 1980, Texas Pacific transferred and assigned to Sun all of Texas Pacific's rights, titles, interest, and obligations in those certain gas sales and purchase contracts.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3085 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

January 28, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding originally scheduled for 10:00 a.m. on February 17, 1981, in Hearing Room F of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C., has been rescheduled for Febraury 19, 1981, at the above-mentioned address.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3086 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-216-000]

West Penn Power Co.; Filing

January 28, 1981.

The filing Company submits the following:

Take notice that on January 8, 1981 West Penn Power Company (West Penn) tendered for filing an Addendum to Electric Service Agreement between West Penn and Allegheny Electric Cooperative, Inc. for a new Elk Lick Delivery Point near Wharton, Pennsylvania. West Penn states that the service was connected on November 28, 1980.

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 10, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3087 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-6-000]

Western Area Power Administration; Application for Exemption

January 28, 1981.

Take notice that the Western Area Power Administration (WAPA), on December 18, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, WAPA states that it should not be required to file the specified data "because the gathering of the information by or for WAPA will not be likely to carry out the purposes of Section 133 of PURPA."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before march 23, 1981. Within that 45-day period such person must also serve a copy of such comments on: Western Area Power Administration, Attention: Mr. Robert L. McPhaill, Administrator, P.O. Box 3402, Golden, Colorado 80401.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3086 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-4-000]

Withlacoochee River Electric Cooperative, Inc.; Application for Exemption

January 28, 1981.

Take notice that Withlacoochee River Electric Cooperative, Inc. (Withlacoochee), on November 6, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations (Order 48, 44 FR 58687). Exemption is sought from the requirements to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Withlacoochee states that it should not be required to file the specified data because gathering and reporting the information required by Section 133 of PURPA are not likely to carry out the purposes of that section or the Act, and will be burdensome on its customers.

Copies of the application for exemption are on file with the Commission and are available for public inspection. In accordance with the Commission's regulations requiring said utility to file with the State regulatory authority having jurisdiction over it, this application has been filed concurrently with the Florida Public Service Commission.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on the Withlacoochee River Electric Cooperative, Inc., Attention: Mr. Billy E. Brown, Manager, P.O. Box 278, Dade City, Florida 33525.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3078 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-234-000]

Arizona Public Service Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that Arizona Public Company on January 19, 1981, tendered for filing as an initial rate schedule a Power Coordination Agreement between Plains Electric Generation and Transmission Cooperative, Inc. (Plains) and Arizona Public Service Company (Company) dated April 23, 1980.

A copy of this filing was served upon the Arizona Corporation 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 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4112 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-235-000]

Arizona Public Service Co.; Filing

January 29, 1981.

The filing company submits the following:

Take notice that on January 19, 1981, Arizona Public Service Company (APS) tendered for filing a Firm Transmission Service Agreement between Utah Power & Light Company (Utah) and APS.

Early approval under Section 35.3 is requested by Utah as Utah may be required to make other arrangements should the provisions of this Agreement not be available.

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 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4113 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-144-000]

Columbia Gas Transmission Corp.; Application

January 29, 1981.

Take notice that on January 16, 1981, Columbia Gas Transmission Corporation (Applicant), 1770 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-144-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain revised service agreements and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(1) The construction and operation of 61.0 miles of 24-inch transmission pipeline looping sections of Applicant's 20-inch transmission line No. 1804 located in Greene, Somerset, Fulton and Franklin Counties, Pennsylvania.

(2) The construction and operation of an additional 1,160 horsepower compressor unit at Salisbury compressor station located in Somerset County, Pennsylvania.

(3) The construction and operation of an additional 1,160 horsepower compressor unit at Artemas compressor station located in Bedford County, Pennsylvania.

(4) The construction and operation of an additional 375 horsepower compressor unit at Renovo compressor station located in Clinton County, Pennsylvania.

Applicant further proposes to revise service agreements with certain of its customers as follows:

(1) A revised service agreement with Baltimore Gas and Electric Company (Baltimore) effectuating an increase in Baltimore's contract demand under Applicant's Rate Schedule CDS from 360,000 to 370,000 dekatherms (dt) equivalent per day and a decrease in Baltimore's winter contract quantity under Applicant's Rate Schedule WS from 6,440,000 to 5,750,000 dt equivalent.

(2) A revised service agreement with Bluefield Gas Company (Bluefield) effectuating an increase in Bluefield's contract demand under Applicant's Rate Schedule CDS from 5,600 Mcf per day to 5,900 Mcf per day.

(3) A revised service agreement with Orange and Rockland Utilities, Inc. (Orange and Rockland) effectuating an increase in Orange and Rockland's contract demand under Applicant's Rate Schedule CDS from 42,100 to 45,100 dt equivalent per day.

(4) A revised service agreement with Pennsylvania Gas and Water Company (Penn Gas) effectuating an increase in Penn Gas' contract demand under Applicant's Rate Schedule CDS from 39,700 to 51,700 dt equivalent per day.

(5) A revised service agreement with UGI Corporation (UGI) effectuating an increase in UGI's maximum daily quantity from 50,000 to 65,000 dt equivalent per day and an increase in winter contract quantity under Applicant's Rate schedule WS from 2,500,000 to 3,250,000 dt equivalent.

(6) A revised service agreement with Washington Gas Light Company (Washington Gas) effectuating an increase in Washington Gas' contract demand under Applicant's Rate Schedule CDS from 408,900 to 435,900 dt equivalent per day.

(7) A revised service agreement with Columbia Gas of Ohio, Inc. (Columbia Ohio) effectuating a decrease in Columbia Ohio's contract demand under Applicant's Rate Schedule CDS in Zone 1 from 59,700 to 55,900 Mcf per day.

(8) A revised service agreement with Columbia Gas of Virginia, Inc. (Columbia Virginia) effectuating an increase in Columbia Virginia's contract demand under Applicant's Rate Schedule CDS from 60,200 to 73,500 dt equivalent per day and a decrease in maximum daily quantity and winter contract quantity under Applicant's Rate Schedule WS from 22,000 to 15,800 dt equivalent and from 1,100,000 to 979,600 dt equivalent, respectively.

It is asserted that the revised service agreements proposed an effective date of November 1, 1981, except that relating to Washington Gas which is proposed to be effective December 1, 1981.

Applicant states that the proposed projects are required to supply its increased market requirements in its eastern market area beginning with the 1981-82 winter period. The proposed facilities, it is asserted, would increase the capability of Applicant's 1804 system by approximately 80,600 Mcf per day.

Applicant estimates that the cost of the facilities to be constructed would be approxiamtely $33,713,000. Such costs, it is stated, would be financed through long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1981, file with the Federal Energy Regulatory Commission, Washingotn, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal-Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4114 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-238-000]

Commonwealth Edison Co.; Filing

January 29, 1981.

The filling company submits the following:

Take notice that Commonwealth Edison Company on January 21, 1981, tendered for filing a Fouth Amendment dated December 15, 1980, to the Interconnection Agreement dated as of June 21, 1967, between Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company.

The Fourth Amendment provides for the inclusion in Service Schedule C-Short Term Power of provisions for the implementation of daily short term power transactions between the Companies.

Copies of this filing were served upon Iowa-Illinois Gas and Electric Company Davenport, Iowa, and the Illinois Commerce Commission, Springfield, Illinois and the Iowa State Commerce Commission, Des Moines, Iowa.

Any person desiring to heard or to protest said filing should file a petition to intefvene or protest with the Federal Energy Regulatory Commission, 825 North Capital 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 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4115 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-233-000]

Consumers Power Co.; Filing

January 29, 1981.

The filing company submits the following:

Take notice that on January 19, 1981, Consumers Power Company (Consumers Power) tendered for filing a Wholesale for Resale Electric Service Agreement with the City of Hillsdale, Michigan. Consumers Power states that effective January 1, 1981, Hillsdale began receiving wholesale service under Consumers Power's FERC Electric Service Tariff First Revised Volume No. 1, under rates and other terms and conditions of service which the Commission permitted to become effective in its order of December 20, 1979 in Docket No. ER80-55, as same may be changed from time to time. Consumers Power states that the Service Agreement cancels and supersedes an Interconnection Agreement dated October 1, 1976, under which Hillsdale was served prior to January 1, 1981. Consumers Power states that the service agreement will be effective for a period of three years or until cancelled by mutual consent or by notice by either party to the other, or until Hillsdale begins receiving electric service from the Michigan South Central Power Agency.

Any person desiring to be heard or to protest said agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 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 by or before February 16, 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 said agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4116 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
****							
TEXAS RAILROAD COMMISSION							
****							
-ALPAR RESOURCES INC				RECEIVED: 12/22/80 JA: TX			
8110565	23918	4235730986	103	BRILLHART #1-840	ELLIS RANCH (CLEVELAND)	110.0	DIAMOND SHAMROCK COR
-AMOCO PRODUCTION CO				RECEIVED: 12/22/80 JA: TX			
*8110644	25554	4250100000	102	A J DAVIS #10	BRAHANEY (DEVONIAN)	14.6	SHELL OIL CO
8110647	25557	4250131738	102	A J DAVIS #7	BRAHANEY (DEVONIAN)	5.7	SHELL OIL CO
*8110646	25556	4250131737	102	A J DAVIS #8	BRAHANEY (DEVONIAN)	15.0	SHELL OIL CO
*8110645	25555	4250100000	102	A J DAVIS #9	BRAHANEY (DEVONIAN)	16.4	SHELL OIL CO
8110523	22746	4216730746	103	E KER CADE A R/A A NO 276	HIGH ISLAND	15.7	UNION TEXAS PETROLEU
8110492	20700	4224531270	103	FEE GUILMARTIN #33	SPINDLETOP	10.9	WINNIE PIPELINE CO
8110493	20707	4224531164	103	GLADYS CITY #168	SPINDLETOP	17.8	WINNIE PIPELINE CO
8110491	20650	4224531165	103	GLADYS CITY #169	SPINDLETOP	16.4	WINNIE PIPELINE CO
8110490	20649	4224531179	103	GLADYS CITY #171	SPINDLETOP	14.2	WINNIE PIPELINE CO
8110486	20585	4224531187	103	GLADYS CITY #172	SPINDLETOP	9.0	WINNIE PIPELINE CO
8110504	21106	4224531198	103	GLADYS CITY #173	SPINDLETOP	24.4	WINNIE PIPELINE CO
8110487	20586	4224531205	103	GLADYS CITY #174	SPINDLETOP	4.3	WINNIE PIPELINE CO
8110485	20584	4224531209	103	GLADYS CITY #175	SPINDLETOP	16.0	WINNIE PIPELINE CO
8110494	20708	4224531235	103	GLADYS CITY #178	SPINDLETOP	1.0	WINNIE PIPELINE CO
8110483	20582	4224531236	103	GLADYS CITY #179	SPINDLETOP	0.0	WINNIE PIPELINE CO
8110484	20583	4224531275	103	GLADYS CITY #181	SPINDLETOP	8.8	WINNIE PIPELINE CO
*8110470	17422	4239131348	103	J M OBRIEN A NO 8	GRETA (900)	0.0	TRANSCONTINENTAL PIP
8110429	15866	4239330681	103	LIPS RANCH B WELL #21	LIPS (CLEVELAND)	292.0	NORTHERN NATURAL GAS
8110795	26314	4243532259	103	MORRISS BROTHERS #4	WHITEHEAD (STRAWN)	73.0	LONE STAR GAS CO
8110513	22183	4235730845	103	R P ROBERTS WELL #8	HORIZON	78.0	PHILLIPS PETROLEUM C
8110734	26106	4249531124	103	SEALY SMITH FOUNDATION /A/ #48	MONAHANS E /PENN LO/	134.7	PIONEER NATURAL GAS
8110463	17088	4222731849	103	TEX LAND/MTGE CO /A/ R/A /A/ #96	IATAN EAST/HOWARD/	1.5	GETTY OIL CO
8110511	21643	4224531188	103	W P H MCFADDIN #252	SPINDLETOP	1.1	WINNIE PIPELINE CO
8110507	21330	4224531189	103	W P H MCFADDIN #253	SPINDLETOP	4.3	WINNIE PIPELINE CO
8110508	21331	4224531220	103	W P H MCFADDIN #256	SPINDLETOP	4.5	WINNIE PIPELINE CO
8110543	23475	4220100000	103	W S JACOBS A NO 5	SATSUMA (7600 YEQUA)	180.0	UNITED TEXAS TRANS C
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/22/80 JA: TX			
8110469	17298	4236530841	102	A M BOLES GAS UNIT WELL #3	CARTHAGE	657.0	SOUTHERN NATURAL GAS
8110717	26058	4223531480	103	ELA C SUGG 51 WELL NO 1	SPRABERRY TREND AREA	29.2	J L DAVIS
8110545	23530	4213507227	108	GOLDSMITH CUMMINS DEEP UNIT #158	GOLDSMITH (CLEARFORK)	24.1	PHILLIPS PETROLEUM C
8110489	20611	4213132872	103	HAGIST RANCH 124 WELL #1	HAGIST RANCH (800-PROPOS	110.0	TENNESSEE GAS PIPELI
8110637	25467	4218130665	103	J F GODWIN #5	SANDUSKY	0.0	LONE STAR GAS
8110636	25466	4218130664	103	J F GODWIN #6	SANDUSKY	0.0	LONE STAR GAS
8110726	26068	4223531484	103	J R SCOTT ESTATE A-54 WELL NO 1	SPRABERRY TREND AREA	43.8	J L DAVIS
8110724	26066	4223531394	103	J R SCOTT ESTATE A-56 WELL NO 1	SPRABERRY TREND AREA	28.1	J L DAVIS
8110727	26069	4223531447	103	J R SCOTT ESTATE 24 WELL NO 1	SPRABERRY TREND AREA	32.9	J L DAVIS
8110723	26065	4223531397	103	J R SCOTT ESTATE 32 WELL NO 1	SPRABERRY TREND AREA	25.6	J L DAVIS
8110728	26070	4223531396	103	J R SCOTT ESTATE 34 WELL #1	SPRABERRY TREND AREA	21.9	J L DAVIS

VOLUME 352 PAGE 002

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110720	26062	4223531395	103		J R SCOTT ESTATE 72 WELL NO 1	SPRABERRY TREND AREA	65.7	J L DAVIS
8110716	26057	4223531445	103		J R SCOTT ESTATE 72 WELL NO 2	SPRABERRY TREND AREA	54.8	J L DAVIS
8110722	26064	4223531444	103		J R SCOTT ESTATE 72 WELL NO 3	SPRABERRY TREND AREA	58.4	J L DAVIS
8110718	26059	4223531452	103		J R SCOTT ESTATE 74 WELL NO 1	SPRABERRY TREND AREA	25.6	J L DAVIS
8110725	26067	4223531482	103		J R SCOTT ESTATE 74 WELL NO 2	SPRABERRY TREND AREA	25.6	J L DAVIS
8110721	26063	4223531484	103		J R SCOTT ESTATE 74 WELL NO 3	SPRABERRY TREND AREA	34.7	J L DAVIS
8110471	17471	4270830228	103		STATE LEASE 59454 24-L #B-2	HIGH ISLAND 24-L (FB-B H	730.0	UNITED TEXAS TRANSMI
-ARMOUR PROPERTIES					RECEIVED: 12/22/80 JA: TX			
8110778	26226	4206530758	103		BURNET WELL NO 98-9	PANHANDLE CARSON COUNTY	65.7	PANHANDLE EASTERN PI
8110777	26225	4206530759	103		BURNETT WELL NO 98-10	PANHANDLE CARSON COUNTY	81.0	PANHANDLE EASTERN PI
8110780	26228	4206530719	103		BURNETT WELL NO 98-5	PANHANDLE CARSON COUNTY	39.4	PANHANDLE EASTERN PI
8110779	26227	4206530757	103		BURNETT WELL NO 98-8	PANHANDLE CARSON COUNTY	110.2	PANHANDLE EASTERN PI
-ATAPCO					RECEIVED: 12/22/80 JA: TX			
8110741	26125	4237132945	103		MAX D SHAFFRATH NO 3	COYANOSA (DELAWARE 5200)	3.0	
-B & W OIL & GAS					RECEIVED: 12/22/80 JA: TX			
8110459	16862	4206530610	103		BURNETT - 79 WELL #1	PANHANDLE CARSON	0.0	PANHANDLE EASTERN PI
-BARON COMPANY INC					RECEIVED: 12/22/80 JA: TX			
8110673	25871	4233130831	103		DAN KUBIAK #11	MINERVA-ROCKDALE	3564.0	LONE STAR GAS CO
8110672	25870	4233130832	103		DAN KUBIAK B 12	MINERVA-ROCKDALE	3780.0	LONE STAR GAS CO
8110674	25872	4233130849	103		DAN KUBIAK B 29	MINERVA-ROCKDALE	3960.0	LONE STAR GAS CO
8110671	25869	4233130850	103		DAN KUBIAK B 30	MINERVA-ROCKDALE	4140.0	LONE STAR GAS CO
-BARUCH-FOSTER CORP					RECEIVED: 12/22/80 JA: TX			
8110708	26030	4216531675	103		FLANAGAN D-#1	FLANAGAN (CLEARFORK)	9.0	
-BETTIS BOYLE & STOVALL					RECEIVED: 12/22/80 JA: TX			
8110730	26084	4240931400	103		AUGUST PERSON NO 2	MATHIS E (4800)	109.5	VALERO TRANSMISSION
8110696	25980	4236332380	103		E F WAGLEY C NO 2	MINERAL WELLS NORTH BIG	91.3	LONE STAR GAS CO
8110693	25975	4223732946	103		MCCLURE NO 1	JACKSBORO WEST CONGLOMER	18.3	LONE STAR GAS CO
8110694	25977	4223733053	103		SEWELL 80 NO 1	JACKSBORO WEST (CONGLOME	18.3	LONE STAR GAS CO
-BLADE OIL CO					RECEIVED: 12/22/80 JA: TX			
8110598	24603	4223330766	103		SANFORD E #1 (RRC #04570)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BONANZA PETROLEUM INC					RECEIVED: 12/22/80 JA: TX			
8110729	26082	4246931289	103		LOUIS DENTLER #1	ARNOLD (FRIO 3550)	130.0	VALERO TRANSMISSION
-BRIDWELL OIL CO					RECEIVED: 12/22/80 JA: TX			
8110592	24505	4224900000	108		HOFFMAN C #5	BEN BOLT	6.0	VALLEY GAS TRANSMISS
8110591	24504	4224900000	108		HOFFMAN C #6	BEN BOLT	11.0	VALLEY GAS TRANSMISS
-BRUCE A WILBANKS					RECEIVED: 12/22/80 JA: TX			
8110564	23879	4213332046	103		J C CARR #1	EASTLAND COUNTY REGULAR	9.0	LONE STAR GAS CO
8110563	23878	4213332183	103		J C CARR #2	EASTLAND COUNTY REGULAR	62.0	LONE STAR GAS CO
-C & G OIL CO					RECEIVED: 12/22/80 JA: TX			
8110464	17126	4249500000	108		E W COWDEN NO 1	HENDRICK	5.2	PHILLIPS PETROLEUM C
-CHALMERS OPERATING CO INC					RECEIVED: 12/22/80 JA: TX			
8110481	20212	4236332095	103		J B CURTIS #1 PRC #83834	PK DAM (CONGLOMERATE E)	100.0	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 12/22/80 JA: TX			
8110583	24376	4245130588	103		A H DUFF ESTATE A NO 6	DOVE CREEK (CANYON D)	91.0	NORTHERN NATURAL GAS
8110690	25966	4245130522	103		A H DUFF ESTATE B NO 1	DOVE CREEK (CANYON D)	310.3	NORTHERN NATURAL GAS
*8110581	24354	4235531413	103		BERTRAM HEIRS NO 1	STRATTON (M-24)	3033.0	TENNESSEE GAS PIPELI
8110657	25697	4243130862	103		COPE-BODINE NO 1	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8110582	24355	4243130859	103		I W TERRY NO 4 (25371)	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
*8110691	25967	4235531322	103		SELLERS #2	STRATTON	127.8	TENNESSEE GAS PIPELI
*8110575	24094	4235531385	103		W T CAGE NO 3	STRATTON (H-37)	307.7	TENNESSEE GAS PIPELI
-CHARLES L WALKER					RECEIVED: 12/22/80 JA: TX			
*8110529	23204	4200331851	103		FISHER B #1	BLOCK A-34 (SAN ANDRES)	8.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8110530	23205	4200332154	1C2		UNDERWOOD B #1	BLOCK A-34 (SAN ANDRES)	16.2	PHILLIPS PETROLEUM C
-CHRISTIE ENERGY CO INC					RECEIVED: 12/22/80 JA: TX			
8110548	23572	4214330476	103		E C SHILLINBURG #1	BUNYAN (DUFFER LIME) FIE	52.0	CORONADO TRANSMISSIO
8110549	23574	4214330457	103		GLENN ARMSTRONG #1	ARMWAY (DUFFER LIME)	51.0	CORONADO TRANSMISSIO
8110552	23623	4214330445	103		VIRGINIA LITTLE #1 ID #85496	KOICHI (DUFFER LIME) FIE	67.0	CORONADO TRANSMISSIO
8110547	23570	4214330420	103		WILSON GAS UNIT WELL NO 1	VICTOR (DUFFER LIME) FIE	72.0	CORONADO TRANSMISSIO
-CMC ENERGY INC					RECEIVED: 12/22/80 JA: TX			
8110433	16175	4213100000	108		SOUTHLAND LIFE NO 23 (ID 14331)	SOUTHLAND TEDDLIE	20.0	TRANSCONTINENTAL GAS
8110434	16176	4213100000	108		SOUTHLAND LIFE NO 31 (14340)	SOUTHLAND (GRAVIS)	20.0	TRANSCONTINENTAL GAS
-COASTAL OIL & GAS CORP					RECEIVED: 12/22/80 JA: TX			
8110665	25853	4237530721	103		BIVINS 33-2S	PANHANDLE (RED CAVE)	5.0	COLORADO INTERSTATE
-CONOCO INC					RECEIVED: 12/22/80 JA: TX			
8110461	17674	4227500000	108		ALMA H ORSBORN #8	KATZ	0.4	CITIES SERVICE OIL C
8110477	19782	4243300000	108		ARTHUR BRINKLEY JR A #39	FLOWERS	1.0	CITIES SERVICE OIL C
8110595	24535	4238900000	108		FORD GERALDINE UNIT #140 ID #21021	GERALDINE FORD	0.1	EL PASO NATURAL GAS
8110596	24536	4238900000	108		FORD GERALDINE UNIT #143 ID #21021	GERALDINE FORD	0.4	EL PASO NATURAL GAS
8110480	20031	4238900000	108		FORD GERALDINE UNIT #76 ID #21021	GERALDINE FORD	0.9	EL PASO NATURAL GAS
8110594	24534	4213500000	108		FORD GERALDINE UNIT #90 ID #21021	GERALDINE FORD	0.4	EL PASO NATURAL GAS
8110597	24563	4210900000	108		G E RAMSEY JR 46 #16 ID #16761	GERALDINE	2.5	EL PASO NATURAL GAS
8110479	20030	4216500000	108		G M LANGDON 43 #11	WASSON	4.5	SHELL OIL CO
8110714	26038	4222732157	103		G O CHALK #21 ID #18986	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
8110713	26037	4222732158	103		G O CHALK #22 ID #18986	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
8110510	21546	4243300000	108		GUEST CANYON SAND UNIT #5 ID #10855	GUEST	0.3	CITIES SERVICE OIL C
8110462	17743	4213500000	108		KLOH C-21 #5	GOLDSMITH W	4.1	PHILLIPS PETROLEUM C
8110600	24646	4213533326	103		MRS L E WIGHT 4 #28 ID #09049	COWDEN NORTH/DEEP	0.7	AMOCO PRODUCTION CO
8110535	23280	4215100000	108		ROUND TOP PALO PINTO #136	ROUND TOP	0.1	LONE STAR GAS CO
8110811	27610	4243300000	108		WEST FLOWERS UNIT #43 ID 11787	FLOWERS WEST	0.3	CITIES SERVICE OIL C
8110812	27611	4243300000	108		WEST FLOWERS UNIT #49 I D #11787	FLOWERS WEST	0.2	CITIES SERVICE OIL C
8110476	19781	4243300000	108		WEST FLOWERS UNIT #54	FLOWERS WEST	1.0	CITIES SERVICE OIL C
-COOK PRODUCTION CO					RECEIVED: 12/22/80 JA: TX			
8110419	07586	4223700000	108		CLARK BOWLING UNIT #1	JACK COUNTY REGULAR	3.8	CITIES SERVICE CO
-COQUINA OIL CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110733	26104	4238331599	103		CALVIN #1	CALVIN (DEAN)	14.0	UNION OF TEXAS OIL C
*8110660	25826	4249531191	103		MITCHELL #1	G P M (GLORIETA)	22.0	TRANSWESTERN PIPELIN
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 12/22/80 JA: TX			
8110528	23137	4242731395	102		HEARD NO 1	EL BENADITO SOUTH	0.0	VALERO INTERSTATE TR
-COTTON PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110664	25851	4229500000	1C8		BANKERS NO 1	LIPSCOMB/TONKAWA	6.0	NORTHERN NATURAL GAS
-CRAMPTON & DENNIS					RECEIVED: 12/22/80 JA: TX			
8110692	25969	4239931510	103		JAMES E BAILEY NO 2	COCKATOO (GARDNER)	0.0	UNION TEXAS PETROLEU
-CROSS OIL CO					RECEIVED: 12/22/80 JA: TX			
8110651	25605	4250300000	103		M C WHITTENBURG #20212	YOUNG COUNTY REGULAR	500.0	SUN GAS GATHERING CO
-CURTIS HANKAMER					RECEIVED: 12/22/80 JA: TX			
8110438	16543	4223500000	108		LETA D CRAWFORD #3	SIXTY-SEVEN (CANYON)	16.0	CRA INC
-DAWSON OIL CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110580	24229	4236130331	103		HOLLIS AKERS GAS UNIT #1	NORTH PORT NECHES FIELD	0.0	UNITED TEXAS TRANSMI
-DAWSON EXPLORATION INC					RECEIVED: 12/22/80 JA: TX			
8110495	20717	4224531316	102		COTTON BURRELL #1	HILDEBRANDT BAYOU SE (HA	0.0	UNITED TEXAS TRANSMI
8110495	20717	4224531316	103		COTTON BURRELL #1	HILDEBRANDT BAYOU SE (HA	0.0	UNITED TEXAS TRANSMI
-DEMARCO OIL & GAS INC					RECEIVED: 12/22/80 JA: TX			
8110534	23259	4244131493	103		PATTERSON 86926	LAWN SOUTHWEST	182.5	UNION TEXAS PETROLEU
-DERRICK OIL & GAS INC					RECEIVED: 12/22/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110658	25700	4203900000	103		V S HUFFMAN NO 1-T	ARCOLA	47.0	TENNGASCO INC
-DESANA CORP					RECEIVED: 12/22/80 JA: TX			
8110695	25979	4209530469	103		HENDERSON NO 1	EDEN WEST (GOEN)	0.0	SUN OIL CO
-DEVON CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110774	26218	4238331563	103		OWENS ET AL WELL NO 1	BARNHART (GRAYBURG)	10.0	J L DAVIS
8110776	26220	4238331563	103		OWENS ET AL WELL NO 2	BARNHART (GRAYBURG)	10.0	J L DAVIS
8110775	26219	4238331562	103		T B BOOTHE NO 1	BARNHART (GRAYBURG)	26.0	J L DAVIS
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110482	20353	4235700000	108		INEZ ROLLETTE NO 1	TWIN	0.0	NORTHERN NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 12/22/80 JA: TX			
8110697	25984	4208725979	108		ALDCUS D #1	PANHANDLE EAST	16.0	EL PASO NATURAL GAS
8110678	25900	4248326032	108		BOREN A #2	PANHANDLE EAST	17.0	EL PASO NATURAL GAS
8110698	25985	4243530862	108		MECKEL A #6	SONORA (CANYON UPPER)	11.7	EL PASO NATURAL GAS
8110699	25986	4221130461	108		URSCHEL #1	CANADIAN NE DOUGLAS	8.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 12/22/80 JA: TX			
8110650	25574	4238300000	108		G L GREER #2	CALVIN (DEAN)	16.0	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 12/22/80 JA: TX			
8110677	25892	4221330241	103		J W TULLOS "A" NO 2-XC	OPELIKA	339.0	LONE STAR GAS CO
-ENTERPRISE RESOURCES INC					RECEIVED: 12/22/80 JA: TX			
8110540	23387	4246900000	102		G N WOODS #1 (87706)	MEYERSVILLE E (3220)	55.0	VALERO TRANSMISSION
-EXXON CORPORATION					RECEIVED: 12/22/80 JA: TX			
*8110516	22349	4200332138	103		FULLERTON CLEARFORK UNIT #1735	FULLERTON	28.0	PHILLIPS PETROLEUM C
*8110784	26261	4200332249	103		FULLERTON CLEARFORK UNIT #2319	FULLERTON	16.0	PHILLIPS PETROLEUM C
*8110789	26268	4200332248	103		FULLERTON CLEARFORK UNIT #2625	FULLERTON	17.0	PHILLIPS PETROLEUM C
*8110787	26266	4200332191	103		FULLERTON CLEARFORK UNIT #4221	FULLERTON	30.0	PHILLIPS PETROLEUM C
*8110790	26269	4200332224	103		FULLERTON CLEARFORK UNIT #4315	FULLERTON	26.0	PHILLIPS PETROLEUM C
*8110788	26267	4200332232	103		FULLERTON CLEARFORK UNIT #633	FULLERTON	52.0	PHILLIPS PETROLEUM C
*8110517	22350	4200332177	103		FULLERTON CLFK UNIT #1427	FULLERTON	48.0	PHILLIPS PETROLEUM C
8110652	25607	4210332236	103		J B TUBB B #24L	SAND HILLS (TUBB)	25.0	EL PASO NATURAL GAS
8110703	26006	4226130443	103		MRS S K EAST 96-F	RITA (5-P II)	146.0	NATURAL GAS PIPELINE
8110786	26265	4229500000	108		REDELSPERGER #1	FOLLETT (MORROW)	16.4	TRANSWESTERN PIPELIN
8110522	22619	4216531690	103		ROBERTSON (CLEARFORK) UNIT #2202	ROBERTSON N (CLEARFORK 7	5.0	PHILLIPS PETROLEUM C
8110785	26262	4216531756	103		ROBERTSON/CLEARFORK/UNIT 2702	ROBERTSON N (CLEARFORK 7	17.0	PHILLIPS PETROLEUM C
8110525	23044	4226130558	102		SARITA OIL & GAS 155-F (09537)	SARITA (6-A W)	10.0	NATURAL GAS PIPELINE
-GAS PRODUCING ENTERPRISES INC					RECEIVED: 12/22/80 JA: TX			
8110526	23061	4213134656	103		STATE OF TEXAS M-41040 2A	NEELY	69.0	NATURAL GAS PIPELINE
-GENERAL PRODUCTION CORP					RECEIVED: 12/22/80 JA: TX			
8110731	26094	4205130618	103		F C ANDERSON ET AL NO 3	WILLARD (NAVARRO) FIELD	46.0	FERGUSON CROSSING PI
8110688	25961	4205130521	103		OLEN P HOLLIMAN A NO 1	WILLARD (NAVARRO) FIELD	31.0	FERGUSON CROSSING PI
8110689	25964	4205130619	103		OLEN P HOLLIMAN NO 2	WILLARD (NAVARRO) FIELD	71.0	FERGUSON CROSSING PI
-GETTY OIL COMPANY					RECEIVED: 12/22/80 JA: TX			
8110685	25955	4223330853	103		HERRING A TRACT 2 #98	PANHANDLE HUTCHINSON	37.0	PANHANDLE EASTERN P
8110605	24698	4250131788	102		J H BESHEARS 2-D	BRAHANEY - DEVONIAN	0.0	SHELL OIL CO
8110747	26147	4210332279	103		NORTH MCELROY UNIT WELL NO 2832	MCELROY	10.0	PHILLIPS PETROLEUM C
8110746	26146	4210332255	103		NORTH MCELROY UNIT WELL NO 2837	MCELROY	21.0	PHILLIPS PETROLEUM C
8110745	26145	4210332278	103		NORTH MCELROY UNIT WELL NO 2846	MCELROY	24.0	PHILLIPS PETROLEUM C
8110744	26144	4210332256	103		NORTH MCELROY UNIT WELL NO 3330	MCELROY	9.0	PHILLIPS PETROLEUM C
8110743	26143	4210332257	103		NORTH MCELROY UNIT WELL NO 3425	MCELROY	4.0	PHILLIPS PETROLEUM C
8110538	23331	4236530937	103		O W ALEXANDER WELL #2	CARTHAGE (COTTON VALLEY)	176.0	DELHI GAS PIPELINE C
8110537	23330	4235531518	103		TST 445 WELL #2	REDFISH BAY	408.0	UNITED GAS PIPELINE
8110604	24694	4207931152	103		XIT UNIT WELL NO 174	LEVELLAND - SAN ANDRES	3.7	CITIES SERVICE CO
-GIFFORD MITCHELL & WISENBAKER					RECEIVED: 12/22/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8110572	24079	4249531133	103		COMANCHE UNIT #2
-GRACE PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: TX
8110432	16114	4236530803	103		CHADWICK #1-C
8110520	22520	4216130410	103		J N VICKERS NO 1
-GULF ENERGY PRODUCING COMPANY					RECEIVED: 12/22/80 JA: TX
8110719	26060	4236332359	103		HART RANCH #869-2
8110740	26124	4231732156	103		KADERLI #1 (25955)
8110715	26051	4236332318	103		NASH #1-C (88512)
-GULF OIL CORPORATION					RECEIVED: 12/22/80 JA: TX
8110621	25240	4237131781	102		EMMA LOU UNIT NO 1
8110624	25299	4237132524	107		EMMA LOU UNIT NO 1 WELL NO 2
8110710	26032	4237133078	103		HILLIN-WINFIELD NO 2
8110578	24152	4221131116	107		HUMPHREYS /A/ M NO 1
8110712	26034	4247531965	103		HUTCHINGS STOCK ASSN WELL NO 1044
8110681	25949	4249531202	103		KEYSTONE CATTLE CO NO 352
8110711	26033	4249531181	103		KEYSTONE CATTLE CO WELL NO 354
8110797	26331	4238930954	103		STATE SCHOOL BOARD NB WELL NO 1
-GULFSTREAM PETROLEUM CORP					RECEIVED: 12/22/80 JA: TX
8110502	21013	4217531266	102		DESMOND R PEREIRA NO 1
-GUPTON GAS CO					RECEIVED: 12/22/80 JA: TX
8110676	25885	4236700000	108		MAX BRYANT #1
-H & L OPERATING COMPANY					RECEIVED: 12/22/80 JA: TX
8110635	25448	4235700000	103		PSHIGODA #2-C
-H V RISIEN					RECEIVED: 12/22/80 JA: TX
8110599	24608	4220131017	103		DOERRE A UNIT #2 PRC ID #85630
-H-M OIL CO					RECEIVED: 12/22/80 JA: TX
8110521	22563	4248131935	102		LOU ALICE ELLIS #1-T
8110631	25367	4248131803	103		REDWINE #1
-HAMILTON BROTHERS OIL CO					RECEIVED: 12/22/80 JA: TX
8110570	24076	4235720944	103		B J GARNETT #3-135
-HANOVER MANAGEMENT CO					RECEIVED: 12/22/80 JA: TX
8110639	25526	4249731570	103		CRYSTELLE WAGGONER #1
-HARING CORP					RECEIVED: 12/22/80 JA: TX
8110539	23341	4246931531	102		SPIEGELHAUER-BUEHNER 1 065955
-HARKEN OIL & GAS INCORP					RECEIVED: 12/22/80 JA: TX
8110771	26200	4236731487	103		ANDREWS #1 87170
-HINTON PRODUCTION COMPANY					RECEIVED: 12/22/80 JA: TX
8110670	25862	4237330388	103		DORRANCE NO 2 78508
8110669	25861	4237330397	103		DORRANCE NO 3 78507
8110668	25860	4237330402	103		DORRANCE NO 7 78511
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 12/22/80 JA: TX
8110474	18836	4270330172	102		STATE TRACT 526-L SW/4 #7
8110475	18837	4270330173	102		STATE TRACT 526-L SW/4 #8
-HUGHES & HUGHES					RECEIVED: 12/22/80 JA: TX
8110612	24920	4247932658	102		ROSA V DE BENAVIDES NO 5
-HULEN H LEMON					RECEIVED: 12/22/80 JA: TX
8110709	26031	4226300000	103		MCLAURY #1
-IKE LOVELADY INC					RECEIVED: 12/22/80 JA: TX
8110620	25181	4208130855	103		FEATHERSTON NO 1 WELL
-INTERNATIONAL OIL & GAS CORP					RECEIVED: 12/22/80 JA: TX
8110571	24077	4210532398	103		INGHAM 46 #1
8110569	24075	4210532153	103		UNIVERSITY 2-1

FIELD NAME	PROD	PURCHASER
CHEYENNE (CAPITAN)	47.0	EL PASO NATURAL GAS
CARTHAGE (TRAVIS PEAK)	264.0	UNITED GAS PIPELINE
WEST TEAGUE TRAVIS PEAK	18.2	LONE STAR GAS CO
MINERAL WELLS N (BIG SAL	0.0	TEXAS UTILITIES FUEL
SPRABERRY TREND AREA (DE	0.0	PHILLIPS PETROLEUM C
MINERAL WELLS N (BIG SAL	0.0	TEXAS UTILITIES FUEL
PUCKETT WEST (BEND)	1460.0	TRANSWESTERN PIPELIN
PUCKETT WEST (BEND)	250.0	TRANSWESTERN PIPELIN
U S M (QUEEN)	3.0	NORTHERN NATURAL GAS
WATHERS RANCH/HUNTON	400.0	TRANSWESTERN PIPELIN
WARD-ESTES NORTH	4.0	CABOT CORP
KEYSTONE (COLBY)	303.0	CABOT CORP
KEYSTONE (COLBY)	127.0	CABOT CORP
ARNO N (DELAWARE)	385.0	
DIAL (4240 PETTUS)	187.0	UNITED GAS PIPE LINE
TOTO SOUTH (STRAWN)	12.2	SOUTHWESTERN GAS PIP
ELLIS RANCH (CLEVELAND)	200.0	NORTHERN NATURAL GAS
HOOKS (SHALLOW)	42.0	TRUNKLINE GAS CO
TWIN BASIN (7175)	400.0	TENNESSEE GAS PIPELI
WILDCAT (ABOVE 7100)	350.0	TENNESSEE GAS PIPELI
HORIZON (CLEVELAND)	50.0	NORTHERN NATURAL GAS
BOONSVILLE (BEND) CONGL	274.0	NATURAL GAS PIPELINE
PATRICIA (FRIO)	90.0	VALERO TRANSMISSION
BUCKNER (STRAWN)	110.0	SOUTHWESTERN GAS PIP
DAMASCUS (WOODBINE)	513.0	ST REGIS PAPER CO
DAMASCUS (WOODBINE)	262.0	ST REGIS PAPER CO
DAMASCUS (WOODBINE)	1347.0	ST REGIS PAPER CO
CAVALLO (8300 SD)	4000.0	VALLEY PIPE LINE CO
CAVALLO (9100 SD)	5000.0	VALLEY PIPE LINE
BRUNI NE (10375)	60.0	HOUSTON PIPE LINE CO
BOOMERANG SOUTH (STRAWN	18.2	SUN GAS CO
GREEN MOUNTAIN (CANYON R	36.5	UNION TEXAS PETROLEU
INGHAM DEVONIAN	75.0	ELPASO NATURAL GAS C
PERNER RANCH (SIMPSON)	248.0	DELHI GAS CORP

VOLUME 352 PAGE 006

JD NO	J4 DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRTD	PURCHASER
-J K J CO					RECEIVED: 12/22/80 JA: TX			
8110431	16051	4250300000	108		RAMSEY-CORLEY NO 1 21389	GRAHAM SOUTH CADDO	12.0	LONE STAR GAS CO
-J M HUBER CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110662	25849	4223330792	103		READ NO 16	PANHANDLE	42.7	COLORADO INTERSTATE
8110663	25850	4223330794	103		SOUTH HERRING NO 152	PANHANDLE	36.5	COLORADO INTERSTATE
8110661	25848	4223330790	103		SOUTH HERRING NO 153	PANHANDLE	42.7	COLORADO INTERSTATE
-JOHN H HENDRIX CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110608	24789	4237132977	103		J N THIGPIN B #1	THIGPIN (DEVONIAN)	365.0	INTRATEX GAS CO
8110609	24791	4237102977	102		J N THIGPIN B #1	THIGPIN (DEVONIAN)	365.0	INTRATEX GAS CO
8110602	24656	4237133013	102		MONROE A #1	THIGPIN (DEVONIAN)	100.0	W WILSON CORP
8110602	24656	4237133013	103		MONROE A #1	THIGPIN (DEVONIAN)	100.0	W WILSON CORP
8110509	21459	4216531493	108		NORTHEAST LOOP GU #4 WELL #1	NORTHEAST LOOP (YATES)	16.0	NORTHERN NATURAL GAS
-K K OIL CO					RECEIVED: 12/22/80 JA: TX			
8110748	26155	4238300000	103		UNIVERSITY THOMASON #3	WEGER NORTH GRAYBURG	0.0	BIG LAKE GASOLINE PL
-KEITH D GRAHAM					RECEIVED: 12/22/80 JA: TX			
8110559	23866	4205130646	102		HCW #1 ID-12918	GIDDINGS (AUSTIN CHALK)	148.0	CLAJON GAS CO
8110560	23868	4205130544	102		HUDSON-BENTKE #1-ID-12770	GIDDINGS (AUSTIN CHALK)	208.0	CHAMPLIN PETROLEUM C
8110562	23870	4205130543	102		CSCAR E TELG #1 ID-12870	GIDDINGS (AUSTIN CHALK)	214.0	CHAMPLIN PETROLEUM C
8110561	23869	4205100000	102		SEBESTA #1 ID-12818	GIDDINGS (AUSTIN CHALK)	104.0	CHAMPLIN PETROLEUM C
-KERR-MCGEE CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110794	26313	4223330799	103		COCKRELL WELL NO 22	PANHANDLE	0.0	GETTY OIL CO
8110512	21915	4234130569	103		VERNA 1-A	TEXAS HUGOTON	27.0	PHILLIPS PETROLEUM C
-KIMBALL PRODUCTION COMPANY					RECEIVED: 12/22/80 JA: TX			
*8110622	25254	4238931041	107		B E QUINN NO 1-6	MI VIDA (FUSSELMAN)	365.0	VALLERO TRANSMISSION
8110436	16511	4223300000	108		SMITH SEC 10 NO 1	PANHANDLE	3.5	PHILLIPS PETROLEUM C
8110437		4223300000	108		SMITH SEC 10 NO 4	PANHANDLE	3.5	PHILLIPS PETROLEUM C
8110435	16510	4223300000	108		SMITH SEC 10 NO 5	PANHANDLE	3.5	PHILLIPS PETROLEUM C
8110439	16688	4223300000	108		SMITH SEC 10-R NO 10	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110445	16694	4223300000	108		SMITH SEC 10-R NO 3	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110443	16692	4223300000	108		SMITH SEC 10-R NO 4	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110442	16691	4223300000	108		SMITH SEC 10-R NO 5	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110441	16690	4223300000	108		SMITH SEC 10-R NO 6	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110440	16689	4223300000	108		SMITH SEC 10-R NO 8	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8110448	16697	4223300000	108		SMITH SEC 10-T NO 10	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110447	16696	4223300000	108		SMITH SEC 10-T NO 12	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110446	16695	4223300000	108		SMITH SEC 10-T NO 13	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110451	16700	4223300000	108		SMITH SEC 10-T NO 14	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110452	16701	4223300000	108		SMITH SEC 10-T NO 15	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110444	16693	4223300000	108		SMITH SEC 10-T NO 16	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110450	16699	4223300000	108		SMITH SEC 10-T NO 7	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110449	16698	4223300000	108		SMITH SEC 10-T NO 8	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8110453	16812	4223300000	108		SMITH SEC 15 NO 2	PANHANDLE	4.7	PHILLIPS PETROLEUM C
8110454	16813	4223300000	108		SMITH SEC 15 NO 3	PANHANDLE	4.7	PHILLIPS PETROLEUM C
8110455	16814	4223300000	108		SMITH SEC 15 NO 4	PANHANDLE	4.7	PHILLIPS PETROLEUM C
8110456	16815	4223300000	108		SMITH SEC 15-T NO 5	PANHANDLE	10.6	PHILLIPS PETROLEUM C
8110457	16816	4223300000	108		SMITH SEC 15-T NO 6	PANHANDLE	10.6	PHILLIPS PETROLEUM C
8110458	16817	4223300000	108		SMITH SEC 15-T NO 8	PANHANDLE	10.6	PHILLIPS PETROLEUM C
-KOMANCHE OIL & GAS					RECEIVED: 12/22/80 JA: TX			
8110707	26015	4217900000	103		COBB #5	PANHANDLE	72.0	NORTHERN NATURAL GAS
-L & L PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110428	14717	4246931384	102		C K MCCAN JR #4	SALEM	95.0	TEXAS EASTERN TRANSM
-LEAR PETROLEUM CORPORATION					RECEIVED: 12/22/80 JA: TX			
*8110430	16017	4239500000	102		HULSEY NO 1	CAMP COOLEY	736.0	UNITED TEXAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-LEEDE OIL & GAS INC					RECEIVED: 12/22/80 JA: TX			
*8110590	24491	4210532617	103		UNIVERSITY 50 #10	FARMER (SAN ANDRES)	10.0	J L DAVIS
*8110587	24411	4210532616	103		UNIVERSITY 50 #11	FARMER (SAN ANDRES)	10.0	J L DAVIS
*8110628	25347	4210532600	103		UNIVERSITY 50A #10	FARMER (SAN ANDRES)	10.0	J L DAVIS
*8110586	24407	4210532615	103		UNIVERSITY 50A #12	FARMER (SAN ANDRES)	10.0	J L DAVIS
*8110588	24412	4210532618	103		UNIVERSITY 50A #4	FARMER (SAN ANDRES)	10.0	J L DAVIS
-LEWIS ENERGY CORP					RECEIVED: 12/22/80 JA: TX			
8110625	25315	4247932562	103		RACHAL FOUNDATION B WELL NO 1	LAS TIENDAS NORTH FIELD	70.0	DELHI GAS PIPELINE C
-LONDON & WAGGONER					RECEIVED: 12/22/80 JA: TX			
8110799	26338	4249731864	103		H J REDWINE NO 1	BOONSVILLE (BCG) FIELD	219.0	NATURAL GAS PIPELINE
-MAGNUM RESOURCES INC					RECEIVED: 12/22/80 JA: TX			
8110584	24400	4250333757	103		WRAGG A 1 APPLIED FOR	KNOX FIELD	36.5	SUN GAS GATHERING CO
-MCCORMICK OPERATING CO					RECEIVED: 12/22/80 JA: TX			
8110796	26327	4231732094	103		GEORGE CAVE #1	J L M (MISSISSIPPIAN)	100.0	NORTHERN NATURAL GAS
-NEWBOURNE OIL COMPANY					RECEIVED: 12/22/80 JA: TX			
8110629	25357	4229530770	103		CRONISTER #1 ID #88008	PEERY (CLEVELAND)	110.0	TRANSWESTERN PIPELIN
8110802	26382	4235731004	103		HARDY #4 ID#N/A	BULER NORTH (CLEVELAND)	7.0	TRANSWESTERN PIPELIN
-NGF OIL CORP					RECEIVED: 12/22/80 JA: TX			
8110574	24087	4231732132	103		NAIL A WELL NO 1	SPRABERRY (TREND AREA)	19.1	NORTHERN NATURAL GAS
8110573	24086	4238931085	103		WORSHAM 10 NO 1	WORSHAM 10 NO 1	0.0	
-MITCHELL ENERGY CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110478	19800	4249700000	108		A E ALBRIGHT #1 28555	BOONSVILLE (BEND CONG GA	16.0	NATURAL GAS PIPELINE
8110656	25694	4249700000	108		AGGIE THOMPSON #1 28840	BOONESVILLE (BEND CONGL	13.0	NATURAL GAS PIPELINE
8110653	25619	4249700000	108		C P SMITH #1 40571	BOONESVILLE (BEND CONGL	7.2	NATURAL GAS PIPELINE
8110518	22382	4249731514	103		D P REDWINE #2	CHICO EAST	85.3	NATURAL GAS PIPELINE
8110557	23802	4223732538	103		F C BLOODWORTH #1 19328	PEEK (CADDO LIME)	9.0	SOUTHWESTERN GAS PIP
8110488	20592	4249731618	103		J G WILSON B #1	BOONSVILLE (BEND CONG)	600.0	NATURAL GAS PIPELINE
8110541	23437	4249731561	103		ROMIE STEWART #2	BOONESVILLE (BEND CONGL	111.3	NATURAL GAS PIPELINE
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 12/22/80 JA: TX			
*8110705	26008	4237133125	103		EFFIE POTTS SIBLEY B NO 4	COYANOSA N DELAWARE	79.2	EL PASO NATURAL GAS
*8110704	26007	4237133125	103		EFFIE POTTS SIBLEY B NO 5	COYANOSA N DELAWARE	51.5	EL PASO NATURAL GAS
8110655	25681	4237100000	108		J W LUTZ B NO 2	ABELL (SILURIAN-MONTOYA)	14.1	PGP GAS PRODUCTS INC
8110702	26003	4216530607	103		JOHN BRADDOCK NO 2	G-M-K YATES	367.4	PIONEER NATURAL GAS
8110542	23448	4221932735	103		MAPLE WILSON NO 87	SLAUGHTER	5.1	AMOCO PRODUCTION CO
8110732	26096	4221932852	103		MAPLE WILSON NO 89	SLAUGHTER	1.8	AMOCO PRODUCTION CO
8110667	25858	4233531692	103		MARY FOSTER NO 137	IATAN EAST HOWARD	4.0	GETTY OIL CO
8110515	22315	4221932788	103		NORTH CENTRAL LEVELLAND UNIT NO 326	LEVELLAND	4.0	AMOCO PRODUCTION CO
8110607	24721	4216531597	103		RUSSELL (7000 CLEARFORK) UNIT #223	RUSSELL (CLEARFORK 7000)	24.8	PIONEER NATURAL GAS
8110659	25824	4221531020	103		SANTA CRUZ FARMS NO 12	SAN CARLOS	273.8	TRUNKLINE GAS CO
*8110618	25160	4247532110	103		STATE AG NO 5	CAPRITO (DELAWARE MIDDLE	14.0	LONE STAR GAS CO
-MOODY ENERGY CO					RECEIVED: 12/22/80 JA: TX			
8110675	25884	4221131216	103		WRIGHT NO 3 WELL ID 88344	HUMPHREYS (DOUGLAS)	0.0	NORTHERN NATURAL GAS
-MOORE MCCORMACK OIL & GAS CORP					RECEIVED: 12/22/80 JA: TX			
8110544	23511	4247932621	103		HUBBERD E #1	LAREDO (LOBO)	894.0	TENNESSEE GAS PIPELI
-MOTE RESOURCES INC					RECEIVED: 12/22/80 JA: TX			
8110634	25445	4249700000	103		RUSSELL F COONLEY NO 1	BOONSVILLE (BEND CONG GA	54.8	NATURAL GAS PIPE LIN
-MUSTANG EXPLORATION CO INC					RECEIVED: 12/22/80 JA: TX			
8110501	20839	4214930399	102		SMITH NO 1	GIDDINGS (AUSTIN CHALK)	80.0	PHILLIPS PETROLEUM C
-NATURAL GAS ANADARKO INC					RECEIVED: 12/22/80 JA: TX			
8110633	25416	4235730979	103		CAMP #1-64C	ELLIS RANCH (KEYES)	180.0	TRANSWESTERN PIPELIN
-OILWELL OPERATORS INC					RECEIVED: 12/22/80 JA: TX			
8110603	24674	4217900000	108		WILLIS F #1 26480	EAST PANHANDLE	4.0	PHILLIPS PETROLEUM C

VOLUME 352 PAGE 008

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-PARKER & PARSLEY INC					RECEIVED: 12/22/80 JA: TX			
8110791	26273	4231732170	103		MIMS WELL NO 1	SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS CORP
8110792	26274	4231732171	103		MORRISON A WELL NO 1	SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS CORP
-PENNZOIL COMPANY					RECEIVED: 12/22/80 JA: TX			
8110615	25046	4248330732	102		TAYLOR #1	THORNDIKE EAST (SUGGESTE	666.0	PIONEER NATURAL GAS
-PENNZOIL PRODUCING COMPANY					RECEIVED: 12/22/80 JA: TX			
8110460	17660	4217531211	103		N P U SCARBOROUGH NO 2	TULSITA-WILCOX	90.0	UNITED GAS PIPE LINE
8110627	25324	4200730641	103		V H TATTON NO 19-D	VIRGINIA	128.0	NATURAL GAS PIPELINE
-PETROLEUM TECHNICAL SERVICE CO					RECEIVED: 12/22/80 JA: TX			
8110585	24405	4213533319	103		COWDEN 40 NO 3	COWDEN SOUTH	0.7	ODESSA NATURAL GASOL
8110610	24819	4210332189	103		P J LEA NO 1	LEA (SAN ANDRES)	18.3	WARREN PETROLEUM CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 12/22/80 JA: TX			
8110783	26236	4213505843	108		(06963) TXL-A NO 2C	TXL (ELLENBURGER)	2.0	SHELL OIL CO
8110505	21235	4200304492	108		(08387) BUM-A #1	GOLDSMITH (5600)	23.0	EL PASO NATURAL GAS
8110813	27618	4213533416	103		(18589) EMBAR #53	GOLDSMITH N (SAN ANDRES	4.0	EL PASO NATURAL GAS
8110782	26234	4213520352	108		(21556) N PENWELL UNIT NO 135	PENWELL	5.0	EL PASO NATURAL GAS
8110761	26233	4213520604	108		(21556) N PENWELL UNIT NO 148	PENWELL	2.0	EL PASO NATURAL GAS
8110556	23787	4242100000	108		BRADY C #1	TEXAS HUGOTON	20.0	MICHIGAN WISCONSIN P
8110427	14152	4242100000	103		BUELOW NO 2	TEX HUGOTON	18.0	MICHIGAN WISCONSIN P
8110427	14152	4242100000	108		BUELOW NO 2	TEX HUGOTON	18.0	MICHIGAN WISCONSIN P
8110503	21090	4200300678	108		GLDS ANDECTOR UNIT #H-01 (21193)	GOLDSMITH (CLEARFORK)	24.0	EL PASO NATURAL GAS
8110473	18395	4221131168	103		JONES U NO 2	S E FELDMAN (TONKAWA)	72.0	PANHANDLE EASTERN PI
-PIONEER PRODUCTION CORPORATION					RECEIVED: 12/22/80 JA: TX			
8110684	25954	4221131002	103		SHELL-GEORGE UNIT #3-169	CANADIAN EAST (DOUGLAS)	360.0	PIONEER NATURAL GAS
-PJL PRODUCTION INC					RECEIVED: 12/22/80 JA: TX			
8110614	24981	4250300000	103		CAUDILL #19893	GENESIS (3050)	2100.0	SUN GAS GATHERING CO
-PLACID OIL COMPANY					RECEIVED: 12/22/80 JA: TX			
8110576	24107	4236531035	102		PAUL P ROGERS WELL NO 2	CARTHAGE (CV)	112.0	UNITED GAS PIPE LINE
8110576	24107	4236531035	107		PAUL P ROGERS WELL NO 2	CARTHAGE (CV)	112.0	UNITED GAS PIPE LINE
-R L TRIPPLEHORN					RECEIVED: 12/22/80 JA: TX			
8110550	23601	4206500000	108		MCCONNELL A NO 7	PANHANDLE CARSON	14.0	GETTY OIL CO
-R LACY INC					RECEIVED: 12/22/80 JA: TX			
8110524	22996	4220330518	103		TUTLE WELL #4	WOODLAWN (COTTON VALLEY)	360.0	MISSISSIPPI RIVER TR
-RAGARS OIL & GAS CO					RECEIVED: 12/22/80 JA: TX			
8110638	25524	4217500000	108		ELS EMIL #4 ID NO 60635	BOYCE / ROCKLAW/	15.0	UNITED GAS PIPE LINE
-REMUDA OIL & GAS CO					RECEIVED: 12/22/80 JA: TX			
8110742	26141	4200332028	103		UNIVERSITY 12 #1 RRC #85880	SHAFTER LAKE (YATES)	250.0	EL PASO NATURAL GAS
-ROBERT M WYNNE					RECEIVED: 12/22/80 JA: TX			
8110666	25855	4210500000	103		UNIVERSITY 24-A #1	FARMER (SAN ANDRES)	0.0	BIG LAKE GASOLINE PL
-S R I PRODUCTION					RECEIVED: 12/22/80 JA: TX			
8110606	24700	4208330202	103		MARY KUHN NO 2	COLEMAN COUNTY REGULAR (	324.0	EL PASO NATURAL GAS
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 12/22/80 JA: TX			
8110558	23833	4247932601	102		COPHIE J MARTIN NO 4	DOLORES CREEK (9200 WILC	0.0	VALERO TRANSMISSION
8110506	21241	4247932650	102		MAYERS GU #3 WELL #1	LILIA WILCOX	500.0	TRANSCONTINENTAL GAS
-SANCHEZ-OBRIEN OIL & GAS CORP					RECEIVED: 12/22/80 JA: TX			
8110617	25154	4250531180	102		OSCAR M GUTIERREZ ET AL NC 1	BIG MAC (8260) PROPOSED	0.0	VALERO TRANSMISSION
-SEELY OIL CO					RECEIVED: 12/22/80 JA: TX			
8110798	26335	4249731644	103		ALTA SEATON UNIT #1 - ID#87863	PARK SPRINGS (CONGL)	27.0	NATURAL GAS PIPELINE
-SHELL OIL CO					RECEIVED: 12/22/80 JA: TX			
8110654	25662	4249531132	103		SEALY SMITH 68 NO 1	DARMER NE (PENN)	70.0	WARREN PETROLEUM CO
-SIDWELL OIL & GAS INC					RECEIVED: 12/22/80 JA: TX			
8110593	24532	4219530700	103		KAUFFMAN #2	HANSFORD (MORROW LOWER)	200.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SNOW OIL CO					RECEIVED: 12/22/80 JA: TX			
8110810	26454	4213331997	103		DANIEL-TEXFEL NO 1 (15397)	PAT KAHAN (MISS)	18.0	ATLAS-REISS PIPELINE
-SOUTHLAND ROYALTY CO					RECEIVED: 12/22/80 JA: TX			
8110706	26013	4210300000	103		BRYANT 20 #2	CRAWAR NORTH	60.0	EL PASO NATURAL GAS
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 12/22/80 JA: TX			
8110532	23232	4249731377	103		ADAMS-SOUTHWEST #3	BOONESVILLE (BEND CONGL	176.0	SOUTHWESTERN GAS PIP
8110555	23779	4223732748	103		CLARA OLIVER #1	CRAFTON WEST (MARBLE FAL	5.3	
8110533	23234	4223700000	103		FERRELL-RICHARDS #1	JACKSBORO SE (5270)	268.6	SOUTHWESTERN GAS PIP
8110531	23225	4236731607	103		MARY M YOUNG #1	RENO (CONGL)	83.3	SOUTHWESTERN GAS PIP
-STATEX PETROLEUM INC					RECEIVED: 12/22/80 JA: TX			
*8110554	23712	4221131209	103		HUMPHREYS #2-36	HUMPHREYS - DOUGLAS	280.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 12/22/80 JA: TX			
8110424	13589	4242700000	108		AGUSTIN OLIVARES NO 20	SUN	7.0	
8110803	26430	4212731635	103		BIG WELLS UNIT WELL NO 1913	BIG WELLS	36.0	HOUSTON PIPE LINE CO
8110809	26437	4212731930	103		BIG WELLS UNIT WELL NO 2121	BIG WELLS	33.0	HOUSTON PIPE LINE CO
8110808	26436	4212731637	103		BIG WELLS UNIT WELL NO 2302	BIG WELLS	22.0	HOUSTON PIPE LINE CO
8110807	26434	4212731628	103		BIG WELLS UNIT WELL NO 3603	BIG WELLS	39.0	HOUSTON PIPE LINE CO
8110806	26433	4212731636	103		BIG WELLS UNIT WELL NO 3702	BIG WELLS	198.0	HOUSTON PIPE LINE CO
8110805	26432	4212731710	103		BIG WELLS UNIT WELL NO 4614	BIG WELLS	90.0	HOUSTON PIPE LINE CO
8110498	20774	4218300000	108		C BROWN NO 10	EAST TEXAS	0.5	MOBIL OIL CORP
8110499	20775	4218300000	108		C BROWN NO 15	EAST TEXAS	0.2	MOBIL OIL CORP
8110496	20771	4218300000	108		C BROWN NO 4	EAST TEXAS	0.2	MOBIL OIL CORP
8110497	20773	4218300000	108		C BROWN NO 9	EAST TEXAS	0.7	MOBIL OIL CORP
8110426	13697	4242700000	108		J F HALL STATE NO 12	RINCON NORTH	0.0	TRANSCONTINENTAL GAS
8110500	20777	4218300000	108		M T COLE NO 3	EAST TEXAS	0.2	ARCO OIL AND GAS CO
8110616	25142	4242700000	108		MILLER C-1 SAND UNIT NO 11-1	GARCIA	4.0	TRANSCONTINENTAL GAS
8110425	13590	4242700000	108		OLIVARES AGUSTIN NO 13	SUN	4.0	TRANSCONTINENTAL GAS
8110804	26431	4233531720	103		V T MCCABE NO 33	JAMESON N (ODOM)	100.0	LONE STAR GAS CO
-T M ALLEN					RECEIVED: 12/22/80 JA: TX			
8110468	17234	4235531356	102		JACK D SMITH 1 - 81321	SHEILDS S W (7650)	80.0	UNITED GAS PIPELINE
-TEE OPERATING CO					RECEIVED: 12/22/80 JA: TX			
8110514	22191	4208931077	103		HAVEMANN WELL NO 1	NORTH SUBLIME (9850) FIE	113.0	COLORADO COUNTY GAS
8110527	23124	4217531274	103		JACOB GAS UNIT WELL NO 1	WILDCAT FIELD	100.0	VALERO TRANSMISSION
-TENNECO OIL COMPANY					RECEIVED: 12/22/80 JA: TX			
8110752	26171	4248300000	108		B F STEPHENS #1	PANHANDLE EAST	6.8	ASHLAND OIL INC
8110751	26170	4248300000	108		B F STEPHENS #2	PANHANDLE EAST	8.4	ASHLAND OIL INC
8110770	26189	4248300000	108		CANTRELL #1	PANHANDLE EAST	4.3	ASHLAND OIL INC
8110769	26188	4248300000	108		CANTRELL #2	PANHANDLE EAST	8.0	ASHLAND OIL INC
8110768	26187	4248300000	108		COPELAND #1	PANHANDLE EAST	1.0	ASHLAND OIL INC
8110767	26186	4248300000	108		DABERRY #1	PANHANDLE EAST	13.3	ASHLAND OIL INC
8110766	26185	4248300000	108		F&M STATE BANK #1	PANHANDLE EAST	3.0	ASHLAND OIL INC
8110765	26184	4248300000	108		GORDON #1	PANHANDLE EAST	12.7	ASHLAND OIL INC
8110764	26183	4248300000	108		GUYTON A	PANHANDLE EAST	0.5	ASHLAND OIL INC
8110763	26182	4248300000	108		GUYTON B	PANHANDLE EAST	8.7	ASHLAND OIL INC
8110759	26178	4248300000	108		J C PIKE #2	PANHANDLE EAST	6.9	ASHLAND OIL INC
8110762	26182	4248300000	108		KOBER #1	PANHANDLE EAST	9.3	ASHLAND OIL INC
8110761	26180	4248300000	108		MORGAN #2	PANHANDLE EAST	4.0	ASHLAND OIL INC
8110760	26179	4248300000	108		PIKE #1	PANHANDLE EAST	7.7	ASHLAND OIL INC
8110758	26177	4248300000	108		REEVES #1	PANHANDLE EAST	7.0	ASHLAND OIL INC
8110757	26176	4248300000	108		REEVES B	PANHANDLE EAST	9.4	ASHLAND OIL INC
8110756	26175	4248300000	108		RISK #2	PANHANDLE EAST	7.3	ASHLAND OIL INC
8110632	25409	4236531072	103		ROQUEMORE GAS UNIT E NO 1	BETHANY (TRAVIS PEAK 735	1000.0	UNITED GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110750	26169	4248300000	108		RUTH STEPHENS #1	PANHANDLE EAST	9.5	ASHLAND OIL INC
8110749	26168	4248300000	108		RUTH STEPHENS #2	PANHANDLE EAST	11.8	ASHLAND OIL INC
8110755	26174	4248300000	108		SATTERFIELD #1	PANHANDLE EAST	6.6	ASHLAND OIL INC
8110754	26173	4248300000	108		SATTERFIELD #2	PANHANDLE EAST	4.0	ASHLAND OIL INC
8110753	26172	4248300000	108		SCHWARTING #1	PANHANDLE EAST	1.6	ASHLAND OIL INC
-TESORO PETROLEUM CORP					RECEIVED: 12/22/80 JA: TX			
8110623	25286	4205730947	103		V J WALLACE #1	MAGNOLIA BEACH (7800)	183.0	CHANNEL INDUSTRIES G
-TEXACO INC					RECEIVED: 12/22/80 JA: TX			
8110773	26215	4210532648	103		A R KINCAID TRUST B #7	OZONA (CANYON SAND)	266.4	NORTHERN NATURAL GAS
8110772	26214	4210532059	103		C E DAVIDSON JR D NCT-1 #4	OZONA (CANYON SAND)	28.8	NORTHERN NATURAL GAS
8110801	26367	4213533363	103		ECTOR AU FEE #3	GOLDSMITH E (GRAYBURG N)	2.5	
8110800	26366	4213533365	103		ECTOR BB FEE #1	COWDEN NORTH (DEEP)	9.9	
-TEXAS OIL & GAS CORP					RECEIVED: 12/22/80 JA: TX			
8110566	23927	4216100000	102		GILLIAM A #1	PERSONVILLE NE (PETTIT)	73.0	
8110566	23927	4216100000	103		GILLIAM A #1	PERSONVILLE NE (PETTIT)	73.0	
-TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 12/22/80 JA: TX			
8110553	23624	4213332184	102		N C GAILEY ET AL UNIT NO 4	GAILEY (CADDO)	300.0	SOUTHWESTERN GAS PIP
-TRIPLE L OIL CO INC					RECEIVED: 12/22/80 JA: TX			
8110472	17803	4229732117	102		BERNORZ-YBANEZ GAS (85063)	DEVCON (2060)	109.5	VALERO TRANSMISSION
-TUCKER & BAUMGARDNER					RECEIVED: 12/22/80 JA: TX			
8110793	26280	4208130820	103		HONEYBEE NO 1 WELL	I A B SOUTHWEST (CANYON)	10.9	UNION TEXAS PETROLEU
-TUCKER DRILLING COMPANY INC					RECEIVED: 12/22/80 JA: TX			
8110701	26001	4241330924	103		GLASS 50-4	R E G (LIME 5900)	126.0	NORTHERN NATURAL GAS
*8110700	26000	4223531564	103		H CARSON TRUSTEE #5	CHRISTI (CANYON 6800)	36.0	CRA INC
-J S OPERATING INC					RECEIVED: 12/22/80 JA: TX			
8110640	25541	4228730591	102		AMANDA #1	GIDDINGS (AUSTIN CHALK G	75.0	PGP GAS PRODUCTS INC
8110643	25553	4247730361	102		COWBOY #1	GIDDINGS (AUSTIN CHALK G	75.0	PGP GAS PRODUCTS INC
8110648	25566	4247730356	102		MARY #1	GIDDINGS (AUSTIN CHALK G	75.0	PGP GAS PRODUCTS INC
*8110649	25567	4247730339	102		ROBERTA #1	GIDDINGS (AUSTIN CHALK G	100.0	PGP GAS PRODUCTS INC
8110642	25543	4228730597	102		SELMA #1	GIDDINGS (AUSTIN CHALK G	300.0	PGP GAS PRODUCTS INC
8110641	25542	4228730645	102		TRACY #1	GIDDINGS (AUSTIN CHALK G	250.0	PGP GAS PRODUCTS INC
-UNION OIL COMPANY OF CALIF					RECEIVED: 12/22/80 JA: TX			
8110736	26111	4200332185	103		BLOCK 10 FUHRMAN-MASCHO UNIT #12-A	FUHRMAN-MASCHO	6.0	PHILLIPS PETROLEUM C
8110738	26114	4213533316	103		MOSS UNIT #1-9	COWDEN SOUTH	35.0	ODESSA NATURAL CORP
8110737	26112	4213533335	103		MOSS UNIT #15-6	COWDEN SOUTH	2.0	ODESSA NATURAL CORP
8110739	26115	4213533334	103		MOSS UNIT #16-9	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8110735	26110	4210532797	103		UNIVERSITY DD #6X	FARMER (SAN ANDRES)	15.0	BIG LAKE GASOLINE PL
-UNIT DRILLING & EXPLORATION CO					RECEIVED: 12/22/80 JA: TX			
8110519	22425	4229500000	103		RANDALL #1	BRADFORD (TONKAWA)	108.0	PHILLIPS PETROLEUM C
8110630	25363	4229530757	103		RANDALL #3	BRADFORD (TONKAWA)	1.0	PHILLIPS PETROLEUM C
-VAUGHN PETROLEUM INC					RECEIVED: 12/22/80 JA: TX			
8110626	25316	4241900000	108		16211 #1 TEXAS COMPANY	JOAQUIN (JETER)	12.0	SOUTHERN NATURAL GAS
-W A MONCRIEF JR					RECEIVED: 12/22/80 JA: TX			
8110465	17155	4236730162	108		CLEMENS NO 1	WINSTON RANCH (BIG SALIN	12.2	SOUTHWESTERN GAS PIP
8110466	17156	4236730161	108		WILEY NO 1 (UT AND LT)	ALEDO SE (1200 ST) WINST	12.7	SOUTHWESTERN GAS PIP
8110467	17157	4236730191	108		WINSTON NO 4	WINSTON RANCH (BIG SALIN	20.0	SOUTHWESTERN GAS PIP
-WAINOCO OIL & GAS COMPANY					RECEIVED: 12/22/80 JA: TX			
8110601	24652	4207131019	102		STATE TRACT 258 NC 3	SEABROOK E (9550)	240.0	HOUSTON OIL & MINERA
8110601	24652	4207131019	103		STATE TRACT 258 NC 3	SEABROOK E (9550)	240.0	HOUSTON OIL & MINERA
-WALSH AND WATTS INC					RECEIVED: 12/22/80 JA: TX			
8110423	08861	4223300000	108		TXL H #1 12684	PANHANDLE	2.0	PHILLIPS PETROLEUM C
8110420	08853	4223300000	108		TXL H #2 12684	PANHANDLE	2.0	PHILLIPS PETROLEUM C

JU NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110421	08854	4223300000	108		TXL H #4 12684	PANHANDLE	2.0	PHILLIPS PETROLEUM C
8110422	08856	4223300000	108		TXL H #7 12684	PANHANDLE	2.0	PHILLIPS PETROLEUM C
-WAYMAN W BUCHANAN					RECEIVED: 12/22/80 JA: TX			
8110680	25943	4236731653	103		BYRD NO 1	H & R (BEND CONGLOMERATE	27.7	SOUTHWESTERN GAS PIP
8110567	23998	4236731664	103		CRAVENS NO 1	MALES (4850)	91.0	LONE STAR GAS CO
8110686	25959	4236731698	103		GREENMAN B NO 3-T	POOLVILLE SW (MARBLE FAL	10.8	LONE STAR GAS CO
8110682	25950	4236731796	103		HOBSON NO 1	MALES (4850)	30.0	SOUTHWESTERN GAS PIP
8110611	24833	4236731612	103		JERRY JOHNSON NO 1	MALES (4850)	69.0	LONE STAR GAS CO
8110679	25942	4235731852	103		LESTER B NO 1	H & R (BEND CONGLOMERATE	43.0	SOUTHWESTERN GAS PIP
8110683	25951	4236731833	103		MCDONALD UNIT NO 1	MALES (4850)	0.0	SOUTHWESTERN GAS PIP
8110687	25960	4236731836	103		PHILLIPS NO 1	H & R (BEND CONGLOMERATE	9.0	SOUTHWESTERN GAS PIP
8110577	24119	4236731478	103		ROSS FULGHAM NO 1	L B C (CONGL 4550)	133.0	SOUTHWESTERN GAS PIP
8110568	24003	4236731254	103		SHERIFFS POSSE #1-C	WEATHERFORD (ATOKA UPPER	149.7	ALEDO GAS CO LTD
-WENDELL W IVERSON					RECEIVED: 12/22/80 JA: TX			
8110579	24189	4210532183	108		1-47 JOE BEAN RRC #80512	DONHAM FIELD (GRAYBURG)	15.0	PERMIAN CORP
-WES-MOR DRILLING INC					RECEIVED: 12/22/80 JA: TX			
8110619	25171	4250333251	103		BERNICE LEASE #1 (86225)	YOUNG COUNTY REGULAR (GA	0.0	SUN GAS GATHERING CO
8110589	24464	4250333734	103		DORCTHY WELL #1	YOUNG COUNTY REGULAR/GAS	42.0	SUN GAS GATHERING CO
-WILLIAM PERLMAN					RECEIVED: 12/22/80 JA: TX			
8110814	28575	4243500000	108		FANNIE WADE 44-2	SAWYER (CANYON)	20.0	EL PASO TRANSPORTATI
-WILSON ENERGY INC					RECEIVED: 12/22/80 JA: TX			
8110546	23569	4210500000	103		GULF STATE 20 A #1	FARMER (SAN ANDRES)	23.0	BIG LAKE GAS PLANT
8110551	23608	4210500000	103		UNIVERSITY 2 #2	FARMER (SAN ANDRES)	18.0	BIG LAKE GAS PLANT
8110536	23327	4210500000	103		UNIVERSITY 9 A #5	FARMER (SAN ANDRES)	0.0	BIG LAKE GAS PLANT
-YUCCA PETROLEUM CO					RECEIVED: 12/22/80 JA: TX			
8110613	24933	4217930724	102		HALL #1-111 RRC #88107	LAKETON (BASAL PENN DETR	182.0	CITIES SERVICE CO

OTHER PURCHASERS VOLUME NO 352

8110430	DELHI GAS PIPELINE CORP
8110470	ARCO
8110516	AMOCO PRODUCTION CO
8110517	AMOCO PRODUCTION CO
8110529	EL PASO NATURAL GAS CO
8110530	EL PASO NATURAL GAS CO
8110558	ARKANSAS LOUISIANA GAS CO
8110575	COLUMBIA GAS TRANS
8110581	COLUMBIA GAS TRANS
8110586	BIG LAKE GASOLINE PLANT
8110587	BIG LAKE GASOLINE PLANT
8110588	BIG LAKE GASOLINE PLANT
8110590	BIG LAKE GASOLINE PLANT
8110618	INTRATEX GAS CO
8110622	TEXAS UTILITIES FUEL CO
8110628	BIG LAKE GASOLINE PLANT
8110644	EL PASO NATURAL GAS COMPANY
8110645	EL PASO NATURAL GAS COMPANY
8110646	EL PASO NATURAL GAS COMPANY
8110649	EL PASO NATURAL GAS COMPANY
8110660	SID RICHARDSON CARBON & GASOLINE PL
8110691	COLUMBIA GAS TRANS CO
8110700	NORTHERN NATURAL GAS COMPANY
8110704	DELHI GAS PIPELINE CORPORATION
8110705	DELHI GAS PIPELINE CORPORATION
8110784	PHILLIPS PETROLEUM COMPANY
8110787	PHILLIPS PETROLEUM CO
8110788	PHILLIPS PETROLEUM CO
8110789	PHILLIPS PETROLEUM CO
8110790	PHILLIPS PETROLEUM CO

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 of 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 19, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4121 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
	LOUISIANA OFFICE OF CONSERVATION						
-LEAR PETROLEUM CORPORATION				RECEIVED: 01/02/81 JA: LA			
8111015	80-3386	1700720278	102	E M CARMOUCHE NO 1	E NAPOLEONVILLE	0.0	TEXAS EASTERN TRANSM
	MONTANA BOARD OF OIL & GAS CONSERVATION						
-FALCON-COLORADO EXPLORATION INC				RECEIVED: 01/05/81 JA: MT			
8110864	9-80-205	2507121718	103	1-22 STATE	SWANSON CREEK GAS FIELD	10.0	MONTANA-DAKOTA UTILI
8110862	9-80-202	2507121717	103	1-28 KERN	SWANSON CREEK GAS FIELD	13.0	MONTANA-DAKOTA UTILI
8110860	9-80-204	2510521175	103	1-32 SHIPP	SWANSON CREEK GAS FIELD	3.0	MONTANA-DAKOTA UTILI
8110863	9-80-203	2507121733	103	1-35 MAVENCAMP	SWANSON CREEK GAS FIELD	16.0	MONTANA-DAKOTA UTILI
8110861	9-80-201	2510521173	103	2-31 GREEN	SWANSON CREEK GAS FIELD	5.0	MONTANA-DAKOTA UTILI
	OHIO DEPARTMENT OF NATURAL RESOURCES						
-APPALACHIAN PETROLEUM CORP				RECEIVED: 01/06/81 JA: OH			
8110911		3412122291	103	D D & M LOTHES #1	JACKSON	3.5	COLUMBIA GAS TRANSMI
8110910		3412122289	103	D D & M LOTHES #3	JACKSON	3.5	COLUMBIA GAS TRANSMI
8110938		3416725301	103	R HALL C SKINNER T SHANK J HALL #1	ADAMS	3.5	COLUMBIA GAS TRANSMI
-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/06/81 JA: OH			
8110908		3411925432	103	ALEXANDER #1	RICH HILL	1.0	COLUMBIA GAS TRANSMI
8110909		3411925437	103	BRILL #3	RICH HILL	1.0	COLUMBIA GAS TRANSMI
-DERBY OIL & GAS CORP				RECEIVED: 01/06/81 JA: OH			
8110878		3405922772	103	R W HOWELL #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 01/06/81 JA: OH			
8110915		3412724838	103	CLARENCE POLING #1	JACKSON	12.0	COLUMBIA GAS TRANSMI
8110914		3412724744	103	HOUSEHOLDERS #24	JACKSON	12.0	COLUMBIA GAS TRANSMI
-EDCO DRILLING & PRODUCING INC				RECEIVED: 01/06/81 JA: OH			
8110886		3407528250	103	BL-18 HERSHBERGER	PAINT	18.0	
-ELKHEAD GAS & OIL COMPANY				RECEIVED: 01/06/81 JA: OH			
8110899		3408322093	108	B HAMMOND #1 - 2093		1.1	COLUMBIA GAS TRANSMI
8110869		3403122435	108	CONKLE #1-2435		0.0	COLUMBIA GAS TRANSMI
8110867		3403122178	108	DILLER #1-2178		0.0	COLUMBIA GAS TRANSMI
8110872		3403122630	108	EACHES #1-2630		1.6	COLUMBIA GAS TRANSMI
8110876		3403123341	108	FOX #1 - 3341		4.7	COLUMBIA GAS TRANSMI
8110877		3403123342	108	FOX #2 - 3342		4.7	COLUMBIA GAS TRANSMI
8110895		3408322076	108	FRAZEE #2 - 2076		1.6	COLUMBIA GAS TRANSMI
8110896		3408322080	108	FRAZEE #3 - 2080		1.6	COLUMBIA GAS TRANSMI
8110898		3408322088	108	FRAZEE #4 - 2088		1.6	COLUMBIA GAS TRANSMI
8110947		3408320194	108	FRAZEE #5 - 0194		1.6	COLUMBIA GAS TRANSMI
8110901		3408322110	108	FRAZEE #6 - 2110		1.6	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110866		3403122076	108		GIAUQUE #1-2076		0.2	COLUMBIA GAS TRANSMI
8110888		3408321818	108		HAMMOND #1 - 1818		0.6	COLUMBIA GAS TRANSMI
8110902		3408322379	108		HAMMOND #10 - 2379		1.2	COLUMBIA GAS TRANSMI
8110904		3408322726	108		HAMMOND #11-2726		1.2	COLUMBIA GAS TRANSMI
8110889		3408321846	108		HAMMOND #2 - 1846		0.6	COLUMBIA GAS TRANSMI
8110890		3408321856	108		HAMMOND #3 - 1856		0.6	COLUMBIA GAS TRANSMI
8110891		3408321881	108		HAMMOND #4 - 1881		0.6	COLUMBIA GAS TRANSMI
8110893		3408322020	108		HAMMOND #5 - 2020		1.2	COLUMBIA GAS TRANSMI
8110894		3408322037	108		HAMMOND #6 - 2037		1.2	COLUMBIA GAS TRANSMI
8110887		3408320199	108		HAMMOND #7 - 0199		1.2	COLUMBIA GAS TRANS
8110897		3408322081	108		HAMMOND #8 - 2081		1.2	COLUMBIA GAS TRANSMI
8110900		3408322099	108		HAMMOND #9 - 2099		1.2	COLUMBIA GAS TRANSMI
8110874		3403122887	108		HOLT #1 - 2887		1.1	COLUMBIA GAS TRANSMI
8110875	*	3403122937	108		HOLT #2 - 2937		1.1	COLUMBIA GAS TRANSMI
8110892		3408321890	108		J HAMMOND #1 - 1890		1.1	COLUMBIA GAS TRANSMI
8110937		3415722169	108		JONES #1 - 2169		0.7	OXFORD GAS TRANSMISS
8110868		3403122428	108		LONSINGER #1-2428		0.2	COLUMBIA GAS TRANSMI
8110903		3408322494	108		REESE #1 - 2494		11.5	COLUMBIA GAS TRANSMI
8110870		3403122518	108		VALES #1-2518		0.4	COLUMBIA GAS TRANSMI
8110871		3403122603	108		VALES #2-2603		0.4	COLUMBIA GAS TRANSMI
8110873		3403122657	108		VALES #3-2657		0.4	COLUMBIA GAS TRANSMI
-ENTERPRISE GAS & OIL INC					RECEIVED: 01/06/81 JA: OH			
8110879		3405922781	103		BURRIS #2	CENTER	25.5	COLUMBIA GAS TRANSMI
-GIANT PETROLEUM CORPORATION					RECEIVED: 01/06/81 JA: OH			
8110865		3400714860	103		ARDC-CANTANESE UNIT WELL #1	ORWELL	20.0	EAST OHIO GAS CO
-IRVIN PRODUCING COMPANY					RECEIVED: 01/06/81 JA: OH			
8110907		3411925349	103		MARY AND RICHARD LEASURE #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
-L & M OPERATING INC					RECEIVED: 01/06/81 JA: OH			
8110916		3412724842	103		BLAIRE SHARSHAL COAL CO #1	SALT LICK	13.0	COLUMBIA GAS TRANSMI
8110917		3412724882	103		LEWIS/JENKINS #1		10.0	COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC					RECEIVED: 01/06/81 JA: OH			
8110883		3407522740	103		C V STRAITS #1	MECHANIC	15.0	COLUMBIA GAS TRANSMI
-MID-ATLANTIC OIL CO					RECEIVED: 01/06/81 JA: OH			
8110906		3411521568	103		DANA MORRIS #1	CENTER	20.0	EAST OHIO GAS CO
-MOHAWK OIL & GAS CORP					RECEIVED: 01/06/81 JA: OH			
8110912		3412122305	103		DENNIS & RUTH WEBER #3	HARRIETTSVILLE	82.0	COLUMBIA GAS TRANS C
-NORMACK INDUSTRY INC					RECEIVED: 01/06/81 JA: OH			
8110946		3416923310	103		NOAH ZIMMERLY #1	MILTON GAS	120.0	COLUMBIA GAS TRANS
-OHIO OIL & GAS CO					RECEIVED: 01/06/80 JA: OH			
8110923		3415521408	102		BOYAZIS #2		20.0	COLUMBIA GAS TRANSMI
-OHIO OIL & GAS CO					RECEIVED: 01/06/81 JA: OH			
8110922		3415521406	102		BOYAZIS #1		20.0	COLUMBIA GAS TRANSMI
8110932		3415521559	102		BRIENZ #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110935		3415521573	102		CARLSON #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110927		3415521532	102		FABER #6	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110928		3415521536	102		GONCZ #1	BAZETTA	20.0	COLUMBIA GAS TRANSMI
8110929		3415521537	102		GONCZ #2	FOWLER	20.0	COLUMBIA GAS TRANSMI
8110919		3415521204	102		KING #1	FOWLER	20.0	COLUMBIA GAS TRANSMI
8110918		3415521133	102		KOCHES #1	FOWLER	20.0	COLUMBIA GAS TRANSMI
8110924		3415521505	102		PARENT #1	FOWLER	20.0	COLUMBIA GAS TRANSMI
8110931		3415521549	102		PETERSON #1	FOWLER	25.0	COLUMBIA GAS TRANSMI
8110921		3415521341	102		REDMOND #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110920		3415521340	102		REDMOND #2	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110934		3415521572	102		RICE #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110926		3415521515	102		SCHWARTZ #4	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8110925		3415521508	102		SMITHSON #1	FOWLER	20.0	COLUMBIA GAS TRANSMI
8110930		3415521545	102		W A E #1	BAZETTA	25.0	COLUMBIA GAS TRANSMI
8110933		3415521571	102		ZUBEK #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
-PREMIER ENERGY CORP					RECEIVED: 01/06/81 JA: OH			
8110881		3407522413	103		BALDER #1	HARDY	15.0	COLUMBIA GAS
8110860		3407522387	103		HARCLD D MULLET #1	MECHANIC	30.0	COLUMBIA GAS TRANSMI
-PYRAMID OIL & GAS COMPANY					RECEIVED: 01/06/81 JA: OH			
8110936		3415521322	103		TRASK #2	SOUTHINGTON	15.0	
-TIGER OIL INC					RECEIVED: 01/06/81 JA: OH			
8110913		3412122392	107		CLEMENS BECKER #1 WELL	ELK	0.0	COLUMBIA GAS TRANSMI
-WELSH HILLS OIL & GAS CO					RECEIVED: 01/06/81 JA: OH			
8110905		3408923774	103		OSCAR AND THELMA RALSTON #1	PERRY	10.0	COLUMBIA GAS TRANSMI
-WHITNAM OIL & GAS CORP					RECEIVED: 01/06/81 JA: OH			
8110945		3416725958	103		B D DUVALL #1	INDEPENDENCE	24.0	
8110944		3416725901	103		HOWARD WEST #1	INDEPENDENCE	0.0	
8110942		3416725787	103		MAURICE & LELA R OLIVER #1	MUSKINGUM	8.0	
8110940		3416725784	103		PEARL AND NELLIE DAILY #1	LOWELL	7.3	
8110941		3416725785	103		PEARL AND NELLIE DAILY #2	LOWELL	5.0	
8110943		3416725883	103		ROGER WELCH #1	WASHINGTON	20.0	
8110939		3416725781	103		SUSAN SZAKAS #1	LOWELL	7.0	
-WILLIAM F HILL					RECEIVED: 01/06/81 JA: OH			
8110882		3407522673	103		THOMAS CROSKEY #1	KNOX	6.0	
8110884		3407522773	103		WILLIAM F HILL #1	KNOX	7.0	
8110885		3407522776	103		WILLIAM F HILL #2	KNOX	8.0	
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-AN-SON CORPORATION					RECEIVED: 12/29/80 JA: OK			
8110830	06691	3502520199	108		DENNING NO 1	MIDWELL	1.5	PANHANDLE EASTER PIP
8110845	06689	3505920105	108		IRWIN NO 1	LAVERNE	8.4	MICHIGAN WISCONSIN P
-ANDOVER OIL COMPANY					RECEIVED: 12/29/80 JA: OK			
8110815	06616	3504722091	103		ARMSTRONG #24-1		0.0	WELLHEAD ENTERPRISES
8110840	04739	3501721215	103		CARMICHAEL #1		200.0	CONTINENTAL OIL CO
8110821	06565	3509321800	103		MAXEY #24-2	SOONER TREND	30.0	CITIES SERVICE GAS C
8110852	06877	3501721430	102		ROTHER #3-1		185.0	DELHI GAS PIPELINE C
-ARCO OIL AND GAS COMPANY					RECEIVED: 12/29/80 JA: OK			
8110856	03586	3500700000	108		STATE GAS UNIT B #1	CAMRICK GAS AREA	12.7	NATURAL GAS PIPELINE
-BARRETT DRILLING CO					RECEIVED: 12/29/80 JA: OK			
8110820	06584	3504700000	108		RIKLI DRUMMOND NO 1		13.0	UNION TEXAS PETROLEU
-CABOT CORPORATION					RECEIVED: 12/29/80 JA: OK			
8110831	05490	3513921252	103		CASTC #15		160.0	KOKOMO GAS & FUEL CO
-CACTUS TRI-COUNTY GAS					RECEIVED: 12/29/80 JA: OK			
8110846	07069	3513121178	102		BILLY JACK #1		105.0	DIAMOND S GAS SYSTEM
-CALVERT DRILLING CO					RECEIVED: 12/29/80 JA: OK			
8110824	06505	3501721457	103		KELSO #2	N E PIEDMONT	15.0	
8110823	06506	3501721038	103		MCGRANAHAN #1	N PIEDMONT	8.4	PHILLIPS PETROLEUM C
-CHASE EXPLORATION CORP					RECEIVED: 12/29/80 JA: OK			
*8110838	06488	3507121152	103		MEYERS #1-25		14.2	CITIES SERVICE GAS C
-DICK BOGERT INC					RECEIVED: 12/29/80 JA: OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110816	06608	3507322385	103		HAUSER TRUST 1-20	SOONER TREND	90.0	CITIES SERVICE GAS C
-DOME PETROLEUM CORP					RECEIVED: 12/29/80 JA: OK			
8110839	03965	3504921173	102		EWERT NO 1-36	FOSTER S E	219.0	SOHIO PETROLEUM CO
-DONALD C SLAWSON					RECEIVED: 12/29/80 JA: OK			
8110854	06983	3501721465	102		HUBBARD #1-5	WATONGA TREND	300.0	CITIES SERVICE GAS C
-EDWIN L COX					RECEIVED: 01/05/81 JA: OK			
8111051	07229	3513722125	102		DUNCAN TOWNSITE NO 1	WEST DUNCAN	100.0	ARKANSAS LOUISIANA G
-ELCOOL CORP					RECEIVED: 12/29/80 JA: OK			
8110829	06694	3510300000	108		FOSTER NO 1	PERRY	16.8	CITIES SERVICE GAS C
-ENERGY QUEST INC					RECEIVED: 12/29/80 JA: OK			
*8110834	06281	3507121840	103		HINTON #1-A		12.5	CITIES SERVICE GAS C
8110832	06279	3507121841	103		HINTON #3-A		10.0	CITIES SERVICE GAS C
*8110835	06282	3507121839	103		MITCHELL #1-A		15.5	CITIES SERVICE GAS C
*8110833	06280	3507121842	103		THOMPSON #1-A		14.0	CITIES SERVICE GAS C
-FOREST OIL CORPORATION					RECEIVED: 12/29/80 JA: OK			
8110855	09629	3501520823	107		FORT SILL UNIT 2 WELL NO 1	EAST APACHE FIELD	430.0	OKLAHOMA NATURAL GAS
-GREAT SOUTHERN ENTERPRISES INC					RECEIVED: 01/05/81 JA: OK			
8111041	06570	3514721491	103		MADRON A-1	MADRON LEASE	73.0	NUMBER ONE PIPELINE
-HARPER OIL COMPANY					RECEIVED: 01/05/81 JA: OK			
8111047	07103	3504321052	102		GOSS #1	WILDCAT	140.0	DELHI GAS PIPELINE C
-HINKLE ENGINEERING INC					RECEIVED: 12/29/80 JA: OK			
8110828	6668	3513921278	103		DEVELIN-HART NO 1-14	GUYMON-HUGOTON	24.0	PANHANDLE EASTERN PI
8110827	06669	3513921279	103		J B LANGSTON NO 1-24	GUYMON-HUGOTON	42.0	PANHANDLE EASTERN PI
-J D FAIR					RECEIVED: 12/29/80 JA: OK			
8110850	01380	3508100000	108		CUNNINGHAM #3		4.7	CHARLES NESBITT TRUS
8110848	01379	3508100000	108		EVA POWERS #1		10.0	CHARLES NESBITT TRUS
8110847	01376	3508100000	108		LIVECY #2		14.0	CHARLES NESBITT TRST
8110851	01377	3508100000	108		LIVECY #4		9.4	CHARLES NESBITT - TR
8110849	01381	3508100000	108		N FLOREP #1		17.0	CHARLES NESBITT TRUS
-KENNEDY & MITCHELL INC					RECEIVED: 12/29/80 JA: OK			
8110841	06143	3505900000	102		KECK #22-382	UNALLOCATED (C SE SEC 36	290.0	NORTHERN NATURAL GAS
-LADD PETROLEUM CORPORATION					RECEIVED: 01/05/81 JA: OK			
8111030	06536	3509321856	103		ADKINS #2	RINGWOOD	0.0	PIONEER GAS PRODUCTS
-MACKELLAR INC					RECEIVED: 01/05/81 JA: OK			
8111043	06697	3507300000	103		BADGER #3	SOONER TREND	0.0	CONOCO INC
-MAY PETROLEUM INC					RECEIVED: 12/29/80 JA: OK			
8110826	06671	3515320909	103		RILEY #1 (153-48141-1)	WOODWARD NORTH	183.0	NORTHERN NATURAL GAS
-MAY PETROLEUM INC					RECEIVED: 01/05/81 JA: OK			
8111037	02036	3504520824	103		LOGODZINSKI #1	S W ARNETT AREA	200.0	PRODUCERS GAS CO
-NATIONAL COOP REFINERY ASSOC					RECEIVED: 01/05/81 JA: OK			
8111029	06672	3515321046	103		SELMAN #1-31	SOUTH EAST LOVEDALE	300.0	MICHIGAN-WISCONSIN P
-OCHELATA DEVELOPMENT CORP					RECEIVED: 01/05/81 JA: OK			
8111027	06186	3514700000	103		JOHN ALLEN #1	N OCHELATA	25.0	CITIES SERVICE GAS C
-OFT EXPLORATION INC					RECEIVED: 01/05/81 JA: OK			
8111042	06585	3504321045	102		CARMEN-RUBY 1-11	SEC 11-T19N-R20W	172.8	NORTHERN NATURAL GAS
-PHIL P ONEAL					RECEIVED: 01/05/81 JA: OK			
8111031	02412	3501900000	108		SMITH #1	CADDO	0.0	UNION OIL CO OF CALI
8111033	02410	3501900000	108		SMITH #2	CADDO	0.0	UNION OIL CO OF CALI
8111032	02411	3501900000	108		SMITH #4	CADDO	0.0	UNION OIL CO OF CALI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 12/29/80 JA: OK			
8110825	06674	3501721449	103		KELLER C NO 1		0.0	PANHANDLE EASTERN PI
8110842	06675	3501721454	103		MASON B NO 1		0.0	-
8110843	06676	3501721460	103		WIEMAN A NO 1		0.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/05/81 JA: OK			
8111034	05422	3501721250	103		BOHLMANN A #1	W PIEDMONT	0.0	PANHANDLE EASTERN PI
-PIONEER PRODUCTION CORPORATION					RECEIVED: 12/29/80 JA: OK			
8110853	06961	3515121054	102		WILBER W MADDOX NO 1-27	WILDCAT	23.0	
-RED EAGLE OIL CO					RECEIVED: 12/29/80 JA: OK			
8110819	06601	3509321766	103		ERVIN NO 1	WEST FAIRVIEW	125.0	PHILLIPS PETROLEUM C
8110818	06600	3509321835	103		NICKEL NO 1	WEST FAIRVIEW	125.0	PHILLIPS PETROLEUM C
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 01/05/81 JA: OK			
8111028	06522	3501721221	103		DAVIS #1	SO FAIRVIEW	5.0	PHILLIPS PETROLEUM C
-RICKS EXPLORATION CO					RECEIVED: 12/29/80 JA: OK			
8110822	06526	3509321723	103		BURRELL 29A	CEDAR SPRINGS	100.0	PANHANDLE EASTERN PI
8110837	06425	3509321691	103		KEHN 33A	N FAIRVIEW	20.0	PHILLIPS PETROLEUM C
-RODMAN PETROLEUM CORP					RECEIVED: 12/29/80 JA: OK			
8110836	06403	3509321382	103		LIPPS 13 #1	SOONER TREND	24.0	PHILLIPS PETROLEUM C
8110857	06637	3501721456	102		LORRAINE 8-1	SOUTH REEDING FIELD	365.0	PHILLIPS PETROLEUM C
-SAMEDAN OIL CORPORATION					RECEIVED: 12/29/80 JA: OK			
8110844	06678	3501720996	103		BOHLMANN NO 1		25.0	PHILLIPS PETROLEUM C
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/05/81 JA: OK			
8111023	06000	3504700000	108		S E FLYNN UNIT NO 42-1	DOVER-HENNESSEY	3.0	EXXON CORP
8111018	05998	3503700000	108		STROUD PRUE UNIT NO 2-4	STROUD	0.5	KERR-MCGEE CORP
8111025	06005	3503700000	108		STROUD PRUE UNIT NO 38-1	STROUD	0.5	KERR-MCGEE CORP
8111024	06004	3503700000	108		STROUD PRUE UNIT NO 39-3	STROUD	0.5	KERR-MCGEE CORP
8111019	05996	3503700000	108		STROUD PRUE UNIT NO 41-7	STROUD	0.5	KERR-MCGEE CORP
8111020	05994	3503700000	108		STROUD PRUE UNIT NO 42-3	STROUD	0.5	KERR-MCGEE CORP
8111021	05991	3503700000	108		STROUD PRUE UNIT NO 43-2	STROUD	0.5	KERR-MCGEE CORP
8111022	05990	3503700000	108		STROUD PRUE UNIT NO 6-2	STROUD	0.5	KERR-MCGEE CORP
-TENNECO OIL COMPANY					RECEIVED: 01/05/81 JA: OK			
8111038	06235	3512120619	103		CROWL 1-15	HAILEYVILLE SW	31.9	
-TEXACO INC					RECEIVED: 01/05/81 JA: OK			
8111036	02806	3509560002	108		A L DANEY NO 2	AYLESWORTH	11.0	AMINOIL USA
-THE GHK COMPANY					RECEIVED: 01/05/81 JA: OK			
8111026	09705	3500920340	107		#1-29 NESSER	WEST CARPENTER	684.0	PANHANDLE EASTERN
-TRIGG DRILLING COMPANY INC					RECEIVED: 01/05/81 JA: OK			
8111049	07141	3505120888	102		WILLEY #1	WATONGA TREND	0.0	CITIES SERVICE GAS C
-UNION OIL COMPANY OF CALIF					RECEIVED: 01/05/81 JA: OK			
8111035	02540	3504700000	108		A J SIMUNEK #1-32	DOVER-HENNESSEY	10.0	EXXON CO USA
-UNIT DRILLING & EXPLORATION CO					RECEIVED: 01/05/81 JA: OK			
8111046	06709	3504722072	103		ASHBY #2	SOONER TREND	73.0	EXXON OIL CO USA
8111045	06710	3504520810	103		BERRYMAN #1-28	EAST ARNETT	91.0	PANHANDLE EASTERN PI
8111044	06708	3513921283	103		VIERSEN #1	NORTH TEXHOMA	36.0	WESTERN GAS INTERSTA
-UNIT OPERATIONS					RECEIVED: 01/05/81 JA: OK			
8111050	07235	3508321257	102		CAREY #1-20	NORTH GUTHRIE	29.2	EASON OIL CO
-UTILITY MANAGEMENT CO INC					RECEIVED: 01/05/81 JA: OK			
8111039	06307	3514700000	108		FOSTER #1	CENTER SW	3.0	LUCAS GAS INC
8111040	06308	3514700000	108		FOSTER #2	CENTER SW	5.5	LUCAS GAS INC
-VULCAN ENERGY CORP					RECEIVED: 12/29/80 JA: OK			
8110817	06611	3507322365	103		SCHNEIDER	SOONER TREND	75.0	CITIES SERVICE GAS C
-WHITMAR EXPLORATION CO					RECEIVED: 01/05/81 JA: OK			
8111048	07141	3507920368	102		EVANS COAL #19-1	KINTA	365.0	ARKANSAS LOUISIANA G
**********								
TEXAS RAILROAD COMMISSION								
**********								
-SUPERIOR OIL CO					RECEIVED: 01/09/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111016	19166	4271500017	102		STATE OF TEXAS BLK 14-L UNIT #13-L	HIGH ISLAND BLK 14-L (95	5000.0	NATURAL GAS PIPELINE
8111016	19166	4271500017	103		STATE OF TEXAS BLK 14-L UNIT #13-L	HIGH ISLAND BLK 14-L (95	5000.0	NATURAL GAS PIPELINE
8111017	19167	4217500017	102		STATE OF TEXAS BLK 14-L UNIT #13-U	HIGH ISLAND BLK 14-L (87	3000.0	NATURAL GAS PIPELINE
8111017	19167	4217500017	103		STATE OF TEXAS BLK 14-L UNIT #13-U	HIGH ISLAND BLK 14-L (87	3000.0	NATURAL GAS PIPELINE

UTAH DIVISION OF OIL,GAS, & MINING

-CIG EXPLORATION INC — RECEIVED: 01/05/81 JA: UT

8110858	K 129-1A	4304730739	103		CIGE 28-35-9-21	NATURAL BUTTES	396.0	COLORADO INTERSTATE
8110859	K129-18	4304730530	103		CIGE 56-34-9-21	NATURAL BUTTES	410.0	COLORADO INTERSTATE

WEST VIRGINIA DEPARTMENT OF MINES

-APPALACHIAN EXPLORATION & DEVEL INC — RECEIVED: 01/06/81 JA: WV

8110983		4706700411	108		C & H CORPORATION B-12	JEFFERSON	12.0	CABOT CORP
8110982		4706700415	108		C & H CORPORATION B-14	JEFFERSON	13.0	CABOT CORP
8111007		4703900936	108		DICKENSON-LEVI #1	LOUDEN	6.0	COLUMBIA GAS TRANSMI
8111006		4704700492	108		M L BOWEN #1	SANDY RIVER	50.0	CABOT CORP

-BEREA OIL AND GAS CORPORATION — RECEIVED: 01/06/81 JA: WV

*8111008		4700121067	108		F L WILLIAMS #1	VALLEY	0.0	CONSOLIDATED GAS SUP

-COLUMBIA GAS TRANSMISSION CORP — RECEIVED: 01/06/81 JA: WV

8110978		4704301833	108		HORSE CREEK TRACT 801089	WEST VIRGINIA FIELD AREA	0.7	COLUMBIA GAS TRANS C
8110977		4703902611	108		KING LAND COMPANY 809805	FIELD AREA A	14.0	COLUMBIA GAS TRANS C

-CONSOLIDATED GAS SUPPLY CORPORATION — RECEIVED: 01/06/81 JA: WV

8110986		4700501059	108		A C CANTERBURY 12191	W VA OTHER A83772	6.0	GENERAL SYSTEM PURCH
8110994		4704102486	108		A C SIMMONS 12451	WEST VIRGINIA OTHER A857	18.0	GENERAL SYSTEM PURCH
8110961		4706700320	108		A F MCCUE 11621	WEST VIRGINIA OTHER A857	1.0	GENERAL SYSTEM PURCH
8111013		4703301215	108		C E SNIDER 12474	WVA OTHER A83772	12.0	GENERAL SYSTEM PURCH
8110952		4705900845	108		CHARLES A HAMILL 11881	PINEVILLE A59442	8.0	GENERAL SYSTEM PURCH
8110951		4705900848	108		CHARLES A HAMILL 11910	PINEVILLE A59442	19.0	GENERAL SYSTEM PURCH
8110962		4705900850	108		CHARLES A HAMILL 11911	PINEVILLE A59442	15.0	GENERAL SYSTEM PURCH
8110991		4705900856	108		CHARLES A HAMILL 12004	PINEVILLE FIELD AREA A59	8.0	GENERAL SYSTEM PURCH
8110996		4704102163	108		CHARLES W MEADER 12245	WEST VIRGINIA OTHER A857	16.0	GENERAL SYSTEM PURCH
8110984		4704700705	108		CONSOLIDATED COAL CO 12326	PINEVILLE A59442	16.0	GENERAL SYSTEM PURCH
8110954		4704700621	108		CROZIER LAND CORP 11572	PINEVILLE A59442	19.0	GENERAL SYSTEM PURCH
8111004		4700100779	108		DELBERT WAGNER 12169	WEST VIRGINIA OTHER A837	2.0	GENERAL SYSTEM PURCH
8110969		4703300917	108		DOROTHY S SINCLAIR 11977	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PURCH
8110963		4701701853	108		E W KREYENBUHL 12356	WEST VIRGINIA OTHER A857	4.0	GENERAL SYSTEM PURCH
8110987		4700501082	108		FEDERAL COAL CO 12333	W VA OTHER A83772	2.0	GENERAL SYSTEM PURCH
8110964		4701302531	108		HUNTER M BENNETT 11897	WEST VIRGINIA OTHER A857	1.0	GENERAL SYSTEM PURCH
8110971		4703300873	108		J E BARNETT 11860	WEST VIRGINIA OTHER A857	3.0	GENERAL SYSTEM PURCH
8110966		4703301135	108		J W HESS 12439	WEST VIRGINIA OTHER A857	18.0	GENERAL SYSTEM PURCH
8110968		4703309200	108		L H COFFMAN 12054	WEST VIRGINIA OTHER A857	20.0	GENERAL SYSTEM PURCH
8110997		4704101904	108		L M LAWSON 11594	WEST VIRGINIA OTHER A857	14.0	GENERAL SYSTEM PURCH
8110992		4703301698	108		LEEMAN MAXWELL 12473	W VA OTHER A83772	1.0	GENERAL SYSTEM PURCH
8110995		4703501371	108		LEWIS H MILLER 12041	WEST VIRGINIA OTHER A857	3.0	GENERAL SYSTEM PURCH
8110990		4709701843	108		LINN PERRINE 12542	W VA OTHER A83772	13.0	GENERAL SYSTEM PURCH
8110970		4703300880	108		MARCELLA P BOND 11883	WEST VIRGINIA OTHER A857	14.0	GENERAL SYSTEM PURCH
8110958		4709701785	108		MATIE HARPER 12315	WEST VIRGINIA OTHER A857	16.0	GENERAL SYSTEM PURCH
8110955		4704700614	108		MCDOWELL POCAHONTAS COAL 11684	PINEVILLE A59442	10.0	GENERAL SYSTEM PURCH
8110965		4703301235	108		NEELEY-JACKSON 12489	WEST VIRGINIA OTHER A857	1.0	GENERAL SYSTEM PURCH
8110956		4704700662	108		PAUL BREWSTER 12201	PINEVILLE A59442	15.0	GENERAL SYSTEM PURCH

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8110989		4710900754	108		POCA LAND CORP 12138	PINEVILLE FIELD AREA A59	11.0	GENERAL SYSTEM PURCH
8110957		4710900756	108		POCAHONTAS LAND CORP 12254	PINEVILLE A59442	18.0	GENERAL SYSTEM PURCH
8110993		4710900826	103		POCAHONTAS LAND CORP 12463	PINEVILLE A59442	50.0	GENERAL SYSTEM PURCH
8111000		4710900827	103		POCAHONTAS LAND CORP 12587	PINEVILLE A59442	35.0	GENERAL SYSTEM PURCH
8110999		4710900925	103		POCAHONTAS LAND CORP 12588	PINEVILLE A59442	35.0	GENERAL SYSTEM PURCH
8110953		4704700775	108		POCAHONTIA LAND CORP 12509	PINEVILLE A59442	15.0	GENERAL SYSTEM PURCH
8110967		4703300938	108		ROSS F STOUT 12073	WEST VIRGINIA OTHER A857	4.0	GENERAL SYSTEM PURCH
8110959		4709701657	108		RUDOLPH L PRINCE 12184	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PURCH
8110960		4708503622	108		S C HAMMETT 12087	WEST VIRGINIA OTHER A857	0.1	GENERAL SYSTEM PURCH
8110998		4703301246	108		T W SWIGER 12063	WEST VIRGINIA OTHER A857	8.0	GENERAL SYSTEM PURCH
-FRANKLIN ADKINS					RECEIVED: 01/06/80 JA: WV			
8110979		4704321720	108		GORDON PARSONS #1	SHERIDAN DISTRICT	10.5	COLUMBIA GAS TRANS C
-GLENN W JOHNSON DBA JOHNSON PRODUCI					RECEIVED: 01/06/81 JA: WV			
8110976		4709700872	108		CARPER #1-TC	UNION	3.3	CONSOLIDATED GAS SUP
8110975		4709702675	108		H H HYRE #1	MEADE	10.2	EQUITABLE GAS CO
-IRA OIL & GAS CO					RECEIVED: 01/06/81 JA: WV			
8111012		4706160000	108		CLARK & STEPHEN TENNANT #3	FAIRVIEW	1.8	PENNZOIL CO
8110988		4706100601	108		CLARK & STEPHEN TENNANT #5	FAIRVIEW	1.8	PENNZOIL CO
-JAMES F SCOTT					RECEIVED: 01/06/81 JA: WV			
8110950		4703302251	103		ROBERT WOLFE #3 S 292	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
-LAWRENTZ & LAW OIL CO					RECEIVED: 01/06/81 JA: WV			
8110974		4708700750	108		E O SHIMP #1	LIVERPOOL	0.6	PENNZOIL CO
8110973		4708700975	108		E O SHIMP #2	LIVERPOOL	0.6	PENNZOIL CO
-MONITOR PETROLEUM CORP					RECEIVED: 01/06/81 JA: WV			
8110948		4700121173	103		MONITOR #1 OKEY ICE	BARKER	22.0	COLUMBIA GAS TRANSMI
-ONE MILE GAS CO					RECEIVED: 01/06/81 JA: WV			
8110980		4704300293	108		L R SWEETLAND #1	SHERIDAN DISTRICT	6.0	PENNZOIL CO
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 01/06/81 JA: WV			
8110949		4700101186	103		D H PATSEY #1	CLEMTOWN	23.0	CONSOLIDATED GAS SUP
8111009		4700101187	103		D H PATSEY #2	TAYLOR DRAIN	27.0	CONSOLIDATED GAS SUP
8111002		4700101054	103		E SAYERS #1	TAYLOR DRAIN	51.0	CONSOLIDATED GAS SUP
8111010		4703302000	103		F FAHEY #1	ROCK CAMP RUN	25.0	CONSOLIDATED GAS SUP
8111001		4704102546	103		F PUMPHREY #1-A	ROANOKE	37.0	CONSOLIDATED GAS SUP
8110985		4703301716	103		G RAPP 32	BRIDGEPORT	9.4	CONSOLIDATED GAS SUP
8111003		4704102862	103		H BURKE #1	ASPINALL-FINSTER	27.0	CONSOLIDATED GAS SUP
8111011		4701702530	103		OPAL GRIBBLE #2	STRAIGHT FORK-BLUESTONE	25.0	COLUMBIA GAS TRANSMI
-REED-WHEELER-YOUNG OIL & GAS CO					RECEIVED: 01/06/81 JA: WV			
8110981		4701501629	108		GOSHORN HEIRS 2-A	MIDDLE SYCAMORE CREEK	15.0	CONSOLIDATED GAS SUP
-ROGERS & SON					RECEIVED: 01/06/81 JA: WV			
8110972		4701300632	108		EDITH Z MCDONALD NO 1	SHERMAN DIST	0.4	PENNZOIL CO
8111005		4701306590	108		EDITH Z MCDONALD NO 2	SHERMAN DISTRICT	0.4	PENNZOIL CO
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-ENERGY RESERVES GROUP INC					RECEIVED: 01/02/81 JA: WY 5			
8111014	W-571-D	4903721450	102		MOUNTAIN UNIT #1 - KENAI	MIDDLE MOUNTAIN (WILDCAT	158.4	MOUNTAIN FUEL SUPPLY

BILLING CODE 6450-85-C

VOLUME 353

OTHER PURCHASERS

8110833	CHASE GATHERING SYSTEMS INC
8110834	CHASE GATHERING SYSTEMS INC
8110835	CHASE GATHERING SYSTEMS INC
8110838	CHASE GATHERING SYSTEMS INC
8111008	BROOKLYN UNION GAS 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 (*) 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 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 19, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4122 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
-COASTAL OIL & GAS CORP					RECEIVED: 01/05/81 JA: CA			
8111092	80-6-0025	0401120142	102		ARBUCKLE ROAD NO 2	GRIMES	703.0	PACIFIC GAS & ELECTR
-MOBIL OIL CORP					RECEIVED: 01/05/81 JA: CA			
8111090	80-6-0026	0402120188	103		SEC 70/81 WHYLER MOUTREY NO 1	WILLOWS-BEEHIVE BEND	365.0	PACIFIC GAS & ELECTR
-TEXACO INC					RECEIVED: 01/05/81 JA: CA			
8111091	80-6-0024	0409520398	102		DIXON EAST UNIT 1 WELL NO 2	MILLAR - WEST AREA	180.0	PACIFIC GAS & ELECTR
-THE DOW CHEMICAL COMPANY					RECEIVED: 01/05/81 JA: CA			
8111089	80-6-0021	0410120113	102		ANDERSON FARMS NO 1	KARNAK GAS FIELD	250.0	
8111087	80-6-0022	0410120148	102		LEAL NO 1	KARNAK	365.0	
8111088	80-6-0023	0411320563	102		REIFF NO 1	CACHE CREEK	225.0	
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-FLINT OIL & GAS INC					RECEIVED: 01/05/81 JA: NY			
8111154	474	3101310417	108		(1116) WILLIAM LESCH #1	LAKESHORE	1.0	NATIONAL FUEL GAS
8111155	475	3101310448	108		(1117) GULLO #1	LAKESHORE	10.7	NATIONAL FUEL GAS
8111093	477	3101310477	108		(1119) MARVIN ZIRKLE #1	LAKESHORE	6.3	NATIONAL FUEL GAS
8111101	478	3101310377	108		(1120) STUART DUDLEY #1	LAKESHORE	6.4	NATIONAL FUEL GAS
8111102	479	3101310371	108		(1121) STUART DUDLEY #2	LAKESHORE	4.7	NATIONAL FUEL GAS
8111103	480	3101310528	108		(1127) DOUGLAS HAYES #1	LAKESHORE	4.5	NATIONAL FUEL GAS
8111104	481	3101310454	108		(1132) LOUIS KOSBOHM #1	LAKESHORE	4.0	NATIONAL FUEL GAS
8111110	483	3101310527	108		(1135) CLIFFSTAR-LEONE	LAKESHORE	6.0	NATIONAL FUEL GAS
8111111	484	3101310491	108		(1138) HAYES #2	LAKESHORE	4.5	NATIONAL FUEL GAS
8111115	485	3101310534	108		(1140) CLIFFSTAR-POLVINO	LAKESHORE	3.6	NATIONAL FUEL GAS
8111114	486	3101310535	108		(1141) CLIFFSTAR-RIZZO	LAKESHORE	3.4	NATIONAL FUEL GAS
8111113	487	3101310564	108		(1143) CLIFFSTAR-CIMASI #1	LAKESHORE	3.0	NATIONAL FUEL GAS
8111116	488	3101310526	108		(1144) R BURGUN #9	LAKESHORE	4.8	NATIONAL FUEL GAS
8111117	489	3101310578	108		(1145) RAYMOND BURGUN #2	LAKESHORE	4.6	NATIONAL FUEL GAS
8111118	490	3101310601	108		(1146) CLIFFSTAR-HAYWOOD #1	LAKESHORE	3.1	NATIONAL FUEL GAS
8111119	491	3101310602	108		(1147) CLIFFSTAR-SPOTO #4	LAKESHORE	3.4	NATIONAL FUEL GAS
8111120	505	3101310993	108		(1182) POTTER WARD #1	LAKESHORE	6.9	NATIONAL FUEL GAS
8111121	506	3101311006	108		(1183) T J JORDAN #1	LAKESHORE	6.2	NATIONAL FUEL GAS
8111122	507	3101311050	108		(1185) A J WAHL INC #1	LAKESHORE	3.9	NATIONAL FUEL GAS
8111123	508	3101311051	108		(1186) A J WAHL INC #2	LAKESHORE	3.9	NATIONAL FUEL GAS
8111137	515	3101311308	108		(1199) TICKNOR #1	LAKESHORE	1.5	NATIONAL FUEL GAS
8111105	534	3101311453	108		(1216) B LEO #1	LAKESHORE	11.6	NATIONAL FUEL GAS
8111106	535	3101311454	108		(1217) MOSCATO #1	LAKESHORE	6.6	NATIONAL FUEL GAS
8111107	540	3101311470	108		(1223) HUBBARD #1	LAKESHORE	12.4	NATIONAL FUEL GAS
8111108	541	3101311472	108		(1225) CHRISTY FARMS #2	LAKESHORE	5.3	NATIONAL FUEL GAS
8111109	542	3101311473	108		(1226) L S WOODBURY #1	LAKESHORE	11.7	NATIONAL FUEL GAS
8111124	543	3101311474	108		(1227) BATYKEFER R & D #1	LAKESHORE	10.0	NATIONAL FUEL GAS

VOLUME 354 PAGE 002

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111125	544	3101311475	108		(1228) STELMACH J P #1	LAKESHORE	10.4	NATIONAL FUEL GAS
8111126	545	3101311476	108		(1229) E WOODBURY #1	LAKESHORE	9.5	NATIONAL FUEL GAS
8111153	574	3101311687	108		(1274) ED & MARY JANE HEALD #2	LAKESHORE	13.8	NATIONAL FUEL GAS
8111152	575	3101311688	108		(1275) R & R BRADIGAN #1	LAKESHORE	1.9	NATIONAL FUEL GAS
8111151	576	3101311803	108		(1277) BURGER ET AL #1	LAKESHORE	19.1	NATIONAL FUEL GAS
8111150	577	3101311804	108		(1278) BURGER ET AL #2	LAKESHORE	17.0	NATIONAL FUEL GAS
8111136	578	3101311783	108		(1279) CHERRY #1	LAKESHORE	13.0	NATIONAL FUEL GAS
8111149	579	3101311805	108		(1280) CHERRY #2	LAKESHORE	16.0	NATIONAL FUEL GAS
8111148	580	3101311806	108		(1281) GOULD #1	LAKESHORE	9.0	NATIONAL FUEL GAS
8111147	581	3101311807	108		(1282) GOULD #2	LAKESHORE	12.0	NATIONAL FUEL GAS
8111146	582	3101311810	108		(1285) F NOSEK UNIT #1	LAKESHORE	1.0	NATIONAL FUEL GAS
8111145	583	3101311923	108		(1293) JOHN DILLENBERG #1	LAKESHORE	18.0	NATIONAL FUEL GAS
8111144	584	3101311928	108		(1298) LAKE SHORE BROADCASTING	LAKESHORE	16.2	NATIONAL FUEL GAS
8111143	585	3101311929	108		(1299) STEFFAN #1	LAKESHORE	19.0	NATIONAL FUEL GAS
8111142	586	3101312077	108		(1303) WILL #1	LAKESHORE	13.0	NATIONAL FUEL GAS
8111135	587	3101312078	108		(1304) VAN RENSSLAER UNIT #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8111134	588	3101312090	108		(1305) BALL UNIT #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8111141	589	3101312091	108		(1306) BUSH UNIT #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8111127	590	3101312093	108		(1308) A BECKER #2 BHD	LAKESHORE	6.2	NATIONAL FUEL GAS
8111140		3101312094	108		(1309) J MERRITT UNIT #1	LAKESHORE	8.0	NATIONAL FUEL GAS
8111139	592	3101312095	108		(1310) J MERRITT UNIT #2	LAKESHORE	14.0	NATIONAL FUEL GAS
8111138	593	3101312096	108		(1311) MERRITT UNIT #3	LAKESHORE	19.0	NATIONAL FUEL GAS
8111095	622	3101312267	108		(1366) E HAYES UNIT #1	LAKESHORE	1.6	NATIONAL FUEL GAS
8111094	625	3101312308	108		(1370) WHITE UNIT #1	LAKESHORE	13.5	NATIONAL FUEL GAS
8111133	635	3102912287	108		(1379) G HECHT UNIT #1	FARNHAM	6.5	NATIONAL FUEL GAS
8111132	637	3102912288	108		(1380) G HECHT UNIT #2	FARNHAM	9.5	NATIONAL FUEL GAS
8111129	638	3102912289	108		(1381) V BRANT #1	FARNHAM	6.0	NATIONAL FUEL GAS
8111096	626	3101312329	108		(1397) TAGGESELL #1	LAKESHORE	13.9	NATIONAL FUEL GAS
8111130	662	3102912403	108		(1398-A) E RODERICK #1-A	SARDINIA	9.0	NATIONAL FUEL GAS CO
8111097	627	3101312392	108		(1406) CHAUTAUQUA FRGRDS	LAKESHORE	20.5	NATIONAL FUEL GAS
8111098	628	3101312411	108		(1410) SMITH UNIT #1	LAKESHORE	7.4	NATIONAL FUEL GAS
8111131	639	3102912419	108		(1411) G HECHT UNIT #3	FARNHAM	5.0	NATIONAL FUEL GAS
8111099	630	3101312553	108		(1430) C PULCI #1	LAKESHORE	4.5	NATIONAL FUEL GAS
8111128	668	3102912564	108		(1438) SOWINSKI #1	MARILLA	7.0	NATIONAL FUEL GAS CO
8111112	631	3101312666	108		(1457) O ARMFELT #1	LAKESHORE	19.5	NATIONAL FUEL GAS
8111100	632	3101312676	108		(1459) WILKOSZ UNIT #1	LAKESHORE	8.0	NATIONAL FUEL GAS
-LOCAL ENERGY INC			RECEIVED: 01/05/81 JA: NY					
8111156	821	3101311446	108		MARTINA #1	LAKE SHORE	5.0	NATIONAL FUEL GAS DI

****

OHIO DEPARTMENT OF NATURAL RESOURCES

****

-ALTHEIRS OIL INC			RECEIVED: 01/05/81 JA: OH					
8111206		3407322365	103		BRENNEMAN #1	WASHINGTON TWP	14.0	COLUMBIA GAS TRANS C
-BANDS COMPANY INC			RECEIVED: 01/05/81 JA: OH					
8111266		3407522756	103		BUTLER #1	MECHANIC	30.0	COLUMBIA GAS
8111267		3407522757	103		BUTLER #2	MECHANIC	24.0	COLUMBIA GAS
8111256		3407522311	103		POTT #1	MECHANIC	20.0	COLUMBIA GAS
8111259		3407522328	103		POTTS #1	MECHANIC	25.0	COLUMBIA GAS
8111262		3407522527	103		POTTS #3	MECHANIC	20.0	COLUMBIA GAS
8111255		3402522303	103		VAN SICKLE #1	MECHANIC	24.0	COLUMBIA GAS
8111265		3407522628	103		VAN SICKLE #2	MECHANIC	18.0	COLUMBIA GAS
-BELDEN & BLAKE AND CO L P NO 4-X			RECEIVED: 01/05/81 JA: OH					

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111213		3409921292	103		A LOWER #1-998	SMITH	36.5	EAST OHIO GAS CO
8111214		3409921293	103		A LOWER #2-999	SMITH	36.5	THE EAST OHIO GAS CO
8111158		3415123359	103		H SCHMUCK #7-1007	OSNABURG	36.5	EAST OHIO GAS CO
8111159		3415123360	103		H STIPE #2-1005	MARLBORO	36.5	EAST OHIO GAS CO
8111189		3401921373	103		MCMULLEN ETAL #1-1008	BROWN	36.5	
-BELDEN & BLAKE CO L P NO 75					RECEIVED: 01/05/81 JA: OH			
8111157		3415123324	103		A & A SCHLABACH #2-990	OSNABURG	36.5	EAST OHIO GAS CO
-BEREA OIL AND GAS CORPORATION					RECEIVED: 01/05/81 JA: OH			
8111225		3411924955	103		CAIN #3	RICH HILL	1.0	COLUMBIA GAS TRANSMI
8111161		3415521364	102		HROMYAK #1	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8111160		3415521363	102		HROMYAK UNIT #2	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8111229		3411925456	103		MENZIE #1	RICH HILL	1.0	COLUMBIA GAS TRANSMI
8111228		3411925414	103		WOLFE #1	RICH HILL	1.0	COLUMBIA GAS TRANSMI
-BETHEL RESOURCES INC					RECEIVED: 01/05/81 JA: OH			
8111282		3412724549	103		BERNARD & CATHERINE SWEENEY #3	JACKSON	12.0	COLUMBIA GAS TRANSMI
8111280		3412724260	103		DALE D DEW #2	MONROE	12.0	COLUMBIA GAS TRANSMI
8111281		3412724263	103		DEW #1	MONROE	12.0	COLUMBIA GAS TRANSMI
8111279		3412724535	103		JOHNSON #2	CLAYTON	12.0	NATIONAL GAS & OIL C
8111285		3412724747	103		LOWELL & MAXINE KOEHLER #5	READING	12.0	NATIONAL GAS & OIL C
-CALLANDER & KIMBREL INC					RECEIVED: 01/05/81 JA: OH			
8111248		3403124008	103		DALE & DAVID HEDRICK #1	BEDFORD	3.0	
8111250		3403124067	103		DALE & DAVID HEDRICK #3	BEDFORD	3.0	
8111192		3403122473	103		DALE & DAVID HEDRICK #4	CHESHIRE	6.0	
8111247		3403123989	103		PHILIP BROWN #3	PERRY	3.0	
8111251		3403124070	103		ROBERT & MIRIAM MIKESELL #7	PIKE	3.0	
-CHANSE PETROLEUM CORPORATION					RECEIVED: 01/05/81 JA: OH			
8111188		3400721439	103		A C & G P JEROME #2	NEW LYME	5.0	
-CLINTON OIL CO					RECEIVED: 01/05/81 JA: OH			
8111286		3413322416	103		OSCAR BRUGMAN SAND & GRAVEL #1-556	SHALERSVILLE	100.0	
8111278		3411925377	103		RONALD WHITE #1-544	SALEM	100.0	
-CLOVER OIL CO					RECEIVED: 01/05/81 JA: OH			
8111274		3410322337	103		G BOSWELL #1	SPENCER	100.0	
8111275		3410322361	103		SHAWNEE LAKE PARK #1	SPENCER	100.0	
-CONSOLIDATED RESOURCES OF AMERICA					RECEIVED: 01/05/81 JA: OH			
8111230		3412122335	103		JENKINS #1	NOBLE	18.0	
8111202		3405922755	103		MICHAEL & CYNTHIA FEDORIW #1	CAMBRIDGE	30.0	
8111199		3405922752	103		RALPH & CHARLES BRADEN #1	CAMBRIDGE	36.0	
8111200		3405922753	103		RALPH & CHARLES BRADEN #2	CAMBRIDGE	36.0	
8111201		3405922754	103		RALPH & CHARLES BRADEN #3	CAMBRIDGE	36.0	
8111198		3405922750	103		ROBT ACHAUER & RANDALL LARRICK #2	ADAMS	12.0	
8111197		3405922745	103		WALTER & DEANNA WICKEM #1	ADAMS	18.0	
-DANVILLE PIPE & SUPPLY COMPANY					RECEIVED: 01/05/81 JA: OH			
8111209		3408322744	103		WILFORD COLOPY #1	UNION	0.0	COLUMBIA GAS TRANSMI
-DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 01/05/81 JA: OH			
8111216		3410322288	103		LOUIS GAIDUK #2	GRANGER	20.0	COLUMBIA GAS TRANSMI
-DERBY OIL & GAS CORP					RECEIVED: 01/05/81 JA: OH			
8111254		3405922771	103		R W HOWELL #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
-DERRICK PETROLEUM CO					RECEIVED: 01/05/81 JA: OH			
8111252		3403124088	103		ROBERT ASHARAST #1	JACKSON	0.0	
-DORAN & ASSOCIATES INC					RECEIVED: 01/05/81 JA: OH			
8111269		3408720276	103		AVERILL BRAMMER #1	FAYETTE	12.0	COLUMBIA GAS TRANSMI
8111270		3408720277	103		FLORENCE MILLER #1	FAYETTE	12.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111284		3412724745	103		HOUSEHOLDERS #2	JACKSON	12.0	COLUMBIA GAS TRANSMI
8111268		3408720275	103		JAMES ADKINS #1	PERRY	12.0	COLUMBIA GAS TRANSMI
8111271		3408720278	103		MICHAEL KELLY #1	FAYETTE	12.0	COLUMBIA GAS TRANSMI
-DRILLERS PETROLEUM CORP					RECEIVED: 01/05/81 JA: OH			
8111276		3411121900	103		HOMER J BURKHART WELL #3	BETHEL	50.0	
-FORAKER PRODUCING COMPANY INC					RECEIVED: 01/05/81 JA: OH			
8111232		3412724341	103		MCNULTY HEIRS #2	CLAYTON	0.0	
-FUTURE ENERGY CORPORATION					RECEIVED: 01/05/81 JA: OH			
8111220		3411521964	102		R CAMPBELL #1	WINDSOR	45.0	
-G W F CORP					RECEIVED: 01/05/81 JA: OH			
8111204		3407322274	103		RUTHERFORD HEIRS #1	RUTHERFORD HEIRS #1	0.0	
-GASEARCH INC					RECEIVED: 01/05/81 JA: OH			
8111205		3407323210	103		ATHENS PRESBYTERY #2	STARR	0.0	COLUMBIA GAS TRANSMI
8111288		3415521579	103		SORCKA #1	VIENNA	20.0	EAST OHIO GAS CO
8111243		3400922053	103		STEWART BROS #1	YORK	15.0	COLUMBIA GAS TRANSMI
-GIANT PETROLEUM CORPORATION					RECEIVED: 01/05/81 JA: OH			
8111240		3400721483	103		CLARENCE DRASS UNIT-WELL #1	ORWELL	20.0	EAST OHIO GAS CO
8111241		3400721484	103		CLARENCE DRASS UNIT-WELL #2	ORWELL	20.0	EAST OHIO GAS CO
8111242		3400721485	103		CLARENCE DRASS UNIT-WELL #3	ORWELL	20.0	EAST OHIO GAS CO
-GREEN GAS COMPANY					RECEIVED: 01/05/81 JA: OH			
8111264		3407522605	103		ROBERT & BARBARA MEISTER #3	KILLBUCK	2.0	COLUMBIA GAS TRANSMI
-HOPCO RESOURCES INC					RECEIVED: 01/05/81 JA: OH			
8111237		3412724885	103		R WILSON #1	THORN	12.0	NATIONAL GAS & OIL
-IRVIN PRODUCING COMPANY					RECEIVED: 01/05/81 JA: OH			
8111273		3408922390	103		DARRELL IDEN #3	HOPEWELL	10.0	NATIONAL GAS & OIL C
8111235		3412724860	103		GAZEL TOKIE #2	SALT LICK	10.0	COLUMBIA GAS TRANSMI
8111227		3411925305	103		WANDA HARRIS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
-J-R DEVELOPMENT CO					RECEIVED: 01/05/81 JA: OH			
8111236		3412724870	103		HAMMER #2	CLAYTON POOL NO 612	10.0	COLUMBIA GAS TRANSMI
-JONSU CORP					RECEIVED: 01/05/81 JA: OH			
8111211		3408923855	103		THOMAS #2	FALLBURY	5.0	
-L & M OPERATING INC					RECEIVED: 01/05/81 JA: OH			
8111181		3416724414	108		ALBERT BOSNER #1-A		12.7	GAS TRANSPORT INC
8111166		3416723978	108		BERNARD OFFENBERGER #1		12.7	GAS TRANSPORT INC
8111168		3416724079	108		BERNARD OFFENBERGER #2		12.7	GAS TRANSPORT INC
8111291		3416724128	108		CARL HOFMANN #1		12.8	GAS TRANSPORT INC
8111300		3416724438	108		CARL HOFMANN #2		12.8	GAS TRANSPORT INC
8111165		3416723977	108		CARL LANG #1		12.7	GAS TRANSPORT INC
8111298		3416724434	108		CAROL HUCK #1		12.8	GAS TRANSPORT INC
8111297		3416724435	108		CAROL HUCK #2		12.8	GAS TRANSPORT INC
8111299		3416724487	108		CAROL HUCK #3		12.8	GAS TRANSPORT INC
8111174		3416724145	108		CHARLES LANG #1		12.7	GAS TRANSPORT INC
8111289		3416723962	108		CLAIR HUCK #1		12.8	GAS TRANSPORT INC
8111290		3416723980	108		CLARENCE HUCK #1		12.8	GAS TRANSPORT INC
8111295		3416724314	108		CLARENCE HUCK #3		12.8	GAS TRANSPORT INC
8111296		3416724320	108		CLARENCE HUCK #4		12.8	GAS TRANSPORT INC
8111292		3416724254	108		EARL MOLLOHAN #1		12.8	GAS TRANSPORT INC
8111172		3416724129	108		EDWIN ARNOLD #1		12.7	GAS TRANSPORT INC
8111183		3416724489	108		GEORGE LANG #1		12.7	GAS TRANSPORT INC
8111184		3416724488	108		GEORGE LANG #2		12.7	GAS TRANSPORT INC
8111301		3416724491	108		GERALD BROOKS #1		12.8	GAS TRANSPORT INC
8111169		3416724101	108		GERALD PARKER #1		12.7	GAS TRANSPORT INC

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111173		3416724130	108		HAROLD OFFENBERGER #1		12.7	GAS TRANSPORT INC
8111175		3416724152	108		HERBERT HUCK #1		12.7	GAS TRANSPORT INC
8111179		3416724281	108		HOWARD HUCK #1		12.7	GAS TRANSPORT INC
8111302		3416724502	108		HOWARD HUCK #2		12.8	GAS TRANSPORT INC
8111171		3416724106	108		HUCK FARMS #1		12.7	GAS TRANSPORT INC
8111177		3416724269	108		HUCK FARMS #2		12.7	GAS TRANSPORT INC
8111294		3416724282	108		JAMES HENRIE #1		12.8	GAS TRANSPORT INC
8111303		3416724503	108		JAMES HENRIE #2		12.8	GAS TRANSPORT INC
8111306		3416724646	108		JAMES HENRIE #3		12.8	GAS TRANSPORT INC
8111180		3416724313	108		JIM HUCK #1-A		12.7	GAS TRANSPORT INC
8111163		3416723956	108		JOSEPH HUCK #1		12.7	GAS TRANSPORT INC
8111164		3416723963	108		LEO LANG #1		12.7	GAS TRANSPORT INC
8111293		3416724280	108		LORRAINE HENKE #1		12.8	GAS TRANSPORT INC
8111304		3416724538	108		LORRAINE HENKE #2		12.8	GAS TRANSPORT INC
8111305		3416724539	108		LORRAINE HENKE #3		12.8	GAS TRANSPORT INC
8111178		3416724273	108		LOUISE OFFENBERGER #1		12.7	GAS TRANSPORT INC
8111182		3416724416	108		RALPH POTTMEYER #1		12.7	GAS TRANSPORT INC
8111170		3416724103	108		VERNON AUGENSTEIN #1		12.7	GAS TRANSPORT INC
8111176		3416724203	108		VINCENT LANG #1		12.7	GAS TRANSPORT INC
8111307		3416724663	108		WILLIAM BROOKER #1		12.8	GAS TRANSPORT INC
-L & M PETROLEUM					RECEIVED: 01/05/81 JA: OH			
8111233		3412724753	103		NEW LEXINGTON SC BD / SNYDER #1	PIKE	4.0	FORAKER GAS CO
-LAKE REGION OIL INC					RECEIVED: 01/05/81 JA: OH			
8111207		3407522707	103		BRUCE SCHANTZ #1	KILLBUCK	15.0	COLUMBIA GAS TRANSMI
-LARRY H WRIGHT INC					RECEIVED: 01/05/81 JA: OH			
8111244		3400922075	103		MARK A GRUESER JR #1	LODI	10.0	
-LAUDERMAN OIL & GAS DRILLING					RECEIVED: 01/05/81 JA: OH			
8111167		3416724068	103		HAROLD NEEDHAM #1 WELL	DUNHAM	8.0	GAS TRANSPORT INC
8111218		3411122026	103		JAMES HOGUE #1 WELL	FRANKLIN	18.2	COLUMBIA GAS TRANSMI
-LBJ DRILLING DBA JEFF MORAN					RECEIVED: 01/05/81 JA: OH			
8111272		3408923895	103		EMERSON A WILSON #1	PERRY	18.0	
-LEADER EQUITIES INC					RECEIVED: 01/05/81 JA: OH			
8111277		3411925315	103		LOUIS KOLB #2	MADISON	16.0	
-LESLIE OIL AND GAS CO INC					RECEIVED: 01/05/81 JA: OH			
8111215		3410322194	103		M TERBEEK #2	SPENCER	3.0	COLUMBIA GAS OF TRAN
-LIBERTY OIL & GAS CORP					RECEIVED: 01/05/81 JA: OH			
8111246		3400922112	103		E SUMMERFIELD #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
-MERIDIAN OIL & GAS ENT INC					RECEIVED: 01/05/81 JA: OH			
8111190		3403122079	108		FRANCIS E MCGUIRE WELL #1		0.5	COLUMBIA GAS TRANSMI
8111191		3403122080	108		RAYMOND G WOLFE WELL #1	PERRY	2.5	COLUMBIA GAS TRANSMI
-MILLER OIL & GAS CO					RECEIVED: 01/05/81 JA: OH			
8111162		3415723552	103		KOHR #1	FRANKLIN	50.0	EAST OHIO GAS CO
-NEW FRONTIER EXPLORATION INC					RECEIVED: 01/05/81 JA: OH			
8111239		3415123189	103		DONALD GIVENS #1	OSNABURG	30.0	
8111238		3415123185	103		RICE-MILLER UNIT #1	OSNABURG	30.0	
-OILTECH INC					RECEIVED: 01/05/81 JA: OH			
8111258		3407522315	103		HORACE DUTTON #1	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8111257		3407522314	103		HORACE DUTTON #2	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8111263		3407522525	103		RAYMOND J MILLER #2	MECHANIC	0.0	COLUMBIA GAS TRANSMI
-ONEAL PRODUCTIONS INC					RECEIVED: 01/05/81 JA: OH			
8111222		3411522168	102		BARNES #1	MORGAN	150.0	COLUMBIA GAS TRANSMI
8111221		3411521967	102		HOOPER #1	PENN	82.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111219		3411521914	102		HUCK-DAVIS UNIT #1	MORGAN	160.0	COLUMBIA GAS TRANSMI
-OSCAR F DAVIDSON					RECEIVED: 01/05/81 JA: OH			
8111249		3403124016	103		RICHARD & REBECCA LATHAM #1	PIKE	0.0	NATIONAL GAS & OIL C
-OXFORD OIL CO					RECEIVED: 01/05/81 JA: OH			
8111210		3408923852	103		B G NETHERS #7	HANOVER	12.0	
8111226		3411925270	103		DONALD HINA #1	NEWTON	10.0	
8111212		3408923918	103		EMIL BRATFISCH #3	HOPEWELL	10.0	
8111234		3412724755	103		FUNK-BURLEY #1	CLAYTON	12.0	
8111223		3411923563	103		LOREN MORRISON #1	BRUSH CREEK	10.0	
8111224		3411923978	103		MELVIN DUTCHER #2	CLAY	10.0	
-PREMIER ENERGY CORP					RECEIVED: 01/05/81 JA: OH			
8111260		3407524142	103		BALDER #2	HARDY	30.0	COLUMBIA GAS
8111261		3407522497	103		E DUFF WELL #1	MECHANIC	0.0	
-QUADRANT EXPLORATION					RECEIVED: 01/05/81 JA: OH			
8111185		3416725458	103		C LACY RICE WELL #3	NEWPORT	50.0	
8111186		3416725498	103		EARL & BAULAH CONGLETON #1	LIBERTY	50.0	
-R GENE BRASEL DBA BRASEL & BRASEL					RECEIVED: 01/05/81 JA: OH			
8111253		3405320399	103		JOHN RIFE #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
8111194		3405325640	103		MULFORD UNIT #1	CHESHIRE	3.0	COLUMBIA GAS TRANSMI
8111193		3405320416	103		ROY HUNTER #1	CENTER	1.5	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC					RECEIVED: 01/05/81 JA: OH			
8111187		3416922462	103		HOSFELD R & J #1	PLAIN	12.0	COLUMBIA GAS TRANSMI
-STRATA EXPL INC-LTD PART 80-23					RECEIVED: 01/05/81 JA: OH			
8111208		3407522737	103		#1 GINGERICH UNIT	HARDY	500.0	COLUMBIA GAS TRANSMI
-THOMAS L SPOHN					RECEIVED: 01/05/81 JA: OH			
8111231		3412723806	108		C B SATTERFIELD #1		13.2	NATIONAL GAS & OIL C
-TOWNER PETROLEUM CO					RECEIVED: 01/05/81 JA: OH			
8111196		3405922730	103		DAUNE BAMFIELD #1	CENTER	0.0	
8111203		3405922756	103		LARRICK/LATCHIC #1	CENTER TOWNSHIP	0.0	
8111195		3405922657	103		R LARRICK #2 USS-37	CENTER	0.0	
-VIKING RESOURCES CORP					RECEIVED: 01/05/81 JA: OH			
8111287		3415123320	103		TEDRICK UNIT #1	PARIS	30.0	
-WHITNAM OIL & GAS CORP					RECEIVED: 01/05/81 JA: OH			
8111311		3416725788	103		CHESTER & ALPHA RALSTON #1	MUSKINGHAM	4.0	
8111308		3416725779	103		IRENE HUCK #1	LOWELL	3.0	
8111245		3400722086	103		LEE DORR #2	CANAAN	10.0	
8111310		3416725786	103		MCKEE/DYAR #1	LOWELL	0.0	
8111309		3416725782	103		SUSAN V SZAKAS #2	LOWELL	5.0	
-WILLIAM N TIPKA					RECEIVED: 01/05/81 JA: OH			
8111283		3412724707	103		CARL CAMPBELL #2	PIKE	0.0	FORAKER GAS CO INC
8111217		3410322291	103		WERSHING #1	HINCKLEY	30.0	COLUMBIA GAS OF OHIO
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-MIDLANDS GAS CORPORATION					RECEIVED: 01/05/81 JA: MT 5			
*8111054	M374-0	2507121487	108		0260 FFDERAL 1	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
*8111052	M 325-0	2510521054	102	D	2606 LOBERG 1	WILDCAT	139.0	KANSAS-NEBRASKA NATU
*8111072	M 252-0	2510521141	103		3415 FEDERAL 1	BOWDOIN	372.0	KANSAS-NEBRASKA NATU
-APACHE CORPORATION					RECEIVED: 01/05/81 JA: ND 5			
8111082	ND 418-0	3300700320	102		FEDERAL WELL #1-9	ELKHORN RANCH	194.6	KOCH HYDROCARBON CO
8111081	ND 419-0	3300700223	102		FEDERAL WELL ND 1-17	ELKHORN RANCH	124.5	KOCH HYDROCARBON CO
8111069	ND 436-0	3300700322	102		FEDERAL WELL NO 13-4	ELKHORN RANCH	11.9	KOCH HYDROCARBON CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111060	ND 453-D	3300700332	102		FEDERAL WELL NO 15-4	ELKHORN RANCH	92.0	KOCH HYDROCARBON CO
8111055	ND 437-D	3300700365	102		FEDERAL WELL NO 2-17	ELKHORN RANCH	64.8	KOCH HYDROCARBON CO
8111059	ND 452-D	3300700402	102		FEDERAL WELL NO 2-9	ELKHORN RANCH	205.5	KOCH HYDROCARBON CO
-DOME PETROLEUM CORP					RECEIVED: 01/05/81 JA: ND 5			
8111084	ND 400-D	3305301081	102		DOME FEDERAL 4-34	MON-DAK	39.0	SHELL OIL CO
-GETTY OIL COMPANY					RECEIVED: 01/05/81 JA: ND 5			
8111083	ND 417-D	3300700502	102		MYSTERY CREEK B WELL NO 6-13	T R FIELD (FRYBURG)	20.0	WESTERN GAS PROCESSO
-KOCH INDUSTRIES INC					RECEIVED: 01/05/81 JA: ND 5			
8111062	ND 455-D	3300700422	102		FEDERAL #1-27	TREETOP	13.1	MONTANA-DAKOTA UTILI
8111063	ND 456-D	3300700503	102		FEDERAL #1-33	TREETOP	13.1	MONTANA-DAKOTA UTILI
8111073	ND 463-D	3300700528	102		FEDERAL #11-33	TREETOP	18.0	MONTANA-DAKOTA UTILI
8111074	ND 464-D	3300700464	102		FEDERAL #13-24	BIG STICK	18.5	MONTANA-DAKOTA UTILI
8111075	ND465-D	3300700416	102		FEDERAL #13-30	WILDCAT	73.0	MONTANA-DAKOTA UTILI
8111064	ND 457-D	3300700485	102		FEDERAL #6-3	TREETOP	12.0	MONTANA-DAKOTA UTILI
8111066	ND 459-D	3300700487	102		FEDERAL #7-32	TREETOP	172.0	MONTANA-DAKOTA UTILI
8111067	ND 460-D	3300700417	102		FEDERAL #8-24	BIG STICK	230.0	MONTANA-DAKOTA UTILI
8111068	ND 461-D	3300700334	102		FEDERAL #9-24	BIG STICK	200.0	MONTANA-DAKOTA UTILI
8111065	ND 458-D	3300700421	102		FEDERAL NO 6-64	FOUR EYES	9.0	MONTANA-DAKOTA UTILI
8111061	ND 454-D	3300700465	102		FEDERAL-ODERMANN #1-26	BIG STICK	70.0	MONTANA-DAKOTA UTILI
-SHELL OIL CO					RECEIVED: 01/05/81 JA: ND 5			
8111078	ND 430-D	3305300984	102		USA 21-8-58	POKER JIM	15.5	MONTANA DAKOTA UTILI
-AMOCO PRODUCTION CO					RECEIVED: 01/05/81 JA: WY 5			
8111056	W 443-D	4904120230	102		RYCKMAN CREEK UNIT WELL #23	RYCKMAN CREEK	944.0	NORTHWEST PIPELINE C
8111057	W 444-D	4904120284	102		RYCKMAN CREEK UNIT WELL #33	RYCKMAN CREEK	0.0	NORTHWEST PIPELINE C
-BELCO PETROLEUM CORPORATION					RECEIVED: 01/05/81 JA: WY 5			
8111053	W280-D	4903504789	108		CHIMNEY BUTTE 9-26 04789	BIG PINEY - LABARGE	0.0	NORTHWEST PIPELINE C
8111076	W 471-D	4902320314	103		GREEN RIVER BEND UNIT 64-11	GRBU-FRONTIER	0.0	NORTHWEST PIPELINE C
-DAVIS OIL COMPANY					RECEIVED: 01/05/81 JA: WY 5			
8111079	W 427-D	4900525327	103		CROSBY FEDERAL #1	HILIGHT	54.8	PHILLIPS PETROLEUM C
8111071	W 291-D	4903721172	102		DINES UNIT #2	WILDCAT	130.4	PANHANDLE EASTERN PI
8111080	W 421-D	4903721383	102		TRITON UNIT #1	WILDCAT	55.0	COLORADO INTERSTATE
8111058	W 445-D	4903721363	102		WEST SHEEP CAMP #1	WILDCAT	247.2	PANHANDLE EASTERN PI
-MARATHON OIL COMPANY					RECEIVED: 01/05/81 JA: WY 5			
8111086	W 395-D	4903721421	103		WAMSUTTER #1-30	WAMSUTTER	1120.0	COLORADO INTERSTATE
-MONSANTO COMPANY					RECEIVED: 01/05/81 JA: WY 5			
*8111070	W 434-D	4901320836	107		MOU LOOKOUT #1-27	MADDEN CODY	400.0	COLORADO INTERSTATE
-MOUNTAIN FUEL SUPPLY COMPANY					RECEIVED: 01/05/81 JA: WY 5			
8111077	W 475-D	4903720918	103		EAST HIAWATHA #1-17	EAST HIAWATHA	0.0	MOUNTAIN FUEL SUPPLY
-TEXACO INC					RECEIVED: 01/05/81 JA: WY 5			
8111085	W 396-D	4903721671	107		TABLE ROCK UNIT WELL NO 44	TABLE ROCK	1500.0	COLORADO INTERSTATE

OTHER PURCHASERS VOLUME NO 1354

8111052 MONTANA-DAKOTA UTILITIES COMPANY
8111054 MONTANA DAKOTA UTILITIES CO
8111070 NORTHERN NATURAL GAS CO
8111072 MONTANA DAKOTA UTILITIES CO

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	
						R: Revision or redetermination by Jurisdictional Agency
						C: Correction to prior Fed. Reg. notice
80-59091	WV	Consolidated Gas Supply Corp	M O BURWELL 6668	298	10-17-80	C: Correction to JD80-39373; Control No. JD80-59091 cancelled
79-06955	WY	Champlin Petroleum Co	#4 HIGGINS UNIT SWNE 32-18N-98W	34	07-02-79	C: 107 approved (Not 103)
81-08565	USGS(WY)	GeoResources Inc.	1-27 FEDERAL	341	01-15-81	102 Denied
81-08566	USFS(WY)	GeoResources Inc.	1-4 FEDERAL	341	01-15-81	102 Denied

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agenices 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 19, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4123 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								
-A A CO					RECEIVED: 01/05/81 JA: LA			
8111380	80-4403	1707321619	103		JOHN WILLIAMS #4	MONROE GAS	33.0	INC PIPELINE CO INC
-ACE DRILLING SERVICES INC					RECEIVED: 01/05/81 JA: LA			
8111501	80-4300	1711122728	103		WINES #1	MONROE	15.0	WEST MONROE GAS GATH
-ALPHA OIL & GAS					RECEIVED: 01/05/81 JA: LA			
8111463	80-4328	1705921424	103		PIONEER NATURAL GAS B #1	CHICKASAW CREEK	82.0	TEXAS GAS TRANSMISSI
-AMERADA HESS CORPORATION					RECEIVED: 01/05/81 JA: LA			
8111419	80-4305	1705721488	103		J P MOORE #12	RACELAND	440.0	TRANSCONTINENTAL GAS
8111420	80-4306	1705721488	103		J P MOORE #12-D	RACELAND	385.0	TRANSCONTINENTAL GAS
8111474	80-4216	1705721489	103		SOUTH COAST CORP #18-D	RACELAND	103.0	TRANSCONTINENTAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 01/05/81 JA: LA			
8111497	80-4359	1703320095	107		C B PENNINGTON NO 4	PORT HUDSON	3285.0	LOUISIANA INTRASTATE
8111502	80-4302	1703320070	107		16400 TUSC RA SUH H ANDREWS #1	PORT HUDSON	3285.0	TEXAS GAS TRANSMISSI
-ARKANSAS LOUISIANA GAS CO					RECEIVED: 01/05/81 JA: LA			
8111377	80-4400	1711122717	103		FROST LUMBER CO #3	MONROE	2.0	ARKANSAS LOUISIANA G
8111389	80-4399	1711122718	103		THOMPSON #3	MONROE	2.0	ARKANSAS LOUISIANA G
8111388	80-4398	1711122719	103		THOMPSON #4	MONROE	2.0	ARKANSAS LOUISIANA G
8111387	80-4397	1711122720	103		UNION POWER CO #11	MONROE	2.0	ARKANSAS LOUISIANA G
8111386	80-4396	1711122721	103		UNION POWER CO #12	MONROE	2.0	ARKANSAS LOUISIANA G
8111385	80-4395	1711122722	103		UNION POWER CO #13	MONROE	2.0	ARKANSAS LOUISIANA G
8111384	80-4394	1711122723	103		UNION POWER CO #14	MONROE	2.0	ARKANSAS LOUISIANA G
8111383	80-4393	1711122724	103		UNION POWER CO #15	MONROE	2.0	ARKANSAS LOUISIANA G
8111382	80-4392	1711122725	103		UNION POWER CO #16	MONROE	2.0	ARKANSAS LOUISIANA G
-ARKLA EXPLORATION COMPANY					RECEIVED: 01/05/81 JA: LA			
8111438	80-4384	1711920248	102		BRICKER #2	COTTON VALLEY	500.0	ARKANSAS LOUISIANA G
-B & M OPERATING CO INC					RECEIVED: 01/05/81 JA: LA			
8111364	80-4332	1705320652	103		CARTER #1 SERIAL 168453	ROANOKE	370.0	UNITED GAS PIPE LINE
-BLOCKER EXPLORATION CO					RECEIVED: 01/05/81 JA: LA			
8111422	80-4237	1704720578	102		E B SCHWING #2 166044	MUSSON	510.6	
-C C F & J					RECEIVED: 01/05/81 JA: LA			
8111442	80-4278	1707321310	108		CE & JM WHITE #1	MONROE GAS	0.0	MID LOUISIANA GAS CO
8111356	80-4277	1707321316	108		CE & JM WHITE #2	MONROE GAS	0.0	MID LOUISIANA GAS CO
-CEKA GAS CORP					RECEIVED: 01/05/81 JA: LA			
8111338	80-4284	1711122784	103		HSD NO 10	MONROE GAS FIELD	0.0	INTERNATIONAL MINERA
8111478	80-4220	1711122783	103		HSD NO 9	MONROE GAS FIELD	0.1	INTERNATIONAL MINERA
-CHEVRON U S A INC					RECEIVED: 01/05/81 JA: LA			
8111363	80-4331	1709720565	107		DELAND PLANTATION #2	ELBA	170.0	
-CITIES SERVICE COMPANY					RECEIVED: 01/05/81 JA: LA			
8111354	80-4275	1702720764	102		PACK SMK RA SU THATCHER-CLARK A-1	PANTHER CREEK SMK 7203	300.0	
8111352	80-4273	1702720467	102		PACK SMK RA SU THATCHER A-1	PANTHER CREEK SMK 7203	300.0	
8111353	80-4274	1702720211	102		PACK SMK RA SU THATCHER-CLARK #6	PANTHER CREEK SMK 7203	650.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111355	80-4276	1702720496	102		PACK SMK RA SU THATCHER-CLARK #7	PANTHER CREEK SMK 7203	300.0	
8111530	80-4272	1702720559	102		PACK SMK RA SU THOMPSON HEIRS NO 1	PANTHER CREEK SMK 7203	300.0	
-CRYSTAL OIL COMPANY					RECEIVED: 01/05/81 JA: LA			
8111441	80-4388	1701500088	102		BOLINGER #1	ARKANA	102.2	ARKANSAS LOUISIANA G
8111440	80-4387	1701521404	102		DISCUS OIL #1	ARKANA	204.4	ARKANSAS LOUISANA GA
8111340	80-4389	1701520204	102		FOSTER A #1	ARKANA	18.6	ARKANSAS LOUISANA GA
8111444	80-4386	1701521447	102		HAY RA SU F DICKSON DUTY #1	ARKANA	182.5	ARKANSAS LOUISANA GA
8111391	80-4391	1701520859	102		HAY RA SU G BOLINGER B #1	ARKANA	32.1	ARKANSAS LOUISIANA G
8111439	80-4385	1701521414	102		HAY RA SUK WILLAMETTE	ARKANA	68.6	ARKANSAS LOUISIANA G
8111390	80-4390	1701520323	102		WYCHE #1	ARKANA	98.5	ARKANSAS LOUISIANA G
-ELGIE CO INC					RECEIVED: 01/05/81 JA: LA			
8111452	80-4329	1701723224	103		PXY SU I A WILLIAMS NO 1	GREENWOOD - WASKOM	684.0	ARKLA GAS CO
-ENTEX INC					RECEIVED: 01/05/81 JA: LA			
8111451	80-4304	1705721726	102		R C PLATER NO 2	THIBODAUX	1500.0	TRANSCONTINENTAL GAS
-ERGON INC					RECEIVED: 01/05/81 JA: LA			
8111482	80-4307	1711122211	103		FOWLER ESTATE NO 1	MONROE (6824)	16.4	TEXAS GAS TRANSMISSI
8111471	80-4228	1711122607	103		HATTIE MATTHEWS ET AL NO 1	MONROE (6824)	16.8	TEXAS GAS TRANSMISSI
8111469	80-4226	1711122241	103		KENNETH GRAY ESTATE NO 1	MONROE (6824)	12.7	TEXAS GAS TRANSMISSI
8111483	80-4308	1711122596	103		MATTHEW W TAYLOR ET AL NO 5	MONROE (6824)	10.9	TEXAS GAS TRANSMISSI
8111470	80-4227	1711122184	103		W L ALLEN NO 2	MONROE (6824)	14.0	TEXAS GAS TRANSMISSI
-EXXON CORPORATION					RECEIVED: 01/05/81 JA: LA			
*8111362	80-4330	1710922179	103		LIR 10400 RA SU EXXON FEE NC 15	LIPETTE	700.0	COLUMBIA GAS TRANS C
-FRANKS & BASS ETAL					RECEIVED: 01/05/81 JA: LA			
8111326	80-4203	1706120252	103		DAVIS RA SUK H W WRIGHT A 1	UNIONVILLE	328.0	MANVILLE FOREST PROD
-GAS RESOURCES INC					RECEIVED: 01/05/81 JA: LA			
8111339	80-4285	1711122848	103		EXXON #21	MONROE GAS ROCK	26.0	IMC EXPLORATION CO I
8111334	80-4286	1711122849	103		EXXON #22	MONROE GAS	22.0	IMC EXPLORATION CO I
8111521	80-4230	1707321600	103		WETZEL #1	MONROE GAS	9.0	IMC EXPLORATION CO I
8111472	80-4229	1707321606	103		WETZEL #2	MONROE GAS	11.0	IMC EXPLORATION CO I
8111504	80-4232	1707321607	103		WETZEL #4	MONROE GAS	11.0	IMC EXPLORATION CO I
8111503	80-4231	1707321608	103		WETZEL #5	MONROE GAS	13.0	IMC EXPLORATION CO I
-HADDOX PETROLEUM CORP					RECEIVED: 01/05/81 JA: LA			
8111465	80-4221	1711122761	103		MANVILLE 743 #1	MONROE	0.0	IMC PIPELINE CO
8111466	80-4222	1711122762	103		MANVILLE 743 #2	MONROE	0.0	IMC PIPELINE CO
-HARVEY BROYLES					RECEIVED: 01/05/81 JA: LA			
*8111341	80-4327	1706120229	103		BOD RA SUB HARMON #2-D	TREMONT	150.0	TEXAS EASTERN TRANSM
-HOOTKINS-SMITH LA LTD					RECEIVED: 01/05/81 JA: LA			
8111480	80-4314	1711122867	103		EDWARDS #3	MONROE GAS	9.0	TEXAS GAS TRANSMISSI
8111479	80-4313	1711122868	103		EDWARDS #4	MONROE GAS	11.0	TEXAS GAS TRANSMISSI
8111519	80-4316	1711122888	103		FRANK YELTON #1	MONROE GAS	9.0	TEXAS GAS TRANSMISSI
8111487	80-4312	1711122872	103		READ #2	MONROE GAS	13.0	TEXAS GAS TRANSMISSI
8111378	80-4401	1711122869	103		READ #3	MONROE	11.0	TEXAS GAS TRANSMISSI
8111486	80-4311	1711122889	103		THOMAS SMITH #1	MONROE GAS	13.0	TEXAS GAS TRANSMISSI
8111481	80-4315	1711122870	103		VIRGINIA YELTON #1	MONROE	7.0	TEXAS GAS TRANSMISSI
-IMC EXPLORATION COMPANY					RECEIVED: 01/05/81 JA: LA			
8111460	80-4355	1711122892	103		RABUN #33	MONROE	21.0	PETRO-LEWIS CORP
8111494	80-4356	1711122893	103		RABUN #32	MONROE	21.0	PETRO-LEWIS CORP
-JOHN D CARUTHERS JR					RECEIVED: 01/05/81 JA: LA			
8111433	80-4187	1702720542	102		PET RA SU G - BUGGS #3	PANTHER CREEK	0.0	
-LAHOMA GAS COMPANY					RECEIVED: 01/05/81 JA: LA			
8111411	80-4348	1707321289	108		UNION PRODUCING #10	MONROE GAS ROCK	16.4	IMC PIPELINE CO INC
8111409	80-4346	1707321287	108		UNION PRODUCING #8	MONROE GAS ROCK	16.4	IMC PIPELINE CO INC

VOLUME 35[illegible] PAGE 00[illegible]

JD NO	DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111410	80-4347	1707321288	108		UNION PRODUCING #9	MONROE GAS ROCK	35.4	IMC PIPELINE CO INC
8111408	80-4345	1707321286	108		UNION PRODUCING CO #7	MONROE GAS ROCK	34.7	IMC PIPELINE CO INC
-LANKFORD & NANCE					RECEIVED: 01/05/81 JA: LA			
8111468	80-4224	1711122349	103		ALLEN NO 2	MONROE	15.0	TEXAS GAS TRANSMISSI
8111337	80-4283	1711122301	103		BARR NO 2	MONROE	12.0	TEXAS GAS TRANSMISSI
8111467	80-4223	1711122443	103		BIRD NO 1	MONROE	12.0	TEXAS GAS TRANSMISSI
8111415	80-4239	1711122308	108		HAILE #4	MONROE	8.0	TEXAS GAS TRANSMISSI
8111464	80-4225	1711122309	103		J W LANKFORD NO 2	MONROE	30.0	TEXAS GAS TRANSMISSI
8111414	80-4238	1711122422	108		W G BEASLEY NO 1	MONROE	10.0	TEXAS GAS TRANSMISSI
-MIDWAY PRODUCTION CO VI					RECEIVED: 01/05/81 JA: LA			
8111328	80-4205	1707321368	103		EARL BRADLEY #2	MONROE GAS	22.0	MID LOUISIANA GAS CO
8111327	80-4204	1707321367	103		EARL BRADLEY #1	MONROE GAS FIELD	22.0	MID LOUISIANA GAS CO
-LYONS PETROLEUM INC					RECEIVED: 01/05/81 JA: LA			
8111331	80-4287	1705320641	103		PETERS ET AL NO 1	NORTH MERMENTAU 6647	100.0	CONOCO INC
-MARATHON OIL COMPANY					RECEIVED: 01/05/81 JA: LA			
8111473	80-4215	1711920261	103		CVSU MOC HODGES #1	COTTON VALLEY	657.0	UNITED GAS PIPE LINE
-MID LOUISIANA GAS COMPANY					RECEIVED: 01/05/81 JA: LA			
8111336	80-4282	1711122821	103		MLGC FEE GAS NO 1004	MONROE FIELD	21.9	
8111412	80-4349	1711122547	103		MLGC FEE GAS NO 915	MONROE FIELD	32.4	
8111413	80-4350	1711122548	103		MLGC FEE GAS NO 916	MONROE FIELD	35.2	
8111457	80-4351	1711122549	103		MLGC FEE GAS NO 917	MONROE FIELD	12.6	
8111458	80-4352	1711122550	103		MLGC FEE GAS NO 918	MONROE FIELD	6.8	
8111443	80-4279	1711122653	103		MLGC FEE GAS NO 942	MONROE FIELD	36.0	
8111477	80-4219	1711122646	103		MLGC FEE GAS NO 944	MONROE FIELD	21.2	
8111456	80-4214	1711122647	103		MLGC FEE GAS NO 945	MONROE FIELD	10.8	
8111455	80-4213	1711122648	103		MLGC FEE GAS NO 946	MONROE FIELD	10.8	
8111454	80-4212	1711122658	103		MLGC FEE GAS NO 949	MONROE FIELD	10.8	
8111453	80-4211	1711122660	103		MLGC FEE GAS NO 951	MONROE FIELD	36.0	
8111476	80-4218	1711122661	103		MLGC FEE GAS NO 952	MONROE FIELD	22.6	
8111450	80-4280	1711122690	103		MLGC FEE GAS NO 967	MONROE FIELD	72.0	
8111335	80-4281	1711122711	103		MLGC FEE GAS NO 981	MONROE FIELD	11.5	
8111475	80-4217	1711122739	103		MLGC FEE GAS NO 986	MONROE FIELD	23.0	
-MIDWAY PRODUCTION CO IX					RECEIVED: 01/05/81 JA: LA			
8111425	80-4210	1707321469	103		WADDELL #1	MONROE	36.0	IMC EXPLORATION CO
8111424	80-4209	1707321470	103		WADDELL #2	MONROE	36.0	IMC EXPLORATION CO
8111330	80-4207	1707321471	103		WADDELL #3	MONROE	36.0	IMC EXPLORATION CO
8111423	80-4208	1707321472	103		WADDELL #4	MONROE	36.0	IMC EXPLORATION CO
-MIDWAY PRODUCTION CO VII					RECEIVED: 01/05/81 JA: LA			
8111358	80-4169	1707321383	108		LAKE PARK #5	MONROE	12.7	PETRO-LEWIS CORP
8111359	80-4170	1707321387	108		SUNSHINE #4	MONROE	12.7	PETRO-LEWIS CORP
8111329	80-4206	1707321388	103		SUNSHINE #5	MONROE GAS	20.0	PETRO-LEWIS FUNDS IN
8111357	80-4168	1707321389	108		SUNSHINE #6	MONROE	12.7	PETRO-LEWIS CORP
-PETERMAN-STURLESE ET AL					RECEIVED: 01/05/81 JA: LA			
8111316	80-3123	1701920924	103		NO 1 JACK E LAWTON	PINE RIDGE	360.0	CONOCO INC
8111317	80-3123	1701920924	1C2		N O 1 JACK E LAWTON	PINE RIDGE	360.0	CONOCO INC
-PRIMOS PRODUCTION CO					RECEIVED: 01/05/81 JA: LA			
8111343	80-4177	1707321454	103		ARENT #6	MONROE	12.3	UNITED GAS PIPELINE
8111406	80-4184	1711122667	103		C WHEELER #2	MONROE	14.4	UNITED GAS PIPELINE
8111345	80-4172	1711122662	103		DOWNEY #2	MONROE	14.4	UNITED GAS PIPELINE
8111404	80-4182	1707321526	103		FEE 136 #4	MONROE	15.4	UNITED GAS PIPELINE
8111344	80-4178	1711122663	103		FEE 53 #1	MONROE	13.3	UNITED GAS PIPELINE
8111402	80-4179	1707321483	103		FEE 55 #2	MONROE	14.4	UNITED GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111403	80-4180	1707321473	103		FEE 55 #3	MONROE	14.4	UNITED GAS PIPELINE
8111396	80-4181	1707321474	103		FEE 59 #1	MONROE	14.5	UNITED GAS PIPELINE
8111349	80-4176	1706721589	103		GEORGIA PACIFIC C #34	MONROE	12.3	UNITED GAS PIPELINE
8111348	80-4175	1706721590	103		GEORGIA PACIFIC C #35	MONROE	12.3	UNITED GAS PIPELINE
8111347	80-4174	1706721592	103		GEORGIA PACIFIC D #23	MONROE	12.3	UNITED GAS PIPELINE
8111432	80-4186	1711122692	103		GRAYLING #16	MONROE	14.4	UNITED GAS PIPE LINE
8111346	80-4173	1711122693	103		HOLLOWAY #1	MONROE	14.4	UNITED GAS PIPELINE
8111405	80-4183	1711122695	103		M H TAUNTON #1	MONROE	15.4	UNITED GAS PIPELINE
8111407	80-4185	1711122668	103		MARY D WHEELER #1	MONROE	14.4	UNITED GAS PIPELINE
8111321	80-4198	1711122462	103		PETRO LEWIS FROST LUMBER #5	MONROE	14.4	PETRO-LEWIS FUNDS IN
8111435	80-4489	1711122504	103		PETRO LEWIS H H REARDON #2	MONROE	12.3	PETRO LEWIS FUNDS IN
8111446	80-4192	1711122616	103		PETRO LEWIS J W ROBERSON NO 2	MONROE	25.6	PETRO LEWIS FUNDS IN
8111436	80-4190	1711122371	103		PETRO LEWIS PENNZOIL FEE 65 NO 1	MONROE	12.3	PETRO LEWIS FUNDS IN
8111449	80-4195	1707321456	103		PETRO-LEWIS CONS CARBON #2	MONROE	12.3	PETRO-LEWIS FUNDS IN
8111323	80-4200	1711122591	103		PETRO-LEWIS FROST LUMBER #20	MONROE	12.3	PETRO-LEWIS FUNDS IN
8111322	80-4199	1711122592	103		PETRO-LEWIS FROST LUMBER #8	MONROE	16.4	PETRO-LEWIS FUNDS IN
8111434	80-4188	1711122503	103		PETRO-LEWIS H H REARDON #1	MONROE	10.3	PETRO-LEWIS FUNDS IN
8111445	80-4191	1711122615	103		PETRO-LEWIS J W ROBERSON #1	MONROE	12.3	PETRO LEWIS FUNDS IN
8111320	80-4197	1711122340	103		PETRO-LEWIS RAMSEY ET AL #1	MONROE	16.4	PETRO-LEWIS FUNDS IN
8111448	80-4194	1707321457	103		PETRO-LEWIS SPADES #1	MONROE	14.4	PETRO-LEWIS FUNDS IN
8111319	80-4196	1707321466	103		PETRO-LEWIS SPADES #2	MONROE	14.4	PETRO LEWIS FUNDS IN
8111447	80-4193	1711122573	103		PETRO-LEWIS W B MCKINNIE #2	MONROE	14.4	PETRO-LEWIS FUNDS IN
8111324	80-4201	1711122593	103		PETRO-LEWIS W B MCKINNIE #3	MONROE	16.4	PETRO-LEWIS FUNDS IN
8111325	80-4202	1711122594	103		PETRO-LEWIS W B MCKINNIE #4	MONROE	15.4	PETRO-LEWIS FUNDS IN
8111360	80-4171	1711122694	103		STEELE #3	MONROE	10.3	UNITED GAS PIPELINE
-RELIANCE CLEMENT & HOOTKINS					RECEIVED: 01/05/81 JA: LA			
8111500	80-4299	1711122127	103		A J RILEY #1	MONROE	40.0	TEXAS GAS TRANSMISSI
8111520	80-4317	1711122129	103		EXXON 31 #1	MONROE GAS	40.0	TEXAS GAS TRANSMISSI
8111507	80-4297	1711122130	103		EXXON 6 #1	MONROE	38.0	TEXAS GAS TRANSMISSI
8111499	80-4298	1711122126	103		G M WEIR #1	MONROE	46.0	TEXAS GAS TRANSMISSI
8111333	80-4296	1711122128	103		H D GREEN #2	MONROE	42.0	TEXAS GAS TRANSMISSI
-RELIANCE TRUSTS					RECEIVED: 01/05/81 JA: LA			
8111485	80-4310	1711122846	103		SHACKLEFORD #2	MONROE	11.0	TEXAS GAS TRANSMISSI
-REPUBLIC GAS GATHERING SYSTEMS INC					RECEIVED: 01/05/81 JA: LA			
8111417	80-4241	1707320249	108		CITIES SERVICE NO 21	MONROE GAS	3.0	IMC EXPLORATION CO
8111461	80-4243	1707320247	108		CITIES SERVICE NO 20	MONROE GAS	3.0	IMC EXPLORATION CO
8111418	80-4242	1707320248	108		CITIES SERVICE NO 21	MONROE GAS	3.0	IMC EXPLORATION CO
8111416	80-4240	1707320251	108		CITIES SERVICE NO 26	MONROE GAS	3.0	IMC EXPLORATION CO
8111512	80-4250	1706720361	108		NAVARRO NO 10	MONROE GAS	0.9	IMC EXPLORATION CO
8111511	80-4249	1706720362	108		NAVARRO NO 11	MONROE GAS	0.9	IMC EXPLORATION CO
8111510	80-4248	1706720363	108		NAVARRO NO 12	MONROE GAS	0.9	IMC EXPLORATION CO
8111509	80-4247	1706720364	108		NAVARRO NO 13	MONROE GAS	0.9	IMC EXPLORATION CO
8111351	80-4246	1706720365	108		NAVARRO NO 14	MONROE GAS	0.9	IMC EXPLORATION CO
8111350	80-4245	1706720366	108		NAVARRO NO 15	MONROE GAS	0.9	IMC EXPLORATION CO
8111462	80-4244	1706720367	108		NAVARRO NO 16	MONROE GAS	0.9	IMC EXPLORATION CO
-ROY M TEEL					RECEIVED: 01/05/81 JA: LA			
8111506	80-4234	1706721492	103		FREELAND ODOM #7	MONROE GAS ROCK	6.6	IMC PIPELINE CO INC
8111459	80-4353	1706721486	103		FREELAND-ODOM #5	MONROE GAS ROCK	6.2	IMC PIPELINE CO INC
8111366	80-4334	1707321250	108		NACHTRIEB #12	MONROE GAS ROCK	2.2	IMC PIPELINE CO INC
8111372	80-4335	1707321252	108		NACHTRIEB #13	MONROE GAS ROCK	2.2	IMC PIPELINE CO INC
8111373	80-4336	1707321253	108		NACHTRIEB #14	MONROE GAS ROCK	11.0	IMC PIPELINE CO INC
8111421	80-4236	1707320745	108		WEST VIRGINIA NO 1	MONROE GAS ROCK FIELD	4.6	CITY OF MONROE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROY M TEEL CO					RECEIVED: 01/05/81 JA: LA			
8111401	80-4235	1706721491	103		FREELAND-ODOM #6 - 165745	MONROE GAS ROCK	4.4	IMC PIPELINE CO INC
-SHADRACK PRODUCTION CO					RECEIVED: 01/05/81 JA: LA			
8111379	80-4402	1711122859	103		W T MILLER #1	MONROE	9.0	WEST MONROE GAS GATH
-SONNY KING PRODUCTION					RECEIVED: 01/05/81 JA: LA			
8111365	80-4333	1712720686	103		CROWN ZELLERBACH NO 4	COLGRADE	0.0	LOUISIANA INTRASTATE
-STRAHAN OIL & GAS CO INC					RECEIVED: 01/05/81 JA: LA			
8111484	80-4309	1707320474	108		NATHAN LOWERY NO 1	MONROE	2.0	MID LOUISIANA GAS CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/05/81 JA: LA			
8111318	80-4373	1703101178	108		BELL ET AL NO 2	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111514	80-4252	1708520294	108		BOISE-SOUTHERN 8-4 NO 1	BAYOU SAN MIGUEL	13.0	J-W OPERATING CO
8111498	80-4360	1703120131	108		BROWN ET AL D NO 2	MANSFIELD	8.0	J-W OPERATING CO
8111526	80-4265	1703120045	108		C O G NO 27	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111535	80-2463	1703120425	108		CALLON AGENT D NO 1	RED RIVER BULL BAYOU	2.0	J-W OPERATING CO
8111489	80-4362	1703120401	108		COLVIN NO 3	SPIDER	5.0	J-W OPERATING CO
8111437	80-4383	1703100803	108		D RUSSELL NO 1	RED RIVER BULL BAYOU	5.0	J-W OPERATING CO
8111528	80-4267	1703100984	108		DAVID CROW-NABORS NO 1	RED RIVER BULL BAYOU	12.0	J-W OPERATING CO
8111537	80-4258	1703100889	108		E A LAFFITTE B NO 2	RED RIVER BULL BAYOU	14.5	J-W OPERATING CO
8111428	80-4378	1703120033	108		E A NABORS ESTATE E NO 3	RED RIVER BULL BAYOU	2.0	J-W OPERATING CO
8111527	80-4266	1703101187	108		FROST C NO 1	RED RIVER BULL BAYOU	2.0	J-W OPERATING CO
8111529	80-4268	1703120221	108		INTERNATIONAL PAPER CO D NO 2	RED RIVER BULL BAYOU	2.0	J-W OPERATING CO
8111525	80-4264	1703120279	108		INTERNATIONAL PAPER CO D NO 5	RED RIVER BULL BAYOU	1.0	J-W OPERATING CO
8111533	80-4261	1703120226	108		J - R B NO 1	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111534	80-4262	1703100268	108		J-R NO 2	RED RIVER BULL BAYOU	1.0	J-W OPERATING CO
8111516	80-4254	1703120010	108		JENKINS D NO 1	MANSFIELD	6.0	J-W OPERATING CO
8111492	80-4365	1708500106	108		LOGAN #8	PLEASANT HILL	2.0	J-W OPERATING CO
8111491	80-4364	1708500126	108		LOGAN NO 1	PLEASANT HILL	2.0	J-W OPERATING CO
8111493	80-4366	1708500115	108		LOGAN NO 20	PLEASANT HILL	1.0	J-W OPERATING CO
8111426	80-4367	1708500118	108		LOGAN NO 25	PLEASANT HILL	2.0	J-W OPERATING CO
8111513	80-4251	1708500094	108		LOGAN NO 29	PLEASANT HILL	10.0	J-W OPERATING CO
8111400	80-4368	1708500122	108		LOGAN NO 59	PLEASANT HILL	7.0	J-W OPERATING CO
8111315	80-4376	1703120092	108		M J RUSSELL NO 1	RED RIVER BULL BAYOU	6.0	J-W OPERATING CO
8111531	80-4259	1703101133	108		MANSFIELD HDW LBR CO H NO 1	RED RIVER BULL BAYOU	9.0	J-W OPERATING CO
8111524	80-4371	1703120059	108		MASON NO 2	RED RIVER BULL BAYOU	5.0	J-W OPERATING CO
8111523	80-4370	1703120125	108		MCADAMS NO 1	RED RIVER BULL BAYOU	8.0	J-W OPERATING CO
8111508	80-4361	1703120351	108		MCCULLOCH-BROWN NO 1	BRUSHY BAYOU	20.0	LOUISIANA INTRASTATE
8111522	80-4369	1703120353	108		MCCULLOCH-CALLON A NO 1	RED RIVER BULL BAYOU	2.0	J-W OPERATING CO
8111515	80-4253	1703120014	108		N J NABORS NO 1	MANSFIELD	10.0	J-W OPERATING CO
8111427	80-4377	1703100225	108		NABORS F NO 5	RED RIVER BULL BAYOU	7.0	J-W OPERATING CO
8111313	80-4374	1703120095	108		NABORS FEE NO 2	RED RIVER BULL BAYOU	6.0	J-W OPERATING CO
8111312	80-4382	1703120180	108		NABORS H NO 17	RED RIVER BULL BAYOU	4.0	J-W OPERATING CO
8111431		1703120143	108		PARSONS ET AL NO 2	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111430	80-4380	1703100820	108		PATTISON ET AL NO 1	RED RIVER BULL BAYOU	5.0	J-W OPERATING CO
8111429	80-4379	1703120228	108		REYNOLDS NO 1	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111532	80-4260	1703100231	108		SARA JACKSON NO 1	RED RIVER BULL BAYOU	8.0	J-W OPERATING CO
8111314	80-4375	1703100280	108		SAUNDERS ESTATE C NO 1	RED RIVER BULL BAYOU	8.0	J-W OPERATING CO
8111490	80-4363	1703120403	108		SILVER COLVIN NO 2	SPIDER	21.0	J-W OPERATING CO
8111517	80-4255	1703120322	108		SOUTHWOOD NO 12	SPIDER	3.0	J-W OPERATING CO
8111518	80-4256	1703120290	108		SOUTHWOOD NO 3	SPIDER	9.0	J-W OPERATING CO
8111538	80-4372	1703100057	108		TOM HORTON NO 3	RED RIVER BULL BAYOU	3.0	J-W OPERATING CO
8111536	80-4257	1703120282	108		W F JOHNSON JR A NO 2	SPIDER	4.0	J-W OPERATING CO
-TEEL 78 A					RECEIVED: 01/05/81 JA: LA			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111369	80-4342	1706721463	108		KENO A #12	MONROE GAS ROCK	11.0	IMC PIPELINE CO INC
8111370	80-4343	1706721406	108		SANDIDGE A #11	MONROE GAS ROCK	15.7	UNITED GAS PIPELINE
8111371	80-4344	1706721423	108		SANDIDGE A #15	MONROE GAS ROCK	3.7	UNITED GAS PIPELINE
-TEEL 79 A					RECEIVED: 01/05/81 JA: LA			
8111374	80-4337	1707321242	108		COLE HEIRS A #1	MONROE GAS ROCK	12.1	IMC PIPELINE CO INC
8111368	80-4341	1707321267	108		COLE HEIRS A #10	MONROE GAS ROCK	9.9	IMC PIPELINE CO INC
8111375	80-4338	1707321243	108		COLE HEIRS A #2	MONROE GAS ROCK	16.4	IMC PIPELINE CO INC
8111376	80-4339	1707321244	108		COLE HEIRS A #3	MONROE GAS ROCK	18.3	IMC PIPELINE CO INC
8111367	80-4340	1707321265	108		COLE HEIRS A #8	MONROE GAS ROCK	7.3	IMC PIPELINE CO INC
-TEXAS CRUDE INC					RECEIVED: 01/05/81 JA: LA			
8111488	80-4303	1700720291	102		STATE LEASE #346 WELL #1	GRAVEYARD ISLAND	0.0	UNITED GAS PIPELINE
-TEXAS GAS EXPLORATION CORP					RECEIVED: 01/05/81 JA: LA			
8111505	80-4233	1701501671	108		USA (PARCEL 3) #32 AND 32-D	SLIGO	0.0	TEXAS GAS TRANSMISSI
-THE LOUISIANA LAND & EXPLORATION CO					RECEIVED: 01/05/81 JA: LA			
8111332	80-4295	1710922188	102		S L 301 TERREBONNE BAY NO 351	CAILLOU ISLAND	564.0	TEXAS EASTERN TRANSM
-VIKING RESOURCES CO					RECEIVED: 01/05/81 JA: LA			
8111393	80-4324	1707321300	108		FLUITT #3	MONROE	14.0	UNITED GAS PIPELINE
8111395	80-4326	1707321291	108		FLUITT NO 1	MONROE	14.0	UNITED GAS PIPELINE
8111394	80-4325	1707321292	108		FLUITT NO 2	MONROE	14.0	UNITED GAS PIPELINE
8111342	80-4318	1711122857	103		FROST D #5	MONROE	24.0	PETRO-LEWIS FUNDS IN
8111361	80-4322	1711122858	103		FROST D #6	MONROE	26.0	PETRO-LEWIS FUNDS IN
8111398	80-4320	1711122799	103		OLIN #6	MONROE	35.0	PETRO-LEWIS FUNDS IN
8111399	80-4321	1711122798	103		OLIN NO 5	MONROE	40.0	PETRO-LEWIS FUNDS IN
8111495	80-4357	1707321347	108		STUBBS #2 KM	MONROE	15.0	PETRO-LEWIS FUNDS IN
8111496	80-4358	1707321346	108		STUBBS NO 1	MONROE	18.0	PETRO-LEWIS FUNDS IN
8111392	80-4323	1711122810	103		UNION POWER C #8	MONROE	29.0	PETRO-LEWIS FUNDS IN
8111397	80-4319	1711122811	103		UNION POWER C #9	MONROE	26.0	PETRO-LEWIS-FUNDS IN
8111381	80-4404	1711122861	103		UNION POWER C 6	MONROE	18.0	PETRO-LEWIS FUNDS IN
**********								
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
**********								
-FLINT OIL & GAS INC					RECEIVED: 01/08/81 JA: NY			
8111585	492	3101310656	108		(1148) CLIFFSTAR-SPOTO #3	LAKESHORE	5.2	NATIONAL FUEL GAS
8111584	493	3101310658	108		(1150) CLIFFSTAR-SPOTO #6	LAKESHORE	3.6	NATIONAL FUEL GAS
8111583	494	3101310659	108		(1151) C S RIZZO-FAY ST #1	LAKESHORE	2.4	NATIONAL FUEL GAS
8111582	496	3101310958	108		(1153) CLIFFSTAR-GATTO #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8111555	497	3101310880	108		(1168) DEWARD DAMON #1	LAKESHORE	1.4	NATIONAL FUEL GAS
8111577	500	3101310918	108		(1172) M MORSE #1	LAKESHORE	9.3	NATIONAL FUEL GAS
8111581	501	3101310927	108		(1176) ROGALSKI H C #1	LAKESHORE	8.8	NATIONAL FUEL GAS
8111578	502	3101310928	108		(1177) JOZWIAK M & D #1	LAKESHORE	3.7	NATIONAL FUEL GAS
8111580	503	3101310946	108		(1179) SCACCIA C J #1	LAKESHORE	18.0	NATIONAL FUEL GAS
8111579	504	3101310947	108		(1180) CONTI BROTHERS #1	LAKESHORE	1.3	NATIONAL FUEL GAS
8111576	546	3101311465	108		(1230) GOGINO #1	LAKESHORE	2.3	NATIONAL FUEL GAS
8111575	547	3101312130	108		(1232) C & A BEEBE #1	LAKESHORE	15.3	NATIONAL FUEL GAS
8111596	548	3101311508	108		(1233) W WILLSON #1	LAKESHORE	7.5	NATIONAL FUEL GAS
8111595	549	3101311535	108		(1234) FARNER #1	LAKESHORE	5.7	NATIONAL FUEL GAS
8111592	550	3101311536	108		(1235) F KASBOHM #1	LAKESHORE	18.0	NATIONAL FUEL GAS
8111591	551	3101311538	108		(1237) G & M DORMAN #1	LAKESHORE	10.6	NATIONAL FUEL GAS
8111590	552	3101311539	108		(1238) J & F BURLETT #1	LAKESHORE	13.7	NATIONAL FUEL GAS
8111594	553	3101311540	108		(1239) C LANFORD #1 B&D	LAKESHORE	6.7	NATIONAL FUEL GAS
8111593	554	3101311541	108		(1240) C LANFORD #2 B & D	LAKESHORE	8.0	NATIONAL FUEL GAS
8111589	555	3101311552	108		(1242) TOWN OF SHERIDAN #1	LAKESHORE	0.9	NATIONAL FUEL GAS

VOLUME 95F PAGE 007

JO NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111588	556	3101311553	108	(1243) VILLAGE OF FREDONIA	LAKESHORE	0.9	NATIONAL FUEL GAS
8111587	557	3101311625	108	(1245) M SMITH #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8111586	558	3101311626	108	(1246) FREDONIA POLICE #1	LAKESHORE	13.0	NATIONAL FUEL GAS
-PARAGON RESOURCES INC				RECEIVED: 01/08/81 JA: NY			
8111550	121	3101309616	108	UNIT NO 1 - JOSEPH BARRUS	LAKESHORE	4.5	NATIONAL FUEL GAS DI
8111572	128	3101311095	108	UNIT NO 103 - AUGUSTINIANS ASSUM	LAKESHORE	19.4	NATIONAL FUEL GAS DI
8111603	104	3101310469	108	UNIT NO 11 - ALFRED P BURNETT	LAKESHORE	4.7	NATIONAL FUEL GAS DI
8111563	136	3101310172	108	UNIT NO 112 - DAN L INGHAM	LAKESHORE	2.4	NATIONAL FUEL GAS DI
8111562	137	3101310173	108	UNIT NO 113 - LEONARD PRZYBYLSKI	LAKESHORE	10.5	NATIONAL FUEL GAS DI
8111569	117	3101310288	108	UNIT NO 116 - HOWARD L MORRISON	LAKESHORE	8.8	NATIONAL FUEL GAS DI
8111552	102	3101310529	108	UNIT NO 12 - THEO J HANSON	LAKESHORE	11.8	NATIONAL FUEL GAS DI
8111561	138	3101310554	108	UNIT NO 121 - RAY KELLY	LAKESHORE	2.3	NATIONAL FUEL GAS DI
8111554	108	3101310566	108	UNIT NO 136 - PHILLIP J ROEMER	LAKESHORE	7.5	NATIONAL FUEL GAS DI
8111560	139	3101310894	108	UNIT NO 137 - FRANK YONKERS	LAKESHORE	1.7	NATIONAL FUEL GAS DI
8111604	103	3101310483	108	UNIT NO 14 - THEODORE GRUBER	LAKESHORE	3.4	NATIONAL FUEL GAS DI
8111559	140	3101310254	108	UNIT NO 144 - ALOYSIOUS FURMANEK	LAKESHORE	8.6	NATIONAL FUEL GAS DI
8111573	119	3101310290	108	UNIT NO 145 - JOSEPHINE RONDENELL	LAKESHORE	7.9	NATIONAL FUEL GAS DI
8111553	112	3101309961	108	UNIT NO 15 - WEBSTER CASTLE INN	LAKESHORE	8.2	NATIONAL FUEL GAS DI
8111597	113	3101309962	108	UNIT NO 16 - M AYNARDI	LAKESHORE	10.8	NATIONAL FUEL GAS DI
8111599	109	3101310084	108	UNIT NO 18 - IRVING POWELL	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8111598	110	3101310285	108	UNIT NO 20 RAYMOND MILLER	LAKESHORE	3.3	NATIONAL FUEL GAS DI
8111571	111	3101310286	108	UNIT NO 21 - JAMES PATTERSON	LAKESHORE	11.2	NATIONAL FUEL GAS DI
8111574	118	3101310085	108	UNIT NO 23 - LELAND POWELL	LAKESHORE	6.3	NATIONAL FUEL GAS DI
8111551	120	3101310253	108	UNIT NO 25 - GAIUS BECKER	LAKESHORE	5.1	NATIONAL FUEL GAS DI
8111606	126	3101310471	108	UNIT NO 28 - CHARLES BROWN	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8111602	105	3101309620	108	UNIT NO 5 - ANDERSON & JONES	LAKESHORE	8.6	NATIONAL FUEL GAS DI
8111607	125	3101310111	108	UNIT NO 53 - PAUL METZLER	LAKESHORE	5.9	NATIONAL FUEL GAS DI
8111609	123	3101310091	108	UNIT NO 54 - JOHN M PHILLIPS	LAKESHORE	4.8	NATIONAL FUEL GAS DI
8111605	127	3101310461	108	UNIT NO 59 - RUTH HANCOCK	LAKESHORE	3.5	NATIONAL FUEL GAS DI
8111600	106	3101309867	108	UNIT NO 6 - R C OSTRADER	LAKESHORE	8.5	NATIONAL FUEL GAS DI
8111601	106	3101309867	108	UNIT NO 6 - R C OSTRADER	LAKESHORE	8.5	NATIONAL FUEL GAS DI
8111570	129	3101310460	108	UNIT NO 60 - WILLIS SNELL	LAKESHORE	2.9	NATIONAL FUEL GAS DI
8111568	130	3101310026	108	UNIT NO 61 - JOSEPH SALABA	LAKESHORE	7.0	NATIONAL FUEL GAS DI
8111567	131	3101310027	108	UNIT NO 62 - W A DENNISON	LAKESHORE	8.1	NATIONAL FUEL GAS DI
8111566	132	3101310298	108	UNIT NO 63 - PAUL CROWE JR	LAKESHORE	2.3	NATIONAL FUEL GAS DI
8111608	124	3101309868	108	UNIT NO 7 - K JOHNSON	LAKESHORE	5.9	NATIONAL FUEL GAS DI
8111565	134	3101310393	108	UNIT NO 71 - DOROTHY CASE	LAKESHORE	4.3	NATIONAL FUEL GAS DI
8111564	135	3101310531	108	UNIT NO 72 - EVA CAMPBELL	LAKESHORE	4.6	NATIONAL FUEL GAS DI
8111558	141	3101311021	108	UNIT NO 77 - IRVING POWELL	LAKESHORE	11.6	NATIONAL FUEL GAS DI
8111557	142	3101310879	108	UNIT NO 78 - WILLIAM FARRAR	LAKESHORE	4.0	NATIONAL FUEL GAS DI
8111556	143	3101310877	108	UNIT NO 84 - WILLIAM FARRAR	LAKESHORE	7.4	NATIONAL FUEL GAS DI
8111548	116	3101310489	108	UNIT NO 87 - RICHARD J FRANKLIN JR	LAKESHORE	6.8	NATIONAL FUEL GAS DI
8111549	122	3101309870	108	UNIT NO 9 - E NICKERSON	LAKESHORE	8.4	NATIONAL FUEL GAS DI
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 01/08/81 JA: WV			
8111638		4701501205	108	G D FOREMAN #1	PLEASANT	4.0	CABOT CORP
8111637		4707900822	108	HARDY HEIRS 8-1	UNION	13.0	CABOT CORP
8111618		4707900873	107	MCLEAN HEIRS A-3	UNION	16.8	CABOT CORP
8111617		4707900863	107	MCLEAN HEIRS A-6	UNION	15.7	CABOT CORP
8111616		4707900921	107	MCLEAN HEIRS A-9	UNION	15.0	CABOT CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8111636		4707900823	108		ORVILLE STONE B-1	UNION	13.0	CABOT CORP
8111634		4707900829	108		ORVILLE STONE B-2	UNION	13.0	CABOT CORP
8111635		4707900824	108		PUTNAM LAND COMPANY B-1	UNION	13.0	CABOT CORP
-SOUTHEASTERN GAS COMPANY					RECEIVED: 01/08/81 JA: WV			
8111624		4704302477	108		ANDREW RAY #1	SHERIDAN	0.6	PENNZOIL CO
8111626		4704302475	108		BAPTIST CHURCH #740	DUVAL	1.8	PENNZOIL CO
8111545		4704302490	108		C C MCDONALD #103	CARROLL	1.0	PENNZOIL CO
8111619		4704302482	108		C H RICHMOND #162	UNION	1.2	PENNZOIL CO
8111620		4704302481	108		E G & BERTHA STONE #170	JEFFERSON	0.8	PENNZOIL CO
8111547		4704302488	108		ISIAH UNRUE #107	CARROLL	1.0	PENNZOIL CO
8111539		4779010060	108		J M CHANEY #744	CURRY	1.8	PENNZOIL CO
8111621		4704302480	108		J T COOPER #173	JEFFERSON	1.5	PENNZOIL CO
8111622		4704302479	108		J T COOPER #174	JEFFERSON	1.1	PENNZOIL CO
8111629		4704302484	108		J T PRIDEMORE #152	CARROLL	1.2	PENNZOIL CO
8111630		4704302483	108		J T PRIDEMORE #153	CARROLL	1.0	PENNZOIL CO
8111628		4704302485	108		J W BLACK #150	CARROLL	1.2	PENNZOIL CO
8111542		4707901003	108		JAMES BAYS #R-4	CURRY	1.0	PENNZOIL CO
8111546		4704302489	108		KANA STEWART #105	CARROLL	1.6	PENNZOIL CO
8111625		4704302476	108		L R SWEETLAND #190	UNION	3.3	PENNZOIL CO
8111543		4704302492	108		M H JOHNSON #198	SHERIDAN	1.0	PENNZOIL CO
8111627		4704320137	108		M H JOHNSON #199	SHERIDAN	0.8	PENNZOIL CO
8111623		4704302478	108		SPENCER HILL #182	JEFFERSON	2.2	PENNZOIL CO
8111544		4704324910	108		W L WILKERSON #97	CARROLL	1.0	PENNZOIL CO
8111631		4704302487	108		W W LUCAS #113	CARROLL	0.8	PENNZOIL CO
8111632		4704302486	108		W W RAY #128	CARROLL	1.1	PENNZOIL CO
8111540		4707901005	108		W W VANDELINDE #R-15	CURRY	2.8	PENNZOIL CO
8111541		4707901004	108		W W VANDELINDE #184	CURRY	1.0	PENNZOIL CO
-STONESTREET LANDS CO					RECEIVED: 01/08/81 JA: WV			
8111633		4701501703	103		TANNER-SNODGRASS #1-S-31	ELMIRA	45.0	COLUMBIA GAS TRANSMI
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-AMOCO PRODUCTION CO					RECEIVED: 01/07/81 JA: NM 4			
8111615	NM-1574-80	3002526799	102		NELLIS FED C GAS COM #1	BUFFALO PENN MORROW	1000.0	
-DELTA DRILLING CO					RECEIVED: 01/07/81 JA: NM 4			
8111610	NM-0046-80	3001500000	102		AMOCO FEDERAL 11 NO 1	ATOKA	110.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/07/81 JA: NM 4			
8111611	NM-0254-80	3004523498	108		MUDGE #52	AZTEC-PICTURED CLIFFS GA	29.0	EL PASO NATURAL GAS
-HIXON DEVELOPMENT COMPANY					RECEIVED: 01/07/81 JA: NM 4			
8111613	NM-0544-80	3004522675	108		KA DA PAH WELL NO 1	BISTI FARMINGTON SAND	1.8	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/07/81 JA: NM 4			
8111612	NM-0313-80	3001521126	108		SANDY UNIT NO 1	NASH MORROW	22.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION					RECEIVED: 01/07/81 JA: NM 4			
8111614	NM-1283-80	3001523180	102		ANTONGIOVANNI MJ FEDERAL #1	MORROW	0.0	TRANSWESTERN PIPELIN

OTHER PURCHASERS VOLUME NO 1355

8111361 LOUISIANA GAS PURCHASING CORP
8111362 UNITED GAS PL CO

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	R: Revision or redetermination by Jurisdictional Agency C: Correction to prior Fed. Reg. notice
81-04375	LA	Bass Enterprises Production Co	CV RA SUE Rex M Tatum #1	319	11-25-80	C: 102 and 103 Approved
81-04370	LA	Bass Enterprises Production Co	CV RA SUP Mattie A Tatum #1	319	11-25-80	C: 102 and 103 approved
80-42424	LA	Shell Oil Co	SMITH STATE UNIT D #4	238	07-29-80	C: 103 and 107 approved
80-42424	LA	Shell Oil Co	VUJ SM ST U D #4	238	07-29-80	C: 103 and 107 approved
80-34328	LA	Sun Oil Co	VUA Stout Kinder Canal Co #6	211	06-03-80	C: 102 and 103 approved
81-02140	LA	Viking Resources	UNION PRODUCING D #1	308	11-06-80	C: Well Name
81-07654	NM	Yates Petroleum Co	PENASCO IW SHALLOW #6	337	12-31-80	C: Well Name
81-01677	OK	Amcole Energy Corp	Leah M Dunn #1	306	10-31-80	C: 103 approved
81-06123	OK	Andover Oil Co	JENSEN #34-2	329	12-12-80	C: 102 and 103 approved
81-05668	OK	Cotton Petroleum Corp	DOVER A #1	326	12-03-80	C: 102 Denied
81-03966	OK	Devon Corporation	Fred Factory #1	317	11-20-80	C: 102 and 103 approved
80-57345	OK	Donald C Slawson	HALL "B" #1	264	09-11-80	C: Correction to JD80-49600; Control No. JD80-57345 cancelled

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 19, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4124 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-231-000]

Duke Power Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on January 19, 1981 a supplement to the Company's Electric Power Contract with Little River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 145.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 3 from 2,700 KW to 3,000 KW, Delivery Point No. 4 from 2,500 KW to 3,300 KW, Delivery Point No. 6 from 1,800 KW to 2,600 KW and Delivery Point No. 8 from 1,600 KW to 1,800 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of March 19, 1981.

According to Duke Power copies of this filing were mailed to Little River Electric Cooperative, Inc., and the South Carolina 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 Section 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 Feburary 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4117 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-228-000]

Missouri Power & Light Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that Missouri Power & Light Company (MPL) on January 19, 1981, tendered for filing a proposed Electric Service Agreement between MPL and the City of Owensville, Missouri (Owensville).

MPL states that the Agreement, approved by Ordinance No. 132 of the City of Owensville, Missouri, supersedes the Electric Service Agreement between MPL and Owensville entered into on May 6, 1977. The new Agreement increases capacity to 18,312.5 kilovolt amperes and provides for delivery at one additional point which will require MPL to construct one substation. The term of the Agreement is for twelve years with automatic renewals for successive two-year periods unless terminated by either party. Termination may not occur during the first five years of the Agreement's term. Thereafter, termination by either party may occur with two years' notice. Upon termination by Owensville, and at the option of MPL, Owensville may be required to purchase certain substation equipment and appurtenances. The minimum charge under the new Agreement is $6,250.00 per month. The new Agreement was entered into to provide Owensville with increased capacity to meet the anticipated growth of the City over the term of the Agreement.

Any person desiring to be heard or to protest said application 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 Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 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 proceedings. 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 open for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4119 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-587]

Montana-Dakota Utilities Co., Application

January 29, 1981.

Take notice that on July 10, 1980, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP80-87 an application pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978 for authorization to transport natural gas for the account of Northern Gas Company (NG) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for the account of NG certain volumes of gas on a best-efforts basis through its Powell II pipeline and redeliver the gas to the pipeline of Northern Utilities, Inc. (NU), at an existing interconnection located in Natrona County, Wyoming, pursuant to the terms of an April 11, 1980, amendment to a December 9, 1976, agreement between Applicant, NG and NU.

Applicant states that in order to service the towns of Sheridan, Kaycee and Buffalo in Johnson County, Wyoming (Sheridan system), Applicant agreed to deliver volumes produced from the Powell II unit in Converse County, Wyoming, to NU at the Salt

Creek delivery point in Natrona County, Wyoming. It is stated that NU then transported the gas to a point of interconnection with Applicant's existing pipeline at Billy Creek, Wyoming. However, it is stated, the Powell II unit unexpectedly produced volumes of gas in excess of the Sheridan system's requirements and the parties revised the original agreement on June 12, 1978. It is stated that pursuant to the revised agreement, NU stored half of volumes in excess of Sheridan's requirements, and NG had the option of purchasing the remaining half of excess Powell II volumes.

Applicant states that on April 11, 1980, it, NG and NU amended the revised agreement to take into account recent developments involving Powell's productivity, NU's lack of available storage capacity, and Applicant's desire to supplement its general system supply. Applicant states that since available storage space is in short supply, Applicant and NU have deleted in its entirety the provision which earmarked half of the excess volumes for storage by NU for Applicant's account.

Applicant states that the parties also deleted from the revised agreement that provision regarding NG's option to purchase from Applicant the remaining half of Powell II volumes in excess of the Sheridan system requirements. Applicant proposes herein to assign to NG an option to purchase half of the excess volumes directly and ratably from the Powell II suppliers at the wellhead. It is further stated that Applicant as NG's agent would receive these volumes from the suppliers and would transport, cause to be treated, and deliver such quantities not to exceed 12,000 Mcf per day through the Powell II line to NU at the Salt Creek delivery points. Applicant states that the terms of the instant agreement is for a primary term ending January 7,1996, and estimates that it would transport from 3,000 Mcf per day to a maximum of 6,000 Mcf per day for NG or the million Btu equivalent thereof. Finally, Applicant asserts that service under the contract is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers which are dependent on Applicant's general system supply.

It is further asserted that NG would pay Applicant a transportation and gas treatment fee calculated according to the method shown in Revised Exhibit "B" of the April 11, 1980, amendment.

Any person desiring to be head or to make any protest with reference to said application should on or before February 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4120 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-145-000]

National Fuel Gas Supply Corp.; Application

January 29, 1981.

Take notice that on January 16, 1981, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP81-145-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two metering stations and a tie-over facility in Jefferson County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two metering stations, one in Jefferson County, Pennsylvania, at the junction of Applicant's F-97(S) line and the F-M2 line of Applicant's affiliate and existing customer, National Fuel Gas Distribution Company (Distribution Company), and the other in Clearfield County, Pennsylvania, on Applicant's F-M98 line, it is stated. Applicant estimates the cost of the proposed facilities to be $40,400.

Applicant further proposes to construct and operate a tie-over facility in Jefferson County, Pennsylvania, which would connect Applicant's F-97(S) and F-M100 lines. Applicant contends that the proposed tie-over would make available additional gas volumes from Applicant's F-M100 line to two proposed delivery points to Distribution Company. Such service would assure continued service to Distribution Company's customers, it is stated. Applicant estimates the cost of the proposed facility to be $11,700.

Applicant estimates the total project cost of the proposed facilities to be $52,100 which would be financed with internally generated funds and/or interim short-term bank loans.

Applicant states that the proposed facilities would assure that the quantities of gas needed to serve existing customers of Distribution Company this winter would be available in Jefferson and Clearfield Counties.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by public conveniece and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4118 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-236-000]

Pennsylvania Electric Co., Metropolitan Edison Co., and Jersey Central Power & Light Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that on January 21, 1981, the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, proposed Schedule 9.04 to the existing Agreement among them, dated July 21, 1969.

The GPU Service Corporation states that Schedule 9.04, Allocation of Transmission Use Payments for Short Term Purchases, proposes that the monthly charges for transmission use in excess of entitlement for the EHV Transmission System caused by short term purchases be allocated among the GPU companies in proportion to the respective monthly receipts of energy from those short term purchases.

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 16, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4125 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-18-000]

Public Utility District No. 1 of Douglas County, Wash.; Application for Exemption

January 29, 1981.

Take notice that Public Utility District No. 1 of Douglas County (PUDD) on December 29, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order, No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Part 290 Subparts B, C, D and E.

In its application for exemption, PUDD states that it should not be required to file the specified data for the following reasons:

(1) PUDD is a small utility, being only 4% above the threshold for required PURPA compliance.

(2) PUDD has one industrial customer (Hanna Mining Company) that (a) is served at Bonneville Power Administration (BPA) purchased power cost by "pass through," (b) has a very steady load (85% load factor), and (c) represents 49% of PUDD's load. Without this one customer PUDD would not be required to file under PURPA Section 133.

(3) All power is purchased from BPA and is based on hydro at essentially fixed costs and not time variant. The development of information under Section 133 will not provide PUDD's customers with any additional information yet will add a significant cost burden.

(4) Since 1973 PUDD has actively operated a comprehensive conservation program. PUDD provides one flat rate for all customers except street lighting, irrigation and Hanna.

(5) The information required by Section 133 of PURPA is either already available or of such nature as to be not pertinent to the PUDD local case.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period such person must also serve a copy of such comments on: Mr. Fred Lieberg, General Manager, Public Utility District No. 1 of Douglas County, 1151 Valley Mall Parkway, East Wenatchee, Washington 98801.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4126 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-11-000]

Southern Indiana Gas and Electric Co.; Application for Exemption

January 29, 1981.

Take notice that Southern Indiana Gas & Electric Company, on December 8, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.404(g)(1) Reporting Requirements: Load data for large rate classes shall be based on sample metering.

In its application for exemption, Southern Indiana Gas and Electric Company states that it should not be required to file the specified data for the following reason(s):

The Company did not maintain, prior to the enactment of the PURPA Act, or the promulgation of Section 133 regulations on September 28, 1979, a special staff of employees skilled in load research data collection and analysis. The Company has undertaken to hire and to reassign existing personnel to areas which develop the data and tools needed for meeting the load research requirements of Section 133 of PURPA.

Since the Section 133 regulation allows up to four years between sample metering for load data for a given class, the Company plans to divide the five rate classes covered by the reporting requirement among the four years, thereby reducing the work load in any given year for the departments involved in load research.

An additional benefit of dividing the load research activities between four years will be the opportunity to rotate the metering equipment among the rate classes, thus reducing the amount of such equipment needed.

The Company's schedule of actions, which will achieve full compliance with the Section 133 regulation by 1984, includes providing sample metered load data for three of the five covered rate classes for the 1982 filing and sample metered load data for all of the five covered rate classes for the 1984 filing.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45-day period, such person must also serve a copy of such comments on Southern Indiana Gas and Electric Company, 20-

24 N.W. Fourth Street, Evansville, Indiana 47741.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4127 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-7-000]

Southwestern Electric Service Co.; Application for Exemption

January 29, 1981.

Take notice that Southwestern Electric Service Company (SESCO) on December 9, 1980, filed with the Federal Energy Regulatory Commission an application for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost-of-service information under Section 133 of the Public Utility Regulatory Policies Act, Order 48 (44 FR 58687, October 11, 1979). Exemption is sought from requirement to file, on or before June 30, 1982, information on the costs of providing electric service as follows:

Subpart C—Marginal Cost Information
Subpart D—Load Data
Subpart E—Calculated Costs, Section 290.502

In its Application for exemption, SESCO states that it should not be required to file the specified data.

It is the position of SESCO that some of the detailed data required to be gathered and reported by SESCO pursuant to Section 133 of PURPA and the Regulations promulgated thereunder would serve no useful purpose in accomplishing the purposes of the Act and regulations for the following briefly summarized reasons:

1. SESCO purchases all of its electric energy from one supplier, Texas Power & Light Company (TP&L) and generates no electric energy for its customers.

2. Over 65% of the revenues of SESCO is used for purchased power.

3. Because of the geographical proximity of the service areas, the retail rate structures of SESCO and its supplier, TP&L, have been and are currently substantially similar. The substitutability of the TP&L load research data has been recognized in past decisions of the Texas PUC. Thus, any load research data collected by SESCO would be duplicative; no dissimilar results would be expected since the customers are receiving essentially the same price signals and are influenced in their usage patterns by the same climatic, geographical, economic, and cultural factors.

4. SESCO is so interconnected with its sole supplier, TP&L, that it places demands on TP&L's generation and transmission facilities in the same manner as would any two of the distribution extremities of the TP&L System. (See PUC opinion in Docket 2810.)

5. The similarity of all of the statistical data that would be required of SESCO, including its customers individually and/or collectively, would parallel that of the data gathered and reported by SESCO's sole supplier, TP&L. This would constitute duplication and redundancy in both conclusions and results, thus serving no useful purpose of benefit to the FERC or to the Texas PUC in administering the Act.

6. The marginal cost information and load data, the filing of which the company seeks to be exempted from, will be available to interested parties at the office of the Public Utility Commission of Texas and of the FERC, as part of the regular filings by Texas Power & Light Company in compliance with section 133 of PURPA.

7. SESCO serves approximately 35,000 customers in rural areas and 24 incorporated towns each having less than 12,000 in population. Total sales are approximately 650 million kWh of electricity annually, slightly above the threshold amount that PURPA covers. Therefore, the data that would be required to be gathered and reported would be of minimal value, if any, to the Commission or other regulatory authority.

8. The estimated cost of full compliance to the small number of ratepayers would far outweigh the value, if any, of the data required of SESCO.

A copy of the application for exemption is on file with the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, Phone No. 512/458-0100 and is available for public inspection.

Any person desiring to present written views, arguments, or other comments on the application for exemption must file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 23, 1981. Within that 45 day-day period such person must also serve a copy of such comments on Southwestern Electric Service Company, 1310 Mercantile Bank Building, Dallas, Texas 75201.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4128 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-237-00]

Upper Peninsula Power Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that on January 21, 1981, Upper Peninsula Power Company (UPPCO) tendered for filing an Agreement for Wholesale Electric Power Service between the City of Gladstone, Michigan and UPPCO, dated July 1, 1980. That agreement supersedes an Agreement for Wholesale and Standby Electric Power Service dated March 9, 1972 (UPPCO Rate Schedule FERC No. 13).

UPPCO had requested waiver of the notice period in Section 35.3 of the Commission's regulations in order to permit the Agreement to become effective on January 31, 1981.

Any person desired to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C 20426, on or before February 16, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4129 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-115-000]

West Lake Arthur Corp.; Application

January 29, 1981.

Take notice that on December 24, 1980, West Lake Arthur Corporation (Applicant), 1200 Milam, Suite 3300, Houston, Texas 77002, filed in Docket No. CP81-115-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to its corporate affiliate, West Lake Arthur Distribution Company (WLADC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its parent company, Sugar Bowl Gas Corporation (Sugar Bowl), was authorized to execute an exchange agreement with Michigan Wisconsin Pipe Line Company (Mich Wis) under which Sugar Bowl delivered up to 100,000 Mcf of natural gas per day to Mich Wis for redelivery into the Sugar Bowl system and consumption by Sugar Bowl's parent company, Allied Chemical Corporation. Applicant states

that delivery to Mich Wis was effected by Union Texas Petroleum (UTP) which at that time was a corporate affiliate of Sugar Bowl and by Applicant. Applicant subsequently succeeded to ownership and operation of the 1.8 mile 8-inch pipeline which UTP has used to deliver gas to Mich Wis and to the gas purchase contracts held by UTP.

Applicant states that currently natural gas received from Mich Wis pursuant to the exchange agreement is delivered for Applicant's account at the Mich-Wis Chico B delivery point, Jefferson Davis Parish, Louisiana, at which point such gas is transferred to WLADC and received by WLADC's pipeline facility which is exempt from the Natural Gas Act under Section 1(c).

Applicant requests authorization herein to sell the subject natural gas delivered by Mich Wis to its corporate affiliate, WLADC, at the Chico B delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4130 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Nuclear Energy

The State Planning Council on Radioactive Waste Management; Notice of Availability of Interim Report to the President

NAME: The State Planning Council on Radioactive Waste Management (SPC).

The SPC is an Advisory Council constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I and Executive Order No. 11769).

CONTACT: Janie Shaheen, Policy Analyst, State Planning Council on Radioactive Waste Management, JS-100, 1900 L Street, N.W., Room 605, Washington, D.C. 20036, Telephone: 202-785-2901.

Purpose of the State Planning Council: To provide advice and recommendations to the President and the Secretary of Energy on Nuclear Waste Management (including interim management of spent fuel).

Public Participation: The State Planning Council is preparing an Interim Report which will be submitted to the President by February 24, 1981. Notice is hereby given that the Interim Report will be available to the public on March 2, 1981, and will be provided upon request to the contact given above. Members of the public who wish to comment on the Interim Report should send written statements to the contact given above prior to April 15. The Final Report of the State Planning Council will be submitted to the President in July 1981.

Issued in Washington, D.C., on January 30, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-4132 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1744-3]

California State Motor Vehicle Pollution Control Standards: Opportunity for Public Hearing To Consider Requests for Waivers of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Hearing on Requests for Waivers of Federal Preemption.

SUMMARY: The California Air Resources Board (CARB) notified EPA of two recent sets of amendments to California's emission standards and test procedures for new motor vehicles, and requested waivers of Federal preemption, pursuant to section 209(b) of the Clean Air Act (Act), for these amended requirements, pertaining to emissions from diesel passenger cars and evaporative emissions from motorcycles. This notice announces that EPA has tentatively scheduled a public hearing for March 5, and if necessary March 6, 1981, to consider the standards and test procedures for which CARB has requested waivers. Any party desiring to present oral testimony for the record at a public hearing, instead of or in addition to written comments, must notify EPA by February 20, 1981. If no party informs EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record. EPA will publish a notice in the **Federal Register** to announce that the scheduled hearing is cancelled if no party wishes to present testimony.

DATES AND ADDRESSES: EPA has tentatively scheduled a public hearing for March 5, and if necessary March 6, 1981 beginning at 9:00 a.m., if any party notifies EPA by February 20, 1981 that it wishes to present oral testimony regarding CARB's waiver requests. EPA will hold the public hearing announced in this notice at: U.S. Environmental Protection Agency, Regional Office (Region IX), Sixth floor, 215 Fremont Street, San Francisco, California. Parties wishing to present oral testimony at a public hearing should notify in writing the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Any party also may submit written comments regarding the waiver request to the same address by March 20, 1981. Copies of all materials relevant to the waiver request will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-120), Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Docket Number EN-80-23).

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

Background and Discussion

Section 209(a) of the Clean Air Act, as amended, (Act) 42 U.S.C. 7543(a) provides in part: "No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to control of emissions from new motor vehicles or new motor vehicle engines subject to this part . . . [or] require certification, inspection, or any other approval relating to the control of emissions . . . as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any state which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (1) the determination made by the State is arbitrary and capricious, (2) the State does not need the State standards to meet compelling and extraordinary conditions, or (3) the State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

On October 7, 1980, CARB requested a waiver of Federal premption for amendments to "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles".[1] These amendments set evaporative emissions standards for motorcycles, and establish new evaporative emission test procedures adapted to motorcycles. The standards for which California now requests a waiver are as follows:

(1) 6.0 grams per test for 1983 and subsequent model year class I and II (50–270) cubic centimeter motorcycles.

(2) 6.0 grams per test for 1983 and subsequent model year class III (280 cubic centimeter and larger) motorcycles.

(3) 2.0 grams per test for 1985 and subsequent model year class I and II motorcycles.

(4) 2.0 grams per test for 1986 and subsequent model year class II motorcycles.[2]

On December 26, 1980, CARB also requested a waiver of Federal preemption for amendments to "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty Vehicles."[3]

The amendments would accomplish the following:

(i) permit California to enforce the Federal particulate exhaust emission standard for 1982 and later model year diesel-powered vehicles,

(ii) change one of California's optional 1982 model year oxides of nitrogen (NO_x) emission standard to 1.5 grams per mile (g/mi) for 100,000 mile diesel passenger car certification, and

(iii) eliminate the hydrocarbon (HC) exhaust emissions allowance granted vehicles with low evaporative HC emissions for 1982 and later model years.

Section 202(b) of the Act provides that the Administrator shall grant a waiver of Federal preemption after an opportunity for a public hearing, unless the Administrator makes one of the findings specified in section 209(b) of the Act. Therefore, this notice announces that all parties will be given the opportunity to present oral testimony regarding the amended standards and test procedures for which CARB requested waivers.

In order to expedite the waiver process, EPA has tentatively scheduled a hearing for March 5, and if necessary March 6, 1981. If no party notifies EPA by February 20, 1981, that it desires to present oral testimony, EPA will publish a **Federal Register** notice cancelling the hearing. Whether or not EPA holds a public hearing, EPA will enter any written comments it receives by March 20, 1981 into the record for these waiver requests and will make its waiver determination based on that record.

II. Procedures for Public Participation

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested parties to state orally their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement should file 10 copies of the proposed testimony and other relevent material along with its request for a hearing with the Director of EPA's Manufacturers Operations Division at the address listed above not later than February 20, 1981. In addition, the party should submit 25 copies, if feasible, of the proposed statement to the Presiding Officer at the time of the hearing.

Since a public hearing is designed to give interested persons an opportunity to participate in the waiver proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants without special approval by the Presiding Officer. The Presiding Officer is authorized to strike from the record statements which he or she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statements of any witness.

Participants at the hearing, if any, and interested parties who make written submissions should limit their presentations to the following considerations:

(1) Whether California's determination that the amended standards will be at least as protective of public health and welfare as applicable Federal Standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions; and

(3) Whether the California standards and accompanying enforcement procedures are not consistent with section 202(b) of the Act.

Whether or not EPA holds a hearing the record will remain open until March 20, 1981, for the submission of written information for consideration by the Administrator in formulating his waiver decision. If EPA does hold the hearing, the agency will make a verbatim record of the proceeding. Interested persons may obtain a copy of the transcript at their own expense from the reporter during the hearing. The Administrator will base his determination with regard to CARB's waiver requests on the record of the public hearing, if any, and on any other relevant written submissions. This

[1] CARB did not adopt all the amendments simultaneously. On December 19, 1977, CARB first adopted the motorcycle evaporative emission standards. On October 12, 1979, CARB adopted test procedures especially formulated for motorcycles to accompany the standards. Finally, on June 26, 1980, CARB amended the standards to give manufacturers an additional year of lead time to meet the standards for class III motorcycles. Section 1976(b), article 2, chapter 3, subchapter 1 of Title 13, California Administrative Code, "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles", as amended December 17, 1977, October 12, 1979, and June 26, 1980.

[2] The additional lead time for class III motorcycles reflects CARB's conclusion that manufacturers would experience greater difficulty in meeting the standards with their larger vehicles. May 9, 1980 CARB Staff Report "Proposed Amendments to Title 13, California Administrative Code regarding the Extention of California's 1983 and 1985 Evaporative Emission Standards for Class III Motorcycles until 1984 and 1986." 10–12.

[3] Sections 1960.1 and 1960.5, Title 13, California Administrative Code: "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," as amended August 28, 1980.

information will be available for public inspection at the EPA Central Docket Section.

Dated: January 29, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-4031 Filed 2-3-81; 8:45 am]

BILLING CODE 6560-33-M

[WH-FRL 1744-3]

Management Advisory Group to the Municipal Construction Division; Open Meeting

January 29, 1981.

Under Public Law 92-463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at the Capital Yacht Club, 1000 Water Street, SW., Washington, DC, on March 3, 4 and 5, 1981. The meeting will begin at 9:00 a.m. on March 3, 1981.

The purpose of the meeting is to discuss and review the following: The finalization of the Management Advisory Group recommendations on the current program strategy reviews being conducted by the Agency; and the formulation of legislative proposals for the proposed Congressional Hearings, based on the review of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and Agency proposals.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, DC 20460; telephone (202) 426-8986.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-4030 Filed 2-3-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

Meeting of the Advisory Committee on Radio Broadcasting and its Technical and Allocations Subgroups; Correction

January 23, 1981.

The following open meeting will be held on Wednesday, March 4, 1981, at the time stated below, in Room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The eleventh meeting of the Advisory Committee on Radio Broadcasting, starting at 9:30 a.m. The agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
4. Reconvening of meeting of the Advisory Committee;
5. Receipt of reports by Allocations Subgroup;
6. Receipt of reports by Technical Subgroup;
7. Submission of reports to the FCC;
8. Other business;
9. Future meeting dates;
10. Adjournment;

B. The fourth meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 3 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported by designated persons;
5. Other business;
6. Next meeting date;
7. Adjournment;

C. The fourth meeting of the Subgroup on Technical Matters, starting upon conclusion of the fourth meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported to the Subgroup;
5. Other business;
6. Next meeting date;
7. Adjournment;

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to particpate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

William J. Tricarico,

Secretary.

January 28, 1981.

Change of Meeting Date of Radio Advisory Committee

The meetings of the Radio Advisory Committee and its Allocations and Technical Subgroups which have been scheduled for March 4, 1981 (9:30 a.m., Room A-110, 1229-20th Street, N.W., Washington, D.C.) will take the place of the Committee and Subgroup meetings which had previously been scheduled to be held February 18, 1981. The February 18, 1981, meetings have been cancelled, and the next meetings of the Radio Advisory Committee and its Subgroups will be held March 4, 1981, at the same hour and place.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-4013 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-23]

FM Broadcast Applications Accepted for Filing and Notification of Cut-off Date

Released: January 29, 1981.

Cut-Off Date: March 13, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after March 13, 1981. An application, in order to be considered with any application appearing on the attached list or with any application on file by the close of business on March 13, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on March 13, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on March 13, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH-800905AD (KOOZ), Great Falls, Montana, Sun River Broadcasting, Inc., Has: 106.3 MHz; Channel No. 292A, ERP: .750 kW; HAAT: 300 Ft. (Lic), Req: 106.3 MHz; Channel No. 292A: ERP: 3 kW; HAAT: 300 ft.

BPH-800922AB (new), Honesdale, Pennsylvania, Waen Broadcasting Corporation, Req: 95.3 MHz; Channel No. 237A, ERP: 2.24 kW; HAAT: 338 ft.

BPH 80100/AA (new), Needles, California, James J. Parr, Req: 97.9 MHz; Channel No. 250B, ERP: 14 kW; HAAT: -252 ft.

BPH-801007AC (KULP-FM), El Campo, Texas, Bar-B Broadcasting, Inc., Has: 96.9 MHz; Channel No. 245O, ERP: 27 kW; HAAT: 180 Ft. (Lic), Req: 96.9 MHz; Channel No. 245C, ERP: 50 kW; HAAT: 425 ft.

BPH–801014AF (WCVM), Middlebury, Vermont, Addison Broadcasting, Inc., Has: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: –145 Ft. (Lic), Req: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 248 ft.

BPH–801014AJ (KQDS–FM), Duluth, Minnesota, The Great Duluth B/cting Co., Inc., Has: 94.9 MHz; Channel No. 2350, ERP: 37 kW; HAAT: 400 Ft. (Lic), Req: 94.9 MHz; Channel No. 235C, ERP: 100 kW; HAAT: 700 ft.

BPH–801015AE (new), Iron River, Michigan, Northland Advertising, Inc., Req: 99.3 MHz; Channel No. 257A, ERP: .9 kW; HAAT: 505 ft.

BPH–801020AD (KJKJ), Logan, Utah, Bluejay Broadcasting, Inc. Has: 94.5 MHz; Channel No. 2330, ERP: 25 kW; HAAT: –980 ft. (Lic), Req: 94.5 MHz; Channel No. 233C, ERP: 34 kW; HAAT: 2038 ft.

BPH–801022AA (KNEB–FM), Scottsbluff, Nebraska, Panhandle Broadcasting, Inc., Has: 94.1 MHz; Channel No. 231C, ERP: 6.6 kW; HAAT: 61 ft. (Lic), Req: 94.1 MHz; Channel No. 231C, ERP: 100 kW; HAAT: 680 ft.

BPH–801027AH (KMZK), Belgrade, Montana, Christian Enterprises, Inc., Has: 96.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 205 ft. (Lic), Req: 96.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 212 ft.

BPH–801027AJ (KBRF–FM), Fergus Falls, Minnesota, Fergus Falls Radio, Inc., Has: 103.3 MHz; Channel No. 277C, ERP: 28.5 kW; HAAT: 270 ft. (Lic), Req: 103.3 MHz; Channel No. 277C, ERP: 100 kW; HAAT: 650 ft.

BPH–801029AA (new), Decatur, Illinois, Town & Country Broadcasting, Inc., Req: 99.3 MHz; Channel No. 257A, ERP: 3 kW; HAAT: 300 ft.

BPH–801031AA (new), Commerce, Texas, Commerce Broadcasting, Inc., Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft.

BPH–801031AP (new), Mission, Texas, Citrus Communication Corp., Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 ft.

BPH–801106AC (KPOP), Roseville, California, KPOP Radio, Has: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: 130 ft. (Lic), Req: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: 299.4 ft.

BPH–801107AE (new), Miles City, Montana, Miles City Broadcasting Corp., Req: 92.7 MHz; Channel No. 224A, ERP: 1.5 kW; HAAT: 400 ft.

BPH–801107AF (new), Martinez, Georgia, CSRA Broadcasters, Inc., Req: 94.3 MHz; Channel No. 232A, ERP: 3 kW; HAAT: 305 ft.

BPH–801112AC (new), Leadville, Colorado, Radio Leadville, Inc., Req: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: –481 ft.

BPH–801114AC (KLMO–FM), Longmont, Colorado, Radio Longmont, Inc., Has: 104.3 MHz; Channel No. 282C, ERP: 28 kW; HAAT: 88 ft. (Lic), Req: 104.3 MHz; Channel No. 282C, ERP: 100 kW; HAAT: 430 ft.

BPH–801117AD (WDSC–FM), Dillon, South Carolina, Border Broadcasting Co., Inc., Has: 92.9 MHz; Channel No. 225C, ERP: 10.5 kW; HAAT: 270 ft. (Lic), Req: 92.9 MHz; Channel No. 225C, ERP: 100 kW; HAAT: 553.2 ft.

BPED–790705AE (new), Northampton, Massachusetts, The Trustees of the Smith College, Req: 91.9 MHz; Channel No. 220A, ERP: .200 kW; HAAT: –114 ft.

BPED–790717AE (KICB), Fort Dodge, Iowa, Iowa Central Community College, Has: 88.1 MHz; Channel No. 201DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 88.1 MHz; Channel No. 201A, ERP: .200 kW; HAAT: 132.4 ft.

BPED–791004AD (WKKC), Chicago, Illinois, Kenned, Has: 89.3 MHz; Channel No. 207DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 89.3 MHz; Channel No. 207A, ERP: .250 kW; HAAT: 70.5 ft.

BPED–791227AN (WKDU), Philadelphia, Pennsylvania, Drexel University, Has: 91.7 MHz; Channel No. 219D, TPO: .01 kW. (Lic), Req: 91.7 MHz; Channel No. 219A, ERP: .110 kW; HAAT: 169 ft.

BPED–791227AV (WFNM), Lancaster, Pennsylvania, Franklin & Marshall College, Has: 88.7 MHz; Channel No. 204D, TPO: .01 kW. (Lic), Req: 89.1 MHz; Channel No. 206A, ERP: .1 kW; HAAT: 151.5 ft.

BPED–791231AB (WCHW–FM), Bay City, Michigan, Bay City, Bay & Saginaw Co. Sch Dist, Has: 91.3 MHz; Channel No. 217DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 91.3 MHz; Channel No. 217A, ERP: .111 kW; HAAT: 595 ft.

BPED–791231AD (WRSH), Rockingham, North Carolina, Richmond County Bd of Education, Has: 91.1 MHz; Channel No. 216DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 91.1 MHz; Channel No. 216A, ERP: .339 kW; HAAT: 180 ft.

BPED–791231AK (WXDR), Newark, Delaware, The University of Delaware, Has: 91.3 MHz; Channel No. 217D, TPO: .01 kW. (Lic), Req: 91.3 MHz; Channel No. 217A, ERP: 1 kW; HAAT: 137 ft.

BPED–791231AN (WVMW–FM), Scranton, Pennsylvania, Has: 91.5 MHz; Channel No. 218D, TPO: .01 kW. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .1 kW HAAT: –285 ft.

BPED–791231AT (KTEQ), Rapid City, South Dakota, Technical Educational Radio Council, Has: 88.1 MHz; Channel No. 201DS, ERP: .01 kW; HAAT: ft. (Lic), Req: 88.1 MHz; Channel No. 201A, ERP: .71 kW; HAAT: 720 ft.

BPED–791231AW (WKPS), New Wilmington, Pennsylvania, Bd of Trustees Westminister College, Has: 88.9 MHz; Channel No. 205A, ERP: .039 kW; HAAT: –28 ft. (Lic), Req: 88.9 MHz; Channel No. 205A, ERP: .108 kW HAAT: –35.2 ft.

BPED–791231AX (WJHD), Portsmouth, Rhode Island, Order of St. Benedict Portsmouth, R.I., Has: 90.7 MHz; Channel No. 214D, TPO: .01 kW. (Lic), Req: 90.7 MHz; Channel No. 214A, ERP: .360 KW HAAT: 80 ft.

BPED–791231AZ (KNWD), Natchitoches, Louisiana, Northwestern State Univ. of La., Has: 91.7 MHz; Channel No. 219DS, ERP: .01 kW; HAAT: — ft. (Lic), Req: 91.7 MHz; Channel No. 219A, ERP: .251 kW HAAT: 69 ft.

BPED–791231BF (WBSL), Sheffield, Massachusetts, Berkshire School, Inc., Has: 91.7 MHz; Channel No. 219DS, ERP: .01 kW; HAAT: ft. (Lic), Req: 91.7 MHz; Channel No. 219A, ERP: .232 kW; HAAT: –74 ft.

BPED–791231BI (WNMC–FM), Traverse City, Michigan, Northwestern Michigan College, Req: 90.9 MHz; Channel No. 215A, ERP: .151 kW; HAAT: –87.5 ft.

BPED–791231BJ (WCCH), Holyoke, Massachusetts, Holyoke Community College, Has: 89.5 MHz; Channel No. 208D, TPO: .01 kW. (Lic), Req: 103.5 MHz; Channel No. 278D, ERP: .008 kW HAAT: 258 ft.

BPED–791231BK (WPBX), Southampton, New York, Southampton College of Long Is. Univ., Has: 91.3 MHz; Channel No. 217DS, ERP: .018 kW; HAAT: 99 ft. (Lic), Req: 91.3 MHz; Channel No. 217A, ERP: .268 kW; HAAT: 96 ft.

BPED–791231BL (WMWC), Gardner, Massachusetts, Mount Wachusett Community College, Req: 91.7 MHz; Channel No. 219A, ERP: .100 kW; HAAT: 329 ft.

BPED–791231BM (KCFS), Sioux Falls, South Dakota, Sioux Falls College, Has: 90.1 MHz; Channel No. 211DS, ERP: .01 kW; HAAT: ft. (Lic), Req: 90.1 MHz; Channel No. 211A, ERP: .148 kW HAAT: 164 ft.

BPED–791231BO (WWCU), Cullowhee, North Carolina, Western Carolina University, Has: 91.7 MHz; Channel No. 219DS, ERP: .01 kW; HAAT: ft. (Lic) Req: 90.5 MHz; Channel No. 213A, ERP: .327 kW HAAT: –823 ft.

BPED–791231BQ (WPFL), Winter Park, Florida, Winter Park High School, Has: 88.9 MHz; Channel No. 205DS, ERP: .01 kW; HAAT: ft. (Lic), Req: 88.0 MHz; Channel No. 205A, ERP: .108 kW; HAAT: 152.7 ft.

BPED–791231BX (WPHS), Warren, Michigan, Warren Consolidated Schools, Has: 91.5 MHz; Channel No. 218D, TPO: .01 kW. (Lic), Req: 89.1 MHz; Channel No. 206A, ERP: .110 kW; HAAT: 110 ft.

BPED–791231CB (KGLH), Oerlach, Nevada, Washoe County School District, Has: 91.5 MHz; Channel No. 218DS, ERP: .013 kW; HAAT: –300 ft. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .10 kW; HAAT: –298 ft.

BPED–791231CC (WJSL), Houghton, New York, Houghton College Radio Corporation, Has: 90.3 MHz; Channel No. 212D, TPO: .01 kW. (Lic), Req: 90.3 MHz; Channel No. 212A, ERP: .195 kW; HAAT: –295 ft.

BPED–791231CH (KILX), Columbus, Nebraska, I.L.C. Educational Corporation, Has: 91.9 MHz; Channel No. 220D, TPO: .01 kW. (Lic), Req: 91.9 MHz; Channel No. 220A, ERP: .100 kW; HAAT: 54.1 ft.

BPED–791231CJ (WBSD), Burlington, Wisconsin, Burlington Area Schools, Has: 89.1 MHz; Channel No. 206DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 89.1 MHz; Channel No. 206A, ERP: .216 kW; HAAT: 91 ft.

BPED–791231CK (WKNH), Keene, New Hampshire, Keene State College University, Has: 89.1 MHz; Channel No. 206D, TPO: .01 kW. (Lic), Req: 91.3 MHz; Channel No. 217A, ERP: .274 kW; HAAT: –376 ft.

BPED–800102AA (WESN), Bloomington, Illinois Illinois Wesleyan University, Has: 88.1 MHz; Channel No. 201DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 88.1 MHz; Channel No. 210A, ERP: .122 kW; HAAT: 100 ft.

BPED–800102AB (KVCO), Concordia, Kansas, Cloud County Community College, Has:

88.3 MHz; Channel No. 202D, TPO: .01 kW. (Lic), Req: 88.3 MHz; Channel No. 202A, ERP: .126 kW; HAAT: 77.17 ft.

BPED–800102AC (KRCU), Cape Girardeau, Missouri, Bd of Regents, SE Mo. State Univ., Has: 90.9 MHz; Channel No. 215DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 90.9 MHz; Channel No. 215A, ERP: .125 kW; HAAT: 268.4 ft.

BPED–800102AO (KIGC), Oskaloosa, Iowa, William Penn College, Has: 88.7 MHz; Channel No. 204D, TPO: .01 kW. (Lic), Req: 88.7 MHz; Channel No. 204A, ERP: .230 kW; HAAT: 123 ft.

BPED–800102AH (KSPC), Spokane, Washington, Spokane Falls Community College, Has: 91.9 MHz; Channel No. 200D, TPO: .01 kW. (Lic), Req: 91.9 MHz; Channel No. 220A, ERP: .100 kW; HAAT: −225 ft.

BPED–800102AK (KWRS), Spokane, Washington, Whitworth College, Has: 90.3 MHz; Channel No. 212D, TPO: .01 kW. (Lic), Req: 90.3 MHz; Channel No. 212A, ERP: .100 kW; HAAT: 60 ft.

BPED–800102AN (WWQC), Quincy, Illinois, Quincy College Corporation, Has: 90.3 MHz; Channel No. 212DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 90.3 MHz; Channel No. 212A, ERP: .111 kW; HAAT: 711.5 ft.

BPED–800102AO (KGSP), Parkville, Missouri, Bd of Trustees, Park College, Has: 90.3 MHz; Channel No. 212DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 90.3 MHz; Channel No. 212A, ERP: .11 kW; HAAT: 350 ft.

BPED–800102AP (WMPH), Wilmington, Delaware, New Castle County Bd of Education, Has: 91.7 MHz; Channel No. 219D, TPO: .01 kW. (Lic), Req: 91.7 MHz; Channel No. 219A, ERP: .100 kW; HAAT: 143 ft.

BPED–800102AQ (WDBY), Duxbury, Massachusetts, Duxbury Community Radio, Inc., Req: 91.7 MHz; Channel No. 219A, ERP: .100 kW; HAAT: 166 ft.

BPED–800102BG (WHPH), Whippany, New Jersey 407740, 115721, Hanover Park Regional Bd of Educ., Has: 90.3 MHz; Channel No. 212D, TPO: .01 kW. (Lic), (Hanover, New Jersey), Req: 90.5 MHz; Channel No. 213A, ERP: .10 kW; HAAT: −3 ft. (Whippany, New Jersey)

BPED–800102BH (WJSV), Morristown, New Jersey, Morris School District, Has: 90.5 MHz; Channel No. 213DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 90.5 MHz; Channel No. 213A, ERP: .10 kW; HAAT: −3 Ft.

BPED–800102BI (KLPI), Ruston, Louisiana, Louisiana Technical University, Has: 89.1 MHz; Channel No. 206DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 89.1 MHz; Channel No. 206C, ERP: 10 kW; HAAT: 111 Ft.

BPED–800102BK (WUDZ), Sweet Briar, Virginia, Sweet Briar College, Has: 91.5 MHz; Channel No. 218DS, ERP: .008 kW; HAAT: 220 Ft. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .125 kW; HAAT: 218 Ft.

BPED–800102BL (WRPR), Mahway, New Jersey, Ramapo College of New Jersey, Req: 90.3 MHz Channel No. 212A, ERP: .096 kW; HAAT: −64 Ft.

BPED–800102BN (WSBF–FM), Clemson, South Carolina, Clemson University, Has: 88.1 MHz; Channel No. 201DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 88.1 MHz; Channel No. 201A, ERP: 1 kW; HAAT: 210 Ft.

BPED–800102BO (WPEA), Exeter, New Hampshire, Phillips Exeter Academy, Has: 90.5 MHz; Channel No. 213D, TPO: .01 kW. (Lic), Req: 90.5 MHz; Channel No. 213A, ERP: .100 kW; HAAT: 31.5 Ft.

BPED–800102BS (KUMM), Morris, Minnesota, University of Minnesota, Morris, Has: 89.7 MHz; Channel No. 209DS, ERP: .01 kW; HAAT: Ft. (Lic), Req: 89.7 MHz; Channel No. 209A, ERP: .223 kW; HAAT: 57 Ft.

BPED–800109AG (New), Byesville, Ohio, Buckeye Broadcasting, Inc., Req: 91.7 MHz; Channel No. 219B, ERP: 38.6 kW; HAAT: 400 Ft.

BPED–800519AR (New), Cornwall, Connecticut, CT. Educ. Telecommunications Corp., Req: 90.9 MHz; Channel No. 215B, ERP: .8 kW; HAAT: 732 Ft.

BPED–801017AG (New), Watertown, New York, St. Lawrence Valley Ed TV Council, Inc., Req: 90.9 MHz; Channel No. 215C, ERP: 4 kW; HAAT: 1150 Ft.

[FR Doc. 81–4012 Filed 2–3–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1268]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

January 27, 1981

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Revision of the processing polices for waivers of the telephone company-cable television "cross ownership rules". Sections 63.54 and 64.601 of the Commission's Rules and Regulations. (CC Docket No 78–219)

Filed by: David Cosson and Amy S. Gross, Attorneys for National Telephone Cooperative Association on 1–16–81. G. Daniel McCarthy, Attorney for Verona Cable Co., Inc. Mt. Vernon Telephone Co., on 1–16–81. Arthur Blooston and David L. Nace, Attorneys for The Delta County Co-operative Telephone Company, Franklin Telephone Company, Missouri Telephone Company, Orwell Telephone Company, Platteville Telephone Company and Public Service Telephone Company on 1–16–81.

Subject: Amendment of Part 90 of the Commission's Rules to designate frequencies in the 806–821 and 851–866 MHz bands for slow growth, land mobile radio systems of utilities and public safety agencies. (PR Docket No. 79–191, RM–3380)

Filed by: Warren Chigoy, President and Charles M. Meehan, Attorney for Utilities Telecommunications Council on 1–9–81. Mark E. Crosby, President and Managing Director and Wayne V. Black, Attorney for Special Industrial Radio Service Association, Inc. on 1–9–81. Wayne V. Black and C. Douglas Jarrett, Attorneys for Central Committee on Telecommunications of the American Petroleum Institute on 1–9–81.

Subject: Regulatory policies concerning resale and shared use of common carrier domestic public switched network services. (CC Docket No. 80–54, RM–3453)

Filed by: Arthur Scheiner, Michael H. Rosenbloom and Dennis Lane, Attorneys for Aerospace Industries Association of America, Inc. on 1–19–81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–4011 Filed 2–3–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Agreement Nos. T–3944 and T–3944–A]

Port of Vancouver, Washington/United Grain Corporation of Oregon; 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 environmental issues relative to the referenced proceeding do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

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 inspeciton 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. 81–4020 Filed 2–3–81; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of February 1981.

National Commission on Alcoholism and Other Alcohol-Related Problems

February 24:10:00 a.m. and February 25:9:00 a.m.—OPEN. Hubert H. Humphrey Building; Room 800; 200 Independence Avenue, S.W., Washington, D.C. 20201.
Contact: Mr. Frank Hoban or Mr. Benedict Latteri; 5600 Fishers Lane; Room 17A–09; Rockville, Maryland 20857; (301) 443–3806.

Purpose: The Commission is responsible for undertaking a comprehensive, two-year study on alcoholism and submitting its findings to the President and Congress. The Commission will survey past and evaluate present policies and efforts to counter alcoholism and alcohol-related problems, and recommend future activities and policies in relation to alcoholism and the law and to alcoholism prevention, treatment, research, and human resources.

Agenda: The entire meeting will be open to the public. The Commission will delineate and determine the program areas around which it will undertake studies, seek expert advice, and conduct hearings.

Attendance by the public will be limited to space available. Mr. Frank T. Hoban will furnish, upon request, summaries of the meeting and a roster of the Commission members. This information can be obtained from the National Commission on Alcoholism and Other Alcohol-Related Problems; 5600 Fishers Lane; Room 17A–09; Rockville, Maryland 20857; (301) 443–3806.

Dated: January 29, 1981.

Frank T. Hoban,

Director of Administration, National Commission on Alcoholism and Other Alcohol-Related Problems.

[FR Doc. 81–4016 Filed 2–3–81; 8:45 am]
BILLING CODE 4110–88–M

Health Services Administration

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress.

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Henry Theis, Office of Emergency Medical Services, Bureau of Community Health Services, Room 7–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (303) 443–2190.

Dated: January 28, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81–4015 Filed 2–3–81; 8:45 am]
BILLING CODE 4110–84–M

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1981:

Name: EMS Communications Work Group of the Interagency Committee on Emergency Medical Services
Date and Time: March 10, 1981, 9:00 a.m.
Place: Room 5332, Department of Transportation, NASSIS Building, 400 Seventh Street, S.W., Washington, D.C. 20024. Open for entire meeting

Purpose: The Work Group will advise and make recommendations to the Interagency Committee on Emergency Medical Services on all the technical aspects of planning, developing and operating ENS communications systems.

Agenda: (1) Determine what definitions should be adopted to describe standards and guidelines for the purpose of EMS communications, and how to discern between a proposed guideline and a proposed standard; (2) Continue to review issues and develop proposed standards relating to EMS communications; (3) Review alternatives and proposed recommendations for communications related to air ambulance issues; and (4) Review of VHF Bio-Medical Telemetry Rulemaking proposal by FCC.

* * * * *

Name: EMS Training Work Group of the Interagency Committee on Emergency Medical Services
Date and Time: March 10, 1981, 1:00 p.m.
Place: Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open for entire meeting

Purpose: The Work Group will review the EMS training needs for physicians, nurses, EMTs, and communications personnel. This includes review, evaluation and development of curriculum. The Work Group will be responsible for making recommendations on certification, recertification and revocation processes. It also evaluates staffing requirements. The Work Group will report its recommendations and findings to the Interagency Committee on Emergency Medical Services.

Agenda: (1) Determine what definitions should be adopted to describe EMS Standards and Guidelines for the purpose of EMS training, and how to discern between a proposed guideline and a proposed standard; (2) Continue to review issues and develop proposed standards relating to EMS training; and (3) Review alternatives and proposed recommendations for training related to air ambulance issues.

* * * * *

Name: Interagency Committee on Emergency Medical Services
Date and Time: March 11, 1981, 9:00 a.m.
Place: Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open for entire meeting

Purpose: The Committee coordinates and provides for the communication and exchange of information among all Federal programs and activities relating to emergency medical services, and carries out its responsibilities under section 1208(c).

The Committee will develop and publish: (1) A coordinated, comprehensive Federal emergency medical services funding and resource-sharing plan, designed to promote the coordination between, and enhance the effectiveness of Federal, State, and local funding and operation of programs and agencies relating to emergency medical services and related activities (including communication and transportation systems of public safety agencies); (2) A description of sources of Federal support for the purchase of vehicles and communications equipment and for training activities related to emergency medical services; (3) Recommended uniform standards of quality, health, and safety with respect to all equipment (including communications and transportation equipment) and training related to emergency medical services.

Agenda: (1) Discussion of the EMS program reorganization within the Bureau of Community Health Services, HSA; (2) Review of current status of grants for regional EMS systems and report on Fiscal Year 1981 and 1982 budgets; (3) Regional Trauma Centers, Care Rehabilitation and Costs; (4) Report on trauma data base; (5) Review of the Regional Emergency Management Information System; (6) Reports from the IAC Work Group Chairpersons; (7) Discussion of proposed standards; and (8) Discussion of Air Ambulance issues.

The meeting is open to the public for observation. Anyone wishing to attend, obtain the roster of members, minutes of meeting, or other relevant information should write to or contact Mr. HENRY THEIS, Office of Emergency Medical Services, Bureau of Community Health Services, Health Services Administration, Room 9A–16, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5250. Public seating is limited to thirty-five (35). Persons wishing to attend should notify the Office of Emergency Medical Services prior to the meeting in order to assure seating.

Agenda items are subject to change as priorities dictate.

Dated: January 28, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81-4014 Filed 2-3-81; 8:45 am]

BILLING CODE 4110-84-M

Public Health Service

Health Resources Administration

Application Announcement for Allied Health Project Grants

The Bureau of Health Professions, Health Resources Administration, announces that competing applications for renewal of Allied Health Project Grants for Purpose I only will be accepted under the authority of Section 796 of the Pulic Health Service Act, as amended. Application materials are expected to be available on February 2, 1981.

Section 796 authorizes the Secretary to award grants to:

(a) States, political subdivisions of States, or regional and other public bodies representing States,

(b) Junior colleges, colleges, or universities located in a State, or State higher educational systems,

(c) Public or nonprofit private entities located in a State, which provide health services and have an affiliation with a junior college, college, or university, and

(d) Other public or nonprofit entities capable, as determined by the Secretary of carrying out projects under this authority.

Grants awarded under Purpose I assist eligible entities in meeting the cost of planning, developing, demonstrating, operating, and evaluating projects relating to the establishment of regional or State systems for the coordination and management of educational and training at various levels for allied health personnel and nurses within and among educational institutions and their clinical affiliates for the purpose of assuring that the needs of such region or State for allied health personnel and nurses are substantially met.

Questions regarding grants policy should be directed to: Grants Management Officer, (D-12) Bureau of Health Professions, Health Resources Administration, Center Building, Room 4-27, 3700 East West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-7360.

Questions concerning the programmatic aspects of these grants should be directed to: Mr. Charles Munn, Education Development Branch, Division of Associated Health Professions, Health Resources Administration, Center Building, Room 5-27, 3700 East West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-6800.

To be considered for fiscal year 1981 funding, applications must be received by the Grants Management Officer, Bureau of Health Professions, at the address above no later than February 27, 1981. It is estimated that $300,000 would be available for competing renewal awards in fiscal year 1981 under Continuing Resolution (PL 96-536). A proposal to rescind $5.7 million for Allied Health programs was submitted to the Congress on January 15, 1981 and awards will be subject to the availability of these funds.

This program is listed at 13.968 in the Catolog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A-95.

Dated: January 30, 1981.

Robert Graham, M.D.,

Acting Administrator.

[FR Doc. 81-4003 Filed 2-3-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Fish and Wildlife Service Mitigation Policy; Notice of Final Policy; Corrections

In FR 81-1895 starting on page 7644 in the issue for Friday, January 23, 1981, make the following corrections and editorial clarifications:

(1) Page 7645, second column, line 4: the word "recommendations" was incorrectly typeset as "recommendation."

(2) Page 7645, second column, third full paragraph, line 21: the word "mitigate" was incorrectly typeset as "mitigation."

(3) Page 7647, first column, second full paragraph, line 4: the word "of" was incorrectly typeset as "or."

(4) Page 7647, third column, fifth full paragraph, line 3: the word "in" was incorrectly typeset as "and."

(5) Page 7648, first column, third full paragraph, line 4: the word "they" was incorrectly typeset as "there."

(6) Page 7648, first column, under "I. Purpose," line 2 of the *"Response"*: the word "losses" was incorrectly typeset as "loses."

(7) Page 7648, first column, under "II. Authority": as a point of editorial clarification, the statement "No comments" should be expanded to read "No significant comments." This is consistent with the introduction to the "Response to Comments" section on page 7646 and this avoids giving readers a false impression that no commentors remarked on this general subject, either directly or indirectly. The correct impression should be that no significant comments were received on the specific contents of this section of the proposed policy.

(8) Page 7649, first column, second full paragraph, line 6: the word "field" was incorrectly typeset as "filed."

(9) Page 7649, second column, fifth full paragraph, line 10: due to a typesetting error, the word "because" was omitted following "development."

(10) Page 7650, second column, fifth full paragraph, line 8: owing to an editorial oversight, the word "been" was omitted following "has."

(11) Page 7650, third column, fifth full paragraph, line 8: the word "wish" was incorrectly typeset as "with."

(12) Page 7651, first column, third full paragraph, line 10: the word "locale" was incorrectly typeset as "local."

(13) Page 7651, third column, first full paragraph, line 7: in order to maintain precise and consistent usage of special terms introduced within the policy statement, the word "Category" should follow "Resource."

(14) Page 7654, second column, under "Appendix A": as a point of editorial clarification, the statement "No comments" should be expanded to read "No significant comments." The rationale for this change is as given in (7) above.

(15) Page 7657, first column, line 7: the word "resource" was incorrectly typeset as "resources."

(16) Page 7657, second column, line 4: in order to exactly quote the Service mission as stated in the Service Management Plan, the word "habitat" should be changed to "habitats."

(17) Page 7658, first column, under "RESOURCE CATEGORY 3," after the heading "c. Guideline": the explanatory paragraph following the heading underwent significant phrase transpositions during typesetting.

This had the effect of seriously impairing paragraph meaning and understandability. This section of the material should have appeared as follows:

* * * * *

c. Guideline

The Service will recommend ways to avoid or minimize losses. If losses are likely to occur, then the Service will recommend ways to immediately rectify them or reduce or eliminate them over time. If losses remain likely to occur, then the Service will recommend that

those losses be compensated by repacement of habitat value so that the total loss of habitat value will be eliminated.

* * * * *

(18) Page 7658, second column, line 7 under the heading "c. Guideline": As a point of editorial clarification, the word "not" should be deleted. Its presence is superfluous and may contribute to sentence misinterpretation. Its elimination allows the sentence to more clearly and directly state that recommending compensation for unavoidable Resource Category 4 losses is optional.

(19) Page 7658, third column, under "2. Resource Category Determinations": the material included in the Note ending paragraph "c" was incorrectly typeset in boldface. This may have created an erroneous impression that the material in the note should be given extra emphasis. This is incorrect. This note should have been set in 7 point standard type.

(20) Page 7661, first column, under *"Geothermal Steam Act of 1970"*: the word "as" was incorrectly typeset to follow the quotation marks rather than precede them.

(21) Page 7661, third column, line 4 under the heading *"President's Water Policy Message"*: in order to maintain precise and consistent usage of the term "mitigation" as set forth in the policy statement, the words "to prevent or" should be deleted from the sentence. Since mitigation includes the taking of preventive measures, these words are redundant.

(22) Page 7663, second column, line 2: as a point of editorial clarification, the word "such" should be inserted after "where."

(23) In addition, there were at least 28 other typesetting errors throughout this document that the reader may notice. The items mentioned above were the most significant in terms of maintaining document understandability.

John Christian,

Leader, Policy Group—Environment, U.S. Fish and Wildlife Service.

January 29, 1981.

[FR Doc. 81-3629 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Gulf of Mexico Summary Report

SUMMARY: The fifth in a series of reports that provide affected States with current planning information on OCS oil and gas activities has been published in accordance with Section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR Part 252.4. The report focuses on the Gulf of Mexico and provides summary information to States regarding current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the location and nature of onshore facilities. Other Summary Reports are planned or being written for the North Atlantic and the Beaufort Sea.

EFFECTIVE DATE: January 23, 1981.

ADDRESSES: Copies of the report may be obtained upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860-7166.

Robert R. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-4055 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outet Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed developmemt and production plan.

SUMMARY: Notice is hereby given that Mesa Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3589, Block 18, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: Jaunary 26, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-4080 Filed 2-3-81; 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: Notice is hereby given that McMoRan Offshore Exploration Company, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3390, Block 25, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 26, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-4081 Filed 2-3-81; 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: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4101, Block 240, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 or the Code of Federal Regulations.

Dated: January 26, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-4082 Filed 2-3-81; 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: Notice is hereby given that Cities Service Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3011, Block A–16, Mustang Island Area, offshore Texas.

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, Louisana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002. Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 26, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR. Doc. 81-4083 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[Serial No. I-15358]

Idaho; Proposed Withdrawal Continuation

January 26, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2454; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I-15358) Public Water Reserve 107, BLM Order of Interpretation

T. 8 N., R. 28 E.,
Sec. 8, E½SE¼,
Sec. 23, NE¼.

The area described aggregates 240 acres in Butte County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer within 30 days of the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer within 30 days of the date of publication of this notice.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land

Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-4018 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-84-M

Public Lands in Kings County; California; Sale CA 9070

The following described lands have been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1713, at no less than the fair market value shown:

Legal Description: Lots 2, 3 and 5 in Sec. 34, T. 23 S., R. 20 E., Mount Diablo Meridian, California.
Acreage: 84.07.
Value: $19,000.

The lands are being sold noncompetitively to the Salyer Land Company, owner or lessee of adjoining lands on three sides of the sale tract. The sale tract is presently being used under permit by the Salyer Land Company for irrigation and weed control purposes. The land is difficult and uneconomic to manage by the Bureau and not suitable for management by another Federal agency. The sale is consistent with the Bureau's planning for the area and with the local county planning and zoning regulations. The public interest would be served by offering this land for sale.

The lands will be transferred into private ownership with the following reservations to the United States: (1) all minerals, and (2) a right-of-way for ditches and canals (Act of August 30, 1890; 43 U.S.C. 945); and will be subject to the following third party right: a right-of-way across said Lot 5 for irrigation purposes as granted to the Tular Lake Basin Water Storage District and the Hacienda Water District by permit number S 1202 (Act of March 3, 1891, 43 U.S.C. 946-949).

Detailed information concerning the sale is available for review at the California State Office, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95828.

For a period of 45 days from date of publication, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C., 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action, and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-4056 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-84-M

Riverside District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 94-579, Title IV, Sec. 403, that a public meeting of the Riverside District Grazing Advisory Board will be held Thursday, February 26, 1981.

The meeting will begin at 10:00 a.m. in the Fairway Room of the Green Tree Inn, Victorville, California and adjourn by 5:00 p.m.

The agenda for the meeting will include (1) discussing the California Desert Plan and the Eastern San Diego County Environment Impact Statement/ Management Framework Plan (2) implementation of these plans, including the allotment management plan program for the remainder of fiscal year 1981 (3) rechartering of the Riverside District Grazing Advisory Board into one representing the new California Desert District.

Comments and position statements may be submitted in advance to the Chairman, Karl Weikel, c/o Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Summary minutes of the Board meeting will be maintained in the California Desert District and will be available during regular business hours for public inspection within 30 days following the meeting.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-4058 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Regional Director, Upper Colorado Region; Intent To Enter Into Interim Contracts

The Regional Director of the Upper Colorado Region, Water and Power Resources Service (Service), Department of the Interior, may enter into interim water service contracts with individuals, corporations, districts, or municipalities for irrigation and municipal and industrial (M&I) water when such water is surplus to project needs. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands. However, such contracts may not exceed 1 year in duration and are limited to not more than 2,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract, unless additional approval is received from the Commissioner of Water and Power Resources or the Department of the Interior. All interim contracts will specify quantities, rates, and other terms and conditions in compliance with Reclamation law and Service policy.

For the water year 1981, it appears that water surplus to project needs will be available for sale from the mainstem reservoirs of the Colorado River Storage Project. Also, other Service projects administered by the Upper Colorado Region with regulated reservoir storage may have minor quantities of surplus water available to meet temporary demands. All releases will be subject to State laws for beneficial use and appropriation rights.

Those interested in a temporary supply of water from a Service project can apply in writing to the Regional Director, Water and Power Resources Service, Upper Colorado Region, P.O. Box 11568, Salt Lake City, Utah 84147.

Parties interested in receiving information about the Service's interim water marketing program may contact Ms. Rose Mary Williams at the above address or telephone (801) 524-5457. Unless significant public interest is generated, announcement of availability of negotiated draft contracts will be limited only to interested parties. All written correspondence concerning any specific contract proposal will be made available upon receipt of written requests pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Dated: January 27, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-3715 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-09-M

Rehabilitation and Betterment Program Loan Contract Negotiations Huntley Project, Mont.; Intent To Negotiate

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Water and Power Resources Service intends to begin negotiations with the Huntley Project Irrigation District, Ballantine, Montana, for repayment of a loan covering the cost of a rehabilitation and betterment program to be performed on the Huntley Project, Montana.

The carriage and distribution systems of the Huntley Project were constructed between 1905 and 1908. The project contains numerous obsolete and deteriorating facilities. This situation has resulted in excessive water losses, poor service to water users, high drainage requirements, high operation and maintenance costs, and other undesirable conditions.

The proposed program would include the lining and piping of laterals, lining the main canal, replacing various project structures, improving the drainage system, and replacement of wildlife habitat. The United States would loan the district up to $7,800,000 to perform the work, and the district would repay the entire expenditure.

The repayment contract with the Huntley Project Irrigation District would be negotiated pursuant to the Act of October 7, 1949 (63 Stat. 724), as amended, and the Act of June 17, 1902 (32 Stat. 388), as amended and supplemented. The terms and conditions of the proposed contract are ultimately dependent upon the Commissioner of Water and Power's approval of the basis for the loan, the Secretary of the Interior's approval of the form of the proposed contract, and a maximum 60-day congressional review period of the terms of repayment.

The public may observe any contract negotiation sessions. Advance notice of such sessions, if any, will be furnished on request. Requests must be in writing and must identify the contract in which the requesting party is interested. All written correspondence concerning the proposed contract will be made available pursuant to the Freedom of Information Act (80 Stat. 383, 5 U.S.C. 552), as amended. Requests should be addressed to Regional Director, Water and Power Resources Service, Attention Code UM-440, P.O. Box 2553, Billings, Montana 59103.

A proposed draft contract will be made available for public review following completion of contract negotiations. If little or no public interest is evidenced in the negotiations pursuant to this notice and local announcements, the availability of the proposed form of contract for public review and comment will not be formally publicized. A 30-day period will be allowed for receipt of written comments from the public and, if necessary, a public hearing on the proposed form of contract may be held.

For further information on scheduled contract negotiation sessions and copies of the proposed contract form, please contact Mr. Gary Anderson, Agricultural Economist, Division of Water and Land, at the address stated above or by telephone (406) 657-6424.

Dated: January 28, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-3035 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-09-M

O'Neill Unit, Nebraska; Public Hearing on Draft Supplement No. 2 to the Final Environmental Statement

The Water and Power Resources Service has announced a second public hearing on the draft Supplement No. 2 to the O'Neill Unit Final Environmental Statement will be held in Ainsworth, Nebraska, on February 19, 1981, at the City Hall Auditorium at 10 a.m.

The first hearing was held on January 21, 1981, at O'Neill, Nebraska, and although some 62 individuals attended, no one elected to present a statement.

The second public hearing is being held as a followup to the first hearing to again afford the public an opportunity to comment on the supplement.

The final environmental statement (INT FES 72-34) and first supplement (INT FES 78-11) were filed in 1972 and 1978, respectively, in compliance with the National Environmental Policy Act of 1969.

The draft supplement No. 2 analyzes the geologic stability, an agricultural research alternative, and the placement of fill material associated with the authorized O'Neill Unit.

The geologic stability and agricultural research alternative analyses are in response to an April 16, 1979, court order issued by the United States District Court of Nebraska, in Civil Action No. 75-L-96. The Court found the two issues to be inadequately addressed in previous environmental statements.

The geologic stability analysis (1) describes subsurface geologic conditions at the site, (2) evaluates risks associated with these conditions, and (3) evaluates how these risks and/or conditions can reasonably be dealt with.

The research alternative consists of:

1. Review of literature to determine presently available technology to improve livestock and crop production with and without irrigation.

2. Existing use and extent of agricultural technology in five-county area and the results of that technology on livestock, crop production, and ground-water consumption.

3. The impact on livestock, crop production, and ground-water consumption within five-county area by application of present and foreseeable future technologies in place of the proposed project.

4. A comparison between 2 and 3.

5. A comparison of 3 to the probable impact of the project without the research alternative.

The draft supplement No. 2 also addresses the impacts of the placement of fill materials during the construction of the O'Neill Unit. These impacts are contained in an attached section 404(b) Evaluation Report to provide compliance with the Federal Water Pollution Control Act, as amended. By including this information and submitting the final environmental statement and the supplements thereto to the Congress prior to an appropriation of funds for construction requiring a 404 permit, the Service will quality for an exemption from the permit process pursuant to section 404(r) of the Clean Water Act (Public Law 95-217).

Hearing witnesses will be allowed 10 minutes to present their oral comments. Speakers will not be allowed to trade or consolidate the time in order to obtain a longer oral presentation; however, the Hearing Officer may allow a speaker to provide additional oral comments after scheduled speakers have been heard.

Individuals and organizations wishing to make oral statements should write or call the Project Manager, Central Nebraska Projects Office, Water and Power Resources Service, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660, extention 266, or Regional Director, Lower Missouri Region, Water and Power Resources Service, Building 20, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3779. Requests for scheduled presentations will be accepted until 4 p.m. on February 17, 1981. Speaking requests received subsequent to that time will be handled on a first come first serve basis following the scheduled presentations. Written comments from those unable to attend and those wishing to supplement their oral presentations will be accepted for the record until 4 p.m. on February 27, 1981. Written comments should be addressed to the Project Manager or at the addresses listed above and should specify that they are to be included in the hearing record.

Dated: January 29, 1981.

Clifford I. Barrett,

Acting Commissioner.

[FR Doc. 81-4086 Filed 2-3-81; 9:12 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume No. 11]

Restriction Removals; Decision-Notice

Decided: January 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 13900 (Sub-31X), filed January 22, 1981. Applicant: MIDWEST HAULERS, INC., 228 Superior St., Toledo, OH 43604. Representative: Brian L. Troiano, 918 16th St., N.W., Washington, DC 20006. Applicant seeks to remove restrictions from its regular route authority, in its lead certificate and Sub-10, 11, 12, 13, 15, 16, 17, 18, 19, 21, and 26, which authorizes the transportation of general commodities (with the usual exceptions in Sub-18 and 19), which are at the time moving on bills of lading of freight forwarders as defined in section 402(a)(5) of the Interstate Commerce Act. Applicant seeks to (1) eliminate the restrictions which limits service to the transportation of traffic moving on the bills of lading of, or tendered by, freight forwarders in its lead certificate and all above-numbered subs.

MC 30837 (Sub-501X), filed January 22, 1981. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate, Sheet 21, to (1) broaden the commodity description (a) from boats to "transportation equipment," (b) from switchboards and switchgear, transformers, and electrical equipment requiring the use of special equipment to "machinery," (c) from carnival equipment and convention displays to "commodities the transportation of which because of size or weight require the use of special equipment or special handling," and (d) from tanks to "metal products, except ordnance;" and (2) in part (d) above, change the territorial description form one-way to radial service between Chicago, IL, and, parts of nine midwestern States within 250 miles of Chicago; and, and in part (a), delete the territorial phrase "including the DC," to authorize between points in the U.S.

MC 48958 (Sub-216X), filed January 22, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to remove restrictions in its Sub-No. 168F certificate to serve all intermediate points over its described regular routes (1) between Kansas City, MO, and Oklahoma City, OK, and (2) between Emporia and Wichita, KS, without the restriction "except on traffic received from, or delivered to connecting carriers, against the transportation of traffic "radially" between Chicago, IL, and Kansas City, MO, and their respective commercial zones, and points in Wichita, KS, and its commercial zone."

MC 117344 (Sub-285X), filed January 21, 1981. Applicant: THE MAXWELL CO., 10300 Evandale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-181 certificate by (1) broadening the commodity description from spend silica gel catalyst, in bulk, to "commodities in bulk"; and (2) eliminating the restriction against service (a) at Chicago, IL, Baltimore, MD and points in York County, VA; (b) from Chicago Heights, IL, and points in NC, SC, PA, NJ and NY; and (c) between points in AR, KS, LA, OK and TX.

MC 119789 (Sub-727X), filed January 26, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Applicant seeks to remove restrictions in its Sub-290, 361, 367, 524F and 685F certificates by replacing its one-way authority to transport primarily foodstuffs with radial authority: (1) between points in FL and points in 11 western States, (2) between points in ID, OR and WA and points in 30 central and eastern States, (3) between points in NY, specified portions of NJ, PA, and CT and points in 17 central and western States, (4) between points in FL and points in 16 central States, and (5) between Dallas, TX, and points in the United States.

MC 133119 (Sub-187X), filed January 22, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, OH 51001. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restriction in its Sub-175F certificate by replacing one-way authority with radial authority between points in the United States (except AL and HI) and parts of entry on the International Boundary line between the United States and Canada.

MC 133591 (Sub-120X), filed January 26, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in the Sub-42F certificate to (a) broaden the commodity description from (1) electrical motors, grinders, buffers, dental lathes, dust collectors, and pedestals; (2) parts, accessories, and attachments for the commodities described in (1) above; and (3) materials, equipment, and supplies used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk) to "such commodities as are manufactured, dealt in or used by manufacturers of electrical appliances and equipment;" and (b) replace the plantsite restriction at Fort Smith, AR, with county-wide authority of Sebastian County, AR.

MC 133591 (Sub-122X), filed January 26, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-55F certificate to (1) broaden the commodity description from frozen foodstuffs to "food and related products", (2) replace the facilities restriction of a named shipper at or near Santa Fe Springs, CA, with commercial zone authority for Los Angeles, CA, and (3) to broaden the one-

way authority to radial authority between the origins in (2) above and points in TX, OK, KS, MO, AR, and LA.

MC 133591 (Sub-124X), filed January 26, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-52F certificate to (1) broaden the commodity description from foodstuffs (except meats, meat by-products, frozen foods and commodities in bulk), to "foods and related products", (2) remove the plantsite restriction at St. Louis, and, (3) change the one-way authority to radial service between points in the St. Louis, MO, commercial zone, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, MD, MA, NJ, OH, PA, RI, NC, SC, VA, and DC.

MC 138069 (Sub-11X), filed January 21, 1981. Applicant: LUCIUS, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 7F certificate by (1) broadening the commodity description from alcoholic beverages and non-alcoholic beverage mixes to "food and related products," (2) eliminating the except in bulk restrictions, (3) removing restrictions limiting service to transportation of traffic destined to the named destinations, (4) expanding the territory in Sub-No. 7F from St. Louis, MO, Cincinnati, OH and points in IL, IN, KY, LA, MI, TX and CA to the county-wide authority of Pueblo County, CO in lieu of the city-wide authority of Pueblo, CO and (5) authorizing radial authority in lieu of one-way authority.

MC 138627 (Sub-105X), filed January 21, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 2 (1) broaden the commodity description from gypsum and gypsum products, and materials and supplies used in the manufacture, distribution, and installation thereof (except liquid commodities in bulk), to "building materials", (2) replace the plantsite origins at or near Fort Dodge, IA with Webster County, IA, (3) replace the one-way authority with radial service between Webster County, IA and points in ND, SD, NE, KS, MN, MO, MI, WI, IL, and IN, and (4) remove the originating at and destined to restriction.

MC 141033 (Sub-88X), filed January 23, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A Peterson, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to modify its Sub-No. 24 certificate by (1) broadening its commodity description from general commodities (with the usual exceptions) to general commodities (except classes A and B explosives), (2) removing the restriction which limits the movements to transportation performed on freight forwarder bills of lading, and (3) replacing its territorial description from one-way authority to radial authority (a) between Atlanta, GA, Charlotte and Greensboro, NC, Greenville, SC, Lynchburg and Norfolk, VA, and Nashville, TN and points in AZ, CA, OR, and WA, and (b) between Memphis, TN, and points in AZ, CA, OR, and WA.

MC 144879 (Sub-10X), filed January 22, 1981. Applicant: D & J TRANSFER CO., INC., Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its permits Sub-Nos. 5, 7, 9, 11, 15, 20, 21, 22, 24, 25, 26, 28, 29, 30, and 32 to (1) broaden the territorial description from one-way authority to radial authority between points in the United States under contract(s) with named shippers, (2) eliminate the restriction against commodities in bulk, in tank vehicles, hides, liquid commodities in bulk, and refined or processed animal fats and vegetable oils in bulk, and (3) broaden the commodity description from meats, meat products, meat by-products and articles distributed by meat packinghouses to "food and related products".

MC 145583 (Sub-5X), filed January 22, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Philadelphia, PA 19137. Representative: Anthony A. Cerone (same as applicant). Applicant seeks to modify its Sub-No. 3 certificate by eliminating the restrictions that limit service (a) to the transportation of traffic having a prior or subsequent movement by rail or water, and (b) against traffic moving between Richmond, VA, and Norfolk, VA, and between points in the Norfolk, VA, commercial zone, in connection with its otherwise authorized service between points in 8 eastern States.

MC 145900 (Sub-6X), filed January 21, 1981. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Applicants seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates by (1) Broadening the commodity descriptions from iron and steel articles, and materials, equipment, and supplies to "metal products"; (2) replacing its plantsite restrictions in (a) Sub-No. 3F from the facilities of Jones & Laughlin Steel Corporation, at Aliquippa, PA, to Beaver County, PA; and (b) Sub-No. 4F from the Levison Steel Company at Ambridge, to Beaver County, PA, and (3) broadening its territorial description in Sub-No. 3F from one-way authority to radial authority between Pittsburgh, PA, and Beaver County, PA, and points in OH and WV.

MC 149029 (Sub-3X), filed January 22, 1981. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 North Second Street, Clearfield, PA 16830. Applicant seeks to remove restrictions in its Sub-No. 1F certificates by (1) removing the in bulk restriction, (2) eliminating a restriction that precludes service (a) from Congo and Saint Marys, WV, to points in Virginia and Delaware, and (b) from Emlenton and Farmers Valley, PA, to points in Virginia, and (3) broadening the territorial authority to substitute specific counties for the specified plantsites and cities: Erie County, NY, for North Tonawanda and Buffalo, NY, McKean, Venango and Warren Counties, PA, for Farmers Valley, Emlenton, and North Warren, PA, and Hancock and Pleasants Counties, WV, for Congo and Saint Marys, WV.

[FR Doc. 81-4037 Filed 2-3-81; 8:45 am]
BILLING CODE 7035-01-M

[Application No. FF-452]

Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rate Application No. FF-452.

SUMMARY: Freight Forwarders Tarriff Bureau, Inc., Agent, for and on behalf of the freight forwarders for whom it is agent wants authority to publish LTL and volume commodity rates on essential oils, natural or artificial, NOI, from all points of origin to all points of destination on transcontinental movements released to a value not exceeding 50 cents per pound. The net effect will be to limit the carriers liability for any essential oils they may lose or damage to 50 cents per pound.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. H. T. Roeschke, General Manager, Freight Forwarders Tariff Bureau, Inc., 140

Cedar St., New York, NY 10006, Tel. (212) 233–6759.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4041 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 207]

Assignment of Hearings; Motor Carriers

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133689 (Sub-269F), Overland Express, Inc., now assigned for hearing on January 20, 1981 at St. Paul, MN is transferred to Modified Procedure.

MC 37545, Soo Line Railroad Company v. Burlington Northern, Inc., now assigned for Prehearing Conference on February 27, 1981 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 116506 (Sub-5F), Johnstown-Pittsburgh Express, Inc., now assigned for hearing on January 20, 1981 at Pittsburgh, PA is canceled and application is dismissed.

MC 119774 (Sub-109F), Eagle Trucking Company, now assigned for hearing on March 24, 1980 and continued to March 30, 1980 at Dallas, TX and continued to May 5, 1980 at Dallas, TX is postponed to March 31, 1980 at Houston, TX, will be held at the Lamar Hotel, Main Street at Lamar Avenue, and continued to April 6, 1980 at Dallas, TX will be held at the Executive Inn, 3232 W. Mockingbird Lane, and continued to May 5, 1980 at Dallas, TX in a hearing room to be later designated.

MC 114552 (Sub-249F), Senn Trucking Company, now assigned for hearing on February 23, 1981 at Washington, DC, is postponed to April 7, 1981 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 109736 (Sub-48F), Capitol Bus Company, now assigned for hearing on January 26, 1981 at Philadelphia, PA is postponed to February 23, 1981 at Philadelphia, PA in a hearing room to be later designated.

MC 147574F, Marine Trucking, Inc., now assigned for hearing on January 21, 1981 at Detroit, MI is canceled and application is dismissed.

MC 129908 (Sub-56F), American Farm Lines, Inc., now assigned for hearing on January 15, 1981 at Washington, DC, is canceled and application is dismissed.

MC C 10717, Salem Transportation Co., Inc. v. Yellow Limousine Service, Inc., et al., now assigned for hearing on February 4, 1981 at Philadelphia, PA in Room No. 2609, James Byrne Courthouse, 601 Market Street.

MC 37510, Menasha Corporation v. Louisville and Nashville Railroad Company, now assigned for hearing on February 24, 1981 (2 days) at Detroit, MI in Room No. 1090, Patrick V. McNamara Building, 477 Michigan Avenue.

MC 149331F, City Car Releasing Co., Inc., now assigned for hearing on February 26, 1981 at Detroit, MI in Room No. 1090, Patrick V. McNamara Building, 477 Michigan Avenue.

MC 148392 (Sub-3F), Service Transport, Inc., now assigned for hearing on February 24, 1981 at Cookeville, TN at the Red Room, Holiday Inn, Sparta Road.

MC 73165 (Sub-513F), Eagle Motor Lines, Inc., now assigned for hearing on March 9, 1981 at New Orleans, LA in Room No. 648, F. Edward Federal Building, 600 South Street.

MC 133101 (Sub-5F), Peninsula Air Delivery, now assigned for hearing on January 26, 1981 at San Francisco, CA is transferred to Mofidied Procedure.

MC 145360 (Sub-8F), Thom's Transport Company, Inc., now assigned for hearing on January 27, 1981 at Jacksonville, FL is transferred to Modified Procedure.

MC 144190 (Sub-9F), Story, Inc., now assigned for hearing on January 21, 1981 at Nashville, TN is transferred to Modified Procedure.

MC 124174 (Sub-177F), Momsen Trucking Co., now assigned for hearing on February 11, 1981 at Washington DC, is transferred to Modified Procedure.

MC 68960 (Sub-20F), Checker Express Co., now assigned for hearing on February 18, 1981 at Chicago, IL is transferred to Modified Procedure.

MC 108649 (Sub-13F), Sturm Freightways, Inc., now assigned for hearing on February 2, 1981 at Chicago, IL is transferred to Modified Procedure.

MC 147107 (Sub-2F), Robert L. Buell and Lawrence W. Derry d.b.a. Spokane-St. Maries Auto Freight, now assigned for hearing on February 24, 1981 (2 days) at Spokane, WA in Room 615, U.S. Courthouse, West 920 Riverside.

AB-18 (Sub-35F), Chesapeake and Ohio Railway Company—Abandonment—Near South Haven and Hartford in Van Buren County, MI, now assigned for hearing on March 24, 1981 (4 days) at South Haven, MI in the City Hall, 539 Phoenix Street.

MC 135524 (Sub-134F), G. F. Trucking Company, now assigned for hearing on February 9, 1981 at Birmingham, AL at the Social Security Administration, Southeastern Programs Service Center, 2001 12th Avenue North.

MC 29079 (Sub-168F), Brada Miller Freight System, Inc., now assigned for hearing on February 10, 1981 at Birmingham, AL at the Social Security Administration, Southeastern Programs Service Center, 2001 12th Avenue North.

Ex Parte No. 299 (Sub-1), Increases In Freight Rates and Charges of The Long Island Railroad Company to Offset Retirement Tax Increase—1973, No. 36874, Notice of Intent to File Divisions Complaint By Long Island Rail Road Company, now assigned for Prehearing Conference on February 19, 1981 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC-C-10716, Motor Cargo, et al. v. Best-Way Freight Lines of Arizona, now assigned for hearing on January 28, 1981 at Los Angeles, CA is postponed to February 25, 1981 (3 days) at Las Vegas, NV in a hearing room to be later designated.

MC 76266 (Sub-132F), Admiral-Merchants Motor Freight, Inc., now assigned for hearing on March 10, 1981 (9 days) at Milwaukee, WI in a hearing room to be later designated.

MC 144855 (Sub-21F), Trans Continental Carriers, now assigned for hearing on March 12, 1981 (1 day) at Los Angeles, CA in a hearing room to be later designated.

MC 141804 (Sub-417F), Western Express, Division of Interstate Rental, Inc., now assigned for hearing on March 13, 1981 (1 day) at Los Angeles, CA in a hearing room to be later designated.

MC 114211 (Sub-456F), Warren Transport, Inc., now assigned for hearing on January 29, 1981 at Chicago, IL is transferred to Modified Procedure.

MC 107403 (Sub-1267F), Matlack, Inc., now assigned for hearing on February 18, 1981 at San Francisco, CA will be held in Room 510, 211 Main Street.

MC 135524 (Sub-35, 40, 74, 93, 31, 87, and 102F), G. F. Trucking Co., now assigned for hearing on February 23, 1981 at San Francisco, CA will be held in Room 510, 211 Main Street.

AB-43 (Sub-62F), Illinois Central Gulf Railroad Company—Abandonment—Between Bemis, TN, And Coffeeville, MS now assigned for hearing on February 18, 1981 at Bolivar, TN will be held at the City Hall, Washington Street.

AB-43 (Sub-62F), Illinois Central Gulf Railroad Company—Abandonment—Between Bemis, TN, And Coffeeville, MS now assigned for hearing on February 23, 1981 at Oxford, MS will be held at the City Hall, 107 South Lamar.

MC 147524 (Sub-4F), Sined Leasing, Inc., now assigned for hearing on February 9, 1981 at Washington, DC, is canceled.

MC-F-12739, Pacific Transportation Lines, Inc.—Purchase—Jackson Distribution Corp., MC 142048 (Sub-7F), Pacific Transportation Lines, Inc., now assigned for hearing on January 14, 1981 at Buffalo, NY is canceled and application is dismissed.

MC 14768 (Sub-2F), Lanes Ozark Transfer Co., d.b.a. Ozark Transfer Company, now assigned for hearing on February 26, 1981 at Jefferson City, MO is canceled and application is dismissed.

MC 14768 (Sub-2F), Lanes Ozark Transfer Co., d.b.a. Ozark Transfer Company, now assigned for hearing on February 26, 1981

at Jefferson City, MO is canceled and application is dismissed.

MC 148020 (Sub-3F), Big "M" Transport, Inc., now assigned for hearing on January 29, 1981 at Jacksonville, FL is transferred to Modified Procedure.

MC 113651 (Sub-321F), Indiana Refrigerator Lines, Inc., now assigned for hearing on March 3, 1981 at Chicago, IL will be held in Room 905A, 536 South Clark Street.

MC 148968, Universal Deliveries, Inc., now assigned for hearing on March 4, 1981 at Chicago, IL will be held in Room 204A, Federal Building, 219 South Dearborn Street.

MC 8515 (Sub-40F), Tobler Transfer, Inc., now assigned for hearing on March 9, 1981 at Chicago, IL will be held in Room 204A, Federal Building, 219 South Dearborn Street.

MC 115113 (Sub-36F), Iowa Packers Xpress, Inc., now assigned for hearing on March 11, 1981 at Chicago, IL will be held in Room No. 280, Federal Building, 219 South Dearborn Street.

MC 120181 (Sub-17F), Main Line Hauling Co., Inc., now assigned for hearing on February 26, 1981 (2 days) at Chicago, IL will be held in Room No. 1221, Edward McKinley Dirksen Building, 219 South Dearborn Street.

MC 14138 (Sub-11F), Heavy Transport, Inc., now assigned for hearing on April 7, 1981 (4 days) at Los Angeles, CA in a hearing room to be later designated.

No. 37510, Menasha Corporation v. Louisville and Nashville Railroad Company, now assigned for hearing on February 24, 1981 at Detroit, MI is postponed to March 3, 1981 (2) days) at Detroit, MI will be held in Room 1094, Patrick V. McNamara Building, 477 Michigan Avenue.

MC 149331, Car Releasing Co., Inc., now assigned for hearing on February 26, 1981 at Detroit, MI is postponed to March 5, 1981 (2 days) at Detroit, MI will be held in Room 1094, Patrick V. McNamara Building, 477 Michigan Avenue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4045 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. Vol-402]

Motor Carrier Permanent Authority; Decision Notice

Decided: January 28, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission on or before March 6, 1981. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.*

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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.gs., unresolved common control, unresolved fitness question, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and the future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically 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 those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the

decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 142277 (Sub-5F), filed April 7, 1980, previously noticed in the **Federal Register** issue of July 10, 1980, and republished this issue. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 2058 Concourse, St. Louis, MO 63141. Representative: Douglas E. Tonkinson (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers of cosmetics, and (2) *equipment and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Morton Grove, IL.

Note.—The purpose of this republication is to correctly state the territorial description.

[FR Doc. 81-4039 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting for approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-92

The following applications were filed in Region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 153742 (Sub-II-1TA), filed January 23, 1981. Applicant: ATLANTIC INTERMOUNTAIN EXPRESS, INC., 3000 E. Hedley St., Phila., PA 19137. Representative: Ira G. Megdal, P.O. Box 5459, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. *Foodstuffs, bakery goods and animal feed,* between the facilities of Campbell Soup Co. at Camden, NJ, on the one hand, and, on the other, points in the states of NY, PA, DE, MD, VA, DC, CT, MA, RI, VT, ME, NH, for 270 days. Supporting shipper: Campbell Soup Co., Front and Merket Sts., Camden, NJ.

MC 151220 (Sub-II-5TA), filed January 23, 1981. Applicant: DULANEY INVESTMENTS, INC., Suite 111, 305 W. Chesapeake Ave., Towson, MD 21204. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except classes A and B explosives, household goods, commodities in bulk and commodities requiring the use of special equipment),* between New York, NY, and Los Angeles, CA, including their respective commercial zones, on the one hand, and, on the other, all points in the United States, for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic moving on Freight Forwarder Bills of Lading. Supporting shipper(s): Interstate Express, Inc., 120 Appollo St., Brooklyn, NY 11222.

MC 144910 (Sub-II-5TA), filed January 23, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Such merchandise as is dealt in and distributed by paint manufacturers and materials and supplies used in the manufacture of the aforementioned commodities (except in bulk),* between Baltimore, MD, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bruning Paint Co., 601 S. Haven St., Baltimore, MD 21224.

MC 107012 (Sub-II-130TA), filed January 23, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Home audio and video equipment, and parts and accessories,* from Greeneville and Jefferson City, TN to points in AL, AZ, AR, FL, GA, KS, KY, LA, MS, NC, NM, OK, SC, TX and VA for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Magnavox Consumer Electronics, P.O. Box 479, Greeneville, TN 37743.

Note.—Common control may be involved.

MC 110525 (Sub-II-20TA), filed January 22, 1981. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Lionville, PA 19353. Representative: Thomas J. O'Brien (same address as applicant). *Cement* between pts. in MD, VA, WV, PA and DC for 270 days. An underlying ETA seeks 30 days authority. Supporting shippers: Union Quarries, Inc., Carlisle, PA 17013; Craig's Custom Concrete, Waynesboro, PA 17268; Dymonds Septic Tanks, Fayetteville, PA 17222; Valley Transit Mix, Chambersburg, PA 17201.

MC 14123 (Sub-II-3TA), filed January 21, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Corn syrup in tank trucks* from facilities of Anheuser-Busch, Inc. at or near Brooklyn, NY to pts. in ME, VT, NH, NY, MA, RI, CT, and NJ, for 270 days. Supporting shipper: Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, MO 63118.

MC 116280 (Sub-II-2TA), filed January 22, 1981. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. *General commodities* (except Class A and B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk and commodities injurious or contaminating to other lading) between the facilities of Terminal Warehouse Company at or near Bellmawr, NJ on the one hand and, on the other, points in PA, for 270 days. Supporting shipper:

Terminal Warehouse Company, Bellmawr, NJ 08030.

MC 136343 (Sub-II-17TA), filed January 22, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *(1) Toilet preparations and cleaning products and (2) materials, equipment, and supplies* used in the manufacture and distribution of toilet preparations and cleaning products between the manufacturing and distributing facilities of Minnetonka, Inc. at West Palm Beach, FL; Atlanta, GA; Chicago, Danville and Momence, IL; Linden, Secaucus and Totowa, NJ; Sloatsburg, NY; Port Clinton, OH; and Harrisonburg, VA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.

MC 107012 (Sub-II-129TA), filed January 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Building materials,* between points in AZ, CA, CO, IN, IA, IL, KS, MN, MO, NE, NM, OK, OR, and TX, on the one hand, and, on the other, points in the United States, restricted to traffic originating at or destined to the facilities of Payless Cashways, Inc., a.k.a. Furrow Building Materials for 270 days. Supporting shipper: Payless Cashways, Inc., a.k.a. Furrow Building Materials, 3100 Broadway, Kansas City, MO 64111.

Note.—Common control may be involved.

MC 113828 (Sub-II-13TA), filed January 20, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., Washington, DC 20006. *Chemicals, in bulk,* from points in FL to points in SC, NC, VA, and GA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southern Materials Corp., P.O. Box 218, Ocala, FL 32670.

The following protests were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 28060 (Sub-4-1TA), filed January 22, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Meats, meat products and meat by-products, and materials, equipment and supplies used in the manufacture, sale or distribution of these commodities* between the facilities of Banner Beef Company at or near Hospers, IA and points in SD, OH, ND, MN, WI, IL, MO, KS, NE, MS, GA and IA. Supporting shipper: Banner Beef Company, P.O. Box 66, Hospers, IA 51238.

MC 70557 (Sub-4-11TA), filed January 22, 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. *Televisions, radios, stereos and equipment, material and supplies used in the manufacture and distribution of televisions, radios and stereos* between McAllen, TX; Springfield, MO; Chicago and Paris, IL; Evansville, IN; and Watsontown, PA; on the one hand, and, on the other, all points in the U.S. Supporting shipper: Zenith Radio Corporation, 1000 No. Milwaukee Ave., Glenview, IL 60025.

MC 116982 (Sub-4-1TA), filed January 23, 1981. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract,* Irregular; *Material handling equipment, and materials, equipment and supplies used in the manufacture and distribution of material handling equipment* between Columbus, WI on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract(s) with Meridian Corporation of Columbus, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Meridian Corporation of Columubus, WI, 110 Commerical Drive, Columbus, WI 53925.

MC 117940 (Sub-4-3TA), filed January 26, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *General commodities* (except those of unusual value, foodstuffs, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) from the facilities used by The Charter Oak Shippers Cooperative Association, Inc. at West Haven, CT to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY. Supporting shipper: The Charter Oak Cooperative Association, Inc., One Parkland Drive, Darien, CT 06820.

MC 117940 (Sub-4-4), filed January 26, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *General commodities* (except those of unusual value, foodstuffs, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) from the facilities used by The Charter Oak Shippers Cooperative Association, Inc. at West Haven, CT to points in AL, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA and WV. Supporting shipper: The Charter Oak Cooperative Association, Inc., One Parkland Drive, Darien CT 06820.

MC 119619 (Sub-4-8TA), filed January 22, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Building, 95-25 Queens Blvd., Rego Park, NY 11374. *Foodstuffs (except in bulk)* from points in Dodge County, WI, to points in CT, DE, ME, MA, MD, NH, NJ, NY, OH, PA, RI, VT, WA, WV and DC. An underlying ETA seeks 120 days authority. Supporting shipper: Red Rooster Cheese Co., 331 Main St., Mayville, WI 53050.

MC 133689 (Sub-4-61TA), filed January 23, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55114. *Prefabricated fireplaces, gas and oil heaters and materials, supplies and equipment used in the manufacture of said products,* between Wood and Portage Counties, WI and Riverside County, CA, on the one hand, and, on the other hand, points in the U.S. Supporting shipper: Preway, Inc., Wisconsin Rapids, WI 54494.

MC 133689 (Sub-4-62), filed January 23, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such commodities as are manufactured, processed, sold, used, distributed, and dealt in by Fort Howard Paper Company* (except commodities in bulk) between Green Bay, WI and Muskogee, OK on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, TX and WI. Restricted to shipments originating at or destined to the facilities of Fort Howard Paper Company. An underlying ETA seeks 120 days. Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway, Green Bay, WI 54305.

MC 135410 (Sub-4-19TA), filed January 23, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON

TRUCKING, P.O. Box 266, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Such commodities as are dealt in or used by the makers of automotive care products (except in bulk),* between the facilities of Turtle Wax, Inc. at or near Chicago, Il, on the one hand, and, on the other, points in the U.S. Supporting shipper: Turtle Wax, Inc., 5655 West 73rd Street, Chicago, IL 60638.

MC 135410 (Sub-4–20TA), filed January 26, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Such commodities as are dealt in or used by the manufacturers of heating and air conditioning equipment (except commodities in bulk)* between Elyria and Medina, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE and WI. (Supporting shippers: Luxaire, Inc., Filbert St., Elyria, OH 44036 and S.J.C. Corporation, 206 Woodford Avenue, Elyria, OH 44036.)

MC 139482 (Sub-4–27TA), filed January 23, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Frozen bakery products,* from Buffalo, NY and New Haven, CT to points in the states of IL, IN, IA, KS, MI, MN, MO, OH and WI. Restricted to the transportation originating at the facilities of Lender's Bagel Bakery, Inc. Supporting shipper: Lender's Bagel Bakery, Inc., Post Road, West Haven, CT 06516.

MC 140549 (Sub-4–3), filed January 22, 1981. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Potatoes and potato products, frozen,* from Clark, SD, to all points in the U.S. in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Chef Reddy Foods, Corp–Midwest, Clark SD.

MC 142310 (Sub-4–8TA), filed January 22, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by wholesale, retail, or chain grocery and food business houses* from the facilities of Lever Bros. (a) at Hammond, IN to points in MI, MN and WI and (b) St. Louis, MO to points in IA and MN. An underlying ETA seeks 120 days authority. Supporting shipper: Lever Bros. Company, 390 Park Ave., New York, NY 10022.

MC 144030 (Sub-4–5), filed January 22, 1981. Applicant: DRUE CHRISMAN, INC., U.S. 50 West, P.O. Box 264, Lawrenceburg, IN 47025. Representative: Paul J. Snodgrass, U.S. 50 West, P.O. Box 264, Lawrenceburg, IN 47025 *General Commodities* (Except Classes A and B explosives and household goods as defined by the Commission), between Cincinnati, OH Commercial Zone and Chicago, IL Commercial Zone; Restricted to traffic having immediately prior or subsequent movement by rail. Supporting shipper: Lomax Consolidators, 860 Skokie Hwy, Lake Bluff, IL. An underlying ETA seeks 120 days authority.

MC 144115 (Sub-4–2TA), filed January 26, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. *Non-Exempt Foods or Kindred Products* Between points in the U.S. restricted to traffic originating at or destined to the facilities of Fearn International, Inc. Supporting shipper: Fearn International, Inc., 9353 Belmont, Franklin Park, IL 60131.

MC 147343 (Sub-4–8TA), filed January 23, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260, Telephone: 317–846–5896. Representative: Charles E. Mayer (same as applicant). Contract: Irregular: *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 all points in the U.S. (except AK and HI), under a continuing contract with Rochester-Midland Corp., Rochester, NY. An underlying ETA authority has been filed. Supporting shipper: Rochester-Midland Corp., 333 Hollenbeck St., Rochester, NY 14621.

MC 151080 (Sub-4–4TA), filed January 22, 1981. Applicant: THE SENATE CARTAGE COMPANY, INC., 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *(a) Such commodities as are used or useful in the petrochemical and petroleum refining industries, other than in bulk; and (b) Materials, equipment and supplies used or useful in the manufacture, sale and distribution of commodities described in (a) above;* between points in the continental U.S. An underlying ETA seeks 120 days authority. Supporting shipper: UOP Process Division UOP, Inc., 20 UOP Plaza-Algonquin & Mt. Prospect Rds., Des Plaines, IL 60016.

MC 152995 (Sub-4–2TA), filed January 23, 1981. Applicant: JAMES THOMAS TRUCKING, INC., 17708 Stonebridge Drive, Hazel Crest, IL 60429. Representative: James Thomas (same address as applicant). *Contract:* Irregular: *General commodities, (except Household Goods as described by the Commission, Classes A and B explosives and commodities in bulk),* between the facilities of the Nashua Corporation in the Chicago, IL commercial zone, Albany County, NY; Hillsborough County, NH; Douglas County, NE; Fulton County, GA; Dallas County, TX; King County, WA; Los Angeles, County, CA; Denver County, CO; on the one hand, and, on the other hand AL, AZ, AR, CA, CO, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, VT, VA, WA, WI, WV, WY. Restricted to traffic moving under continuing contract(s) with Nashua Corporation, Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Nashua Corporation, 7800 South Woodlawn Ave., Chicago, IL 60619.

MC 153638 (Sub-4–1TA), filed January 14, 1981. Applicant: THE DERBY DELIVERY SERVICE, INC., 518 E. Marion St., Mishawaka, IN 46544. Representative: Alex Moore, 518 E. Marion St., Mishawaka, IN 46544. *Contract* Irregular: *General commodities* between all points in IN. Under contract(s) with Amway Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Amway Corporation, 7575 E. Fulton Rd., ADA, MI 49355. Restricted to the facilities of the supporting shipper.

MC 153718 (Sub-4–1), filed January 23, 1981. Applicant: M.T. LEASING, INC., d.b.a. M.T.L., 6808 Wainwright Dr., Woodridge, IL 60515. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603. *Contract* Irregular: *Steel partitions, plastic laminated partitions, steel partition hardware, and concrete receptors,* between points in the U.S. under a continuing contract(s) with Global Steel Corp. Supporting shipper: Global Steel Corp., 95 Marcus Blvd., Deer Park, NY 11729.

MC 153719 (Sub-4–1TA), filed January 22, 1981. Applicant: COMMERCIAL CARTAGE CORPORATION, 23845 Ecorse Rd., P.O. Box 157, Taylor, MI 48180. Representative: Paul E. Dufault, 1222 Catalpa Dr., Royal Oak, MI 48068. *General commodities (restricted against commodities in bulk in tank vehicles)* between those piggyback rail ramps and

those water ports located within the Detroit Commercial Zone and an area bound by a line from the MI–0H state line north via U.S. 131 to the intersection of U.S. 10, thence east to the eastern boundary of the state line including all the thumb area, Lucus and Wood Counties, OH. Restricted to traffic having prior or subsequent movement by water or rail. Supporting shipper: 3 supporting shippers.

MC 153732 (Sub-4–1TA), filed January 26, 1981. Applicant: A-WAY COACHES, INC., 120 E. Calhoun St., Macomb, IL 61455. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Passengers and their baggage, in charter and special operations,* beginning and/or ending at points in Henderson, Warren, Fulton, Brown, McDonough, Hancock, Schuyler, Knox and Mercer Counties, IL; Lee, Des Moines and Henry Counties, IA; and extending to points in the U.S. Supporting shippers: There are 14 statements of support attached.

MC 153734 (Sub-4–1TA), filed January 26, 1981. Applicant: MIKE LAURICH TRUCKING, INC., Box 182, Adventure Avenue, Mass, MI 49948. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* Irregular; *Rough and finished lumber and lumber products, and materials, equipment and supplies* used or useful in the manufacture and distribution of such commodities between points in IA, IL, MI, MN, and WI. Restriction: restricted to transportation to be performed under a continuing contract(s) with Connor Forest Industries, Inc., Penegor Saw Mill, Inc., Nagel Lumber Co., Inc., and Reuben Niemisto, d.b.a. Reuben Niemisto Saw Mill. An underlying ETA seeks 120 days authority. Supporting shippers: Connor Forest Industries, Wakefield, MI 49968; Penegor Saw Mill, Inc., Box 37, Greenland, MI 49929; Nagel Lumber Company, Inc., Land O'Lakes, WI 54540; and Reuben Niemisto Saw Mill, Box 220, Route #1, Pelkie, MI 49958.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–4038 Filed 2–3–81; 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 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 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 23, 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. OP4–212

Decided: January 28, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 152956F, filed November 28, 1980, previously noticed in the **Federal Register** issue of December 23, 1980, and republished this issue. Applicant: COORDINATED DISTRIBUTION SYSTEMS, INC., Box 330, Mt. Holly, NJ 08060. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting (1) *rubber and plastic products, and metal hose couplings,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Goodall Rubber Company, of Trenton, NJ.

Note.—The purpose of this republication is to correctly state the commodity description in (1) above.

Volume No. OP4–216

Decided: January 28, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 147987 (Sub-2F), filed November 18, 1980, previously noticed in the **Federal Register** issue of December 16, 1980, and republished this issue. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy Way, New Westminster, B.C. Canada V3L 5G5. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. Transporting (1) *wire and wire products,* (2) *iron, steel and lumber,* and (3) *waste paper for recylcing,* between points in the U.S., under continuing contract(s) with Tree Island Steel, of Richmond, B.C., Canada, Tudor Sales Ltd., of Vancouver, B.C., Canada, and Community Paper Recycling Ltd., of Burnaby, B.C., Canada.

Note.—The purpose of this republication is to correctly state the supporting shipper as "Tree Island Steel", in lieu of "True Island Steel".

MC 152776F, filed November 16, 1980, previously published in the **Federal Register** issue of December 16, 1980, and republished this issue. Applicant: FRANK R. BEATTY, INC. t/d.b.a. FBI TRUCKING, R.D. #5 Box 507, Washington, PA 15301. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *lumber or wood products* (except furniture); *clay, concrete, glass or stone products; primary metal products, including galvanized* (except coating or other allied processing); *fabricated metal products* (except ordnance,

machinery, or transportation equipment); *transportation equipment;* and *waste or scrap materials* not identified by industry producing, as described in Items 24, 32, 33, 34, 37, and 40, respectively, of the Standard Transportation Commodity Code Tariff, and *machinery and supplies,* between points in AR, IL, IN, KS, KY, MD, MI, MO, OH, OK, PA, TN, TX, VA, and WV.

Note.—The purpose of this republication is to add machinery and supplies to the commodity description.

Volume No. OP4-217

Decided: January 28, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 136897 (Sub-31F), filed December 9, 1980, previously published in the **Federal Register** issue of December 24, 1980, and republished this issue. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Rd., P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting (1) *iron and steel articles,* (2) *scrap batteries and scrap metals,* (3) *steel springs and custom metal parts,* and (4) *materials* used in the manufacture of the commodities named in (3) above, between points in the U.S., under continuing contract(s) with Church and Clark, Dallas Scrap Baling, and Associated Spring Barnes Group, Inc., all of Dallas, TX.

Note.—The purpose of this republication is to correct the MC No. in this proceeding.

MC 151526F, filed November 12, 1980, previously published in the **Federal Register** issue of December 10, 1980 as MC 151526 Sub-1F, and republished this issue. Applicant: TRIAD TRANSPORTATION SERVICES, INC., P.O. Box 20714, Greensboro, NC 27420. Representative: Jerald A. Honeycutt (same address as applicant). Transporting *new furniture,* from points in Guilford, Davidson, and Randolph Counties, NC, to points in VA, MI, OH, PA, NJ, NY, FL, SC, GA, TN, IN, CT, IL, MA, MD, RI, WV, TX, KY, LA, NH, MS, AR, MO, and WI.

Note.—The purpose of this republication is to remove the restriction and correct the docket number, which were published in error.

Volume No. OP4-221

Decided: January 27, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones. (Member Joyce not participating.)

MC 104896 (Sub-63F), filed November 3, 1980, and previously noticed in the **Federal Register** issue of December 10, 1980. Applicant: WOMELDORF, INC., Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in and used by chain and variety stores, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of G.C. Murphy Company.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Volume No. OP4-222

Decided: January 27, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Chandler not participating.)

MC 134806 (Sub-68F), filed October 26, 1980, previously noticed in the **Federal Register** of December 2, 1980, and republished this issue. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting (1) *ski boots,* between points in the U.S., under continuing contract(s) with Beconta Manufacturing Corporation, of Elmsford, NY, and (2) *plastic articles,* in cartons, between points in the U.S., under continuing contract(s) with Century Products, Inc., of Malden, MA.

Note.—The purpose of this republication is to include part (2).

Volume No. OP4-223

Decided: January 27, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 145836 (Sub-3F), filed November 26, 1980, previously noticed in the **Federal Register** of December 23, 1980, and republished this issue. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Rd., Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission, between points in CA, and those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of shipping associations as defined in 49 U.S.C. § 10562(3) and their members.

Note.—The purpose of this republication is to properly describe the restriction.

Volume No. OP4-225

Decided: January 28, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 3677 (Sub-51), filed January 15, 1981. Applicant: WMA INTERSTATE MOTOR LINES, INC., 900 Michigan Ave., NE., Washington, DC 20017. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Over regular routes, transporting *passengers and their baggage,* in charter operations, Between Washington, DC, and Atlantic City, NJ: From Washington over Interstate Hwy 95 (also over the Baltimore-Washington Pky) to Baltimore, MD, then over Interstate Hwy 95 to the New Jersey Turnpike, then over the New Jersey Turnpike to the Atlantic City Expressway, then over the Atlantic City Expressway to Atlantic City, and return over the same route.

MC 27817 (Sub-176), filed January 13, 1981. Applicant: H. C. GABLER, INC., R. D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *metal products,* between points in Philadelphia, County, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written requests, of MC-27817 subs 41, 56, 74, and 128.

MC 27817 (Sub-177), filed January 16, 1981. Applicant: H. C. GABLER, INC., R. D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives) between points in Berkeley Couty, WV, Franklin, Cumberland, Adams and York Counties, PA, and Gibson County, TN, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and DC.

MC 42487 (Sub-1017), filed January 13, 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), serving points in Franklin County, MO as off-route points in connection with carrier's otherwise authorized regular route operations.

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-1018), filed January 15, 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. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between New Orleans, and New Iberia, LA, over U.S. Hwy 90, and (2) between Baton Rouge, LA and junction LA Hwy 1 and U.S. Hwy 90, near Raceland, LA, over LA Hwy 1, serving the off-route points of Taft, Geisma, And St. Gabriel.

Note.—Applicant states that it intends to tack the authority herein. Applicant also intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-1019), filed January 19, 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), serving points in Northumberland and Schuykill Counties, PA, as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states it intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-1020), filed January 19, 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), serving points in Brooks and Grady Counties, GA, and Gadsden County, FL, as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states it intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-1021), filed January 19, 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), serving points in Warren County, OH as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states that it intends to tack with its existing authority and any authority it may acquire in the future.

MC 42537 (Sub-67), filed January 15, 1981. Applicant: CASSENS TRANSPORT COMPANY, a corporation, P.O. Box 468, Edwardsville, IL 62202. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *transportation equipment*, between points in Jackson County, MO, on the one hand, and, on the other, points in KS, IA and NE.

MC 44447 (Sub-35), filed January 19, 1981. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Ave., Columbus, OH 43212. Representative: James R. Stiverson, 1306 West Fifth Ave., Columbus, OH 43212. Transporting *rubber and plastic products*, between points in Lawrence and Butler Counties, OH, on the one hand, and, on the other, points in KY, IN, MI, PA, and WV.

MC 107107 (Sub-492F), filed January 9, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W., 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Fulton County, GA, on the one hand, and, on the other, points in AL, KY, MS, NC, OH, SC, and TN.

MC 108207 (Sub-563), filed January 13, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting *food and related products*, between points in Lamar County, TX, on the one hand, and, on the other, points in IL, IA, KS, KY, CO, MO, NE, NM, and OK.

MC 119657 (Sub-19F), filed January 9, 1981. Applicant: EMPIRE TRANSPORT, INC., 2007 Overland Rd., Boise, ID 83705. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting (1)(a) *ores and minerals*, between points in ID, MT, NV, OR, UT, and WA, and (b) *sand* between points in CA, CO, ID, MT, NV, OR, UT, WA, and WY, and (2) *clay, concrete, glass or stone products*, between points in ID, MT, NV, OR, UT, WA, and WY.

MC 119837 (Sub-19), filed January 14, 1981. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois, Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marathon Electric Manufacturing Corp., of West Plains, MO.

MC 120737 (Sub-77), filed January 16, 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 *such commodities* as are dealt in or used by the manufacturers and distributors of agricultural and industrial equipment, between the facilities used by J.I. Case Company, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 123387 (Sub-29), filed January 16, 1981. Applicant: E. E. HENRY, INC., 1128 S. Military Hwy, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *general commodities* (except classes A and B explosives), between New York, NY, on the one hand, and, on the other, points in the U.S.

MC 139177 (Sub-5), filed January 12, 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 (1) *pulp, paper and related products*, (2) *forest products*, and (3) *lumber and wood products*, between points in ND, SD, NE, KS, OK, MN, IA, MO, WI, IL, IN, MI, and OH.

MC 140267 (Sub-11T), filed January 15, 1981. Applicant: R.A. TRANSPORTATION, INC., Six Connerty Court, East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall St., Suite 2510, New York, NY 10005. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with E. I. du Pont de Nemours & Co., Inc., of Wilmington, DE.

MC 143607 (Sub-16F) (m-1)F (notice of filing of petition to add additional contracting shipper), filed November 6, 1980. Petitioner: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive., Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Petitioner holds motor *contract carrier* permits in MC-143607 (Sub-No. 16F), issued August 26, 1980. MC-143607 (Sub-No. 16F) authorizes transportation over irregular routes, transporting (1) *foodstuffs, and meats, meat products and 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*, 611 M.C.C. 209 and 766 (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or

destined to the facilities of or used by Swift & Company, all under continuing contract(s) with Swift & Company, of Chicago, IL. By the instant petition, the petitioner seeks to modify the above permit by adding Bunge Edible Oil Corporation, of Bradley, IL, as an additional contracting shipper.

MC 144927 (Sub-34), filed January 15, 1981. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, Remington, IN 47977. Representative: Gerald R. Morlan (same address as applicant). Transporting *general commodities* (except A and B explosives), between the facilities used by the Pillsbury Company, on the one hand, and, on the other, points in the U.S.

MC 145357 (Sub-2), filed January 19, 1981. Applicant: WESTMAR TRUCK LINES, INC., 801 So. Holgate St., Seattle, WA 98124. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *food and related products*, between points in CA, OR, WA, ID, and MT.

MC 146677 (Sub-3), filed January 16, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ralston Purina Company, of Cincinnati, OH.

MC 149497 (Sub-1F), filed January 9, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Sunroc Corporation, of Glen Riddle, PA.

MC 149497 (Sub-3), filed January 16, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S., under continuing contract(s) with J. I. Case Company, of Racine, WI.

MC 151057 (Sub-2), filed January 13, 1981. Applicant: FASHIONABLE FURNITURE MFG. CO., a corporation, 3170 Airway Ave., Costa Mesa, CA 92626. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting *machinery*, between points in CA, OR, WA, ID, NV, MT, WY, UT, AZ, CO, NM, SD, NE, KS, OK, TX, and IN.

MC 151737 (Sub-1), filed January 13, 1981. Applicant: BURTON TRUCK AND TRANSFER, INC., 14854 E. Valley Blvd., City of Industry, CA 91746. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Transporting *general commodities* (except classes A and B explosives) between points in CA, OR, and WA, on the one hand, and, on the other, points in CA, OR, WA, ID, UT, AZ, NV, NM, CO, TX, WY, and MT.

MC 152437 (Sub-1), filed January 16, 1981. Applicant: J & S TRANSFER, INC., 8121 Lydia, Kansas City, MO 64131. Representative: Arthur J. Cerra, 2100 Charter Bank Center, 920 Main St., P.O. Box 19251, Kansas City, MO 64141. Transporting (1) *textile mill products* and (2) *leather* and *leather products*, between points in the U.S., under continuing contract(s) with Mode O'Day Company, of Kansas City, MO.

MC 153607 (Sub-1), filed January 16, 1981. Applicant: JAMES CARL HENDERSHOT and KENNETH FRANKLIN SHAFFER, JR., a partnership, d.b.a. H & S TRUCKING, R.D. #153, Blairstown, NJ 07825. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Korte Co., Inc., of Easton, PA.

MC 153637, filed January 12, 1981. Applicant: LFS COACH, INC., 2200 Ridge Rd., Baltimore, MD 21207. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *passengers and their baggage*, in round-trip charter and special operations, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 153677 (Sub-1), filed January 16, 1981. Applicant: BILLY HARRIS TRUCKING CO., Route 4, Box 139A, Henderson, NC 27536. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Americal Corp. and Marmode Hosiery Mill, Inc., of Henderson, NC.

Volume No. OP4-226

Decided: January 28, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 105006 (Sub-12F), filed January 6, 1981. Applicant: L. L. SMITH TRUCKING, a corporation, P.O. Box 566, Powell, WY 82435. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *mercer commodities*, (1) between points in MT, ND, NE, and SD, on the one hand, and, on the other, points in ID, NM, NV, and UT, (2) between points in CO, ID, MT, NE, ND, NM, NV, SD, UT, and WY, on the one hand, and, on the other, points in AR, AZ, CA, KS, LA, MO, OK, OR, TX, and WA, and (3) between points in AR, AZ, CA, KS, LA, MO, OK, OR, TX, and WA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of certificate MC 105006 (Sub-9).

Volume No. OP4-023

Decided: January 28, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 200 (Sub-531), filed January 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant) Transporting *metal products* between points in Henderson County, KY, on the one hand, and, on the other, points in CA, CO, CT, DE, DC, IA, IL, IN, KS, KY, MA, MD, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, and WV.

MC 200 (Sub-545), filed January 15, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant) Transporting *general commodities* (except classes A and B explosives), serving Houston, TX, as an off-route point in connection with applicant's otherwise-authorized regular-route operations.

MC 200 (Sub-547), filed January 19, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant) Transporting (1) *pulp, paper and related products*, and (2) *chemicals and related products*, between points in Harris County, TX, on the one hand, and, on the other, points in Buchanan County, MO.

MC 6461 (Sub-25), filed January 15, 1981. Applicant: B-LINE TRANSPORT CO., INC., P.O. Box 13368, Spokane, WA 99213. Representative: Lawrence V. Smart, Jr., 419 N.W., 23rd Ave., Portland, OR 97210. Transporting *construction materials and contractors' equipment and supplies*, between points in ID, MT, OR, and WA.

MC 8771 (Sub-75), filed January 13, 1981. Applicant: S M TRANSPORT INC., Hemlock Bldg., 5000 Lenker St., Mechanicsburg, PA 17055.

Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *metal products*, between points in Summit County, OH, on the one hand, and, on the other, points in MI.

MC 29910 (Sub-313F), filed December 15, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting (1) *rough steel castings*, (2) *railway cars and locomotives and parts for railway cars and locomotives*, and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, between Quemahoning, PA, on the one hand, and, on the other, points in the U.S.

MC 47171 (Sub-199), filed January 13, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Owens Illinois Corporation at points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, 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 93051 (Sub-1), filed January 12, 1981. Applicant: ROXBURY TRUCKING CO., INC., 4130 Bergen Turnpike, North Bergen, NJ 07047. Representative: Herbert S. Zischkau III, 7 Corporate Park Drive, White Plains, NY 10604. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Columbian Chemicals Company, Inc., of Tulsa, OK.

MC 94851 (Sub-1), filed January 15, 1981. Applicant: HOWARD C. CLARK, INC., 8201 Stayton Dr., Jessup, MD 20894. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, of Fairfield, CT. Condition: Issuance of a permit in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permit MC 94851.

MC 108631 (Sub-20), filed January 14, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Rd. at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *machinery* between points in Lehigh and Lancaster Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 111611 (Sub-51F), filed January 12, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *rubber and plastic products*, between the facilities used by Imco Container Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113651 (Sub-348), filed January 14, 1981. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Rd., Suite 4, Omaha, NE 68154. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Transporting (1) *meats and packing-house products*, and (2) *feed and feed ingredients*, between points in IN, KY, MI, OH, TN, and WI.

MC 119631 (Sub-40), filed January 15, 1981. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting *machinery*, between Baltimore, MD and points in Anne Arundel and Howard Counties, MD, on the one hand, and, on the other, points in OH.

MC 120910 (Sub-53F), filed January 12, 1981. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *food and related products*, between points in AL, on the one hand, and, on the other, points in the U.S.

MC 120950 (Sub-3), filed January 12, 1981. Applicant: AMERICAN MOVING & STORAGE CO., INC., 1200 Terminal Rd., Leesville, LA 71446. Representative: David Williams (same address as applicant). Transporting *household goods* between points in LA, MS, AL, GA, AR, TX, and OK.

MC 123540 (Sub-4), filed January 13, 1981. Applicant: WERLIN CORPORATION, 3415 Southside Avenue, Cincinnati, OH 45204. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Stauffer Chemical Company, of Westport, CT, Sherwin Williams Co., of Mason, OH, Vulcan Materials Company, of Wichita, KS, and Kaiser Agricultural Chemicals, of Savannah, GA.

MC 127820 (Sub-18F), filed January 15, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Clow Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133591 (Sub-114F), filed January 14, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *food and related products*, between points in IL, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, KY, TN, MS, and LA (including AK, but excluding HI).

MC 138000 (Sub-81), filed January 14, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 138000 (Sub-82), filed January 14, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *pulp, paper and related products, printed matter, ores and minerals, rubber and plastic products, chemicals and related products, and building materials*, between the facilities used by Union Camp Corporation at points in the U.S. in and east of WI, IL, MO, AR, and LA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 139960 (Sub-6), filed January 19, 1981. Applicant: WPX FREIGHT SYSTEM, INC., 526 Mission St., San Francisco, CA 94105. Representative: Stephen T. Rudman (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in WA, OR, CA, AZ, NM, TX, CO, WY, MT, UT, NV, and ID.

MC 143501 (Sub-8), filed January 13, 1981. Applicant: R.G.C. CARGO CARRIERS, INC., 16651 S. Vincinnes Rd., South Holland, IL 60473. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container closures, paper, and paper products, between points in the U.S., under continuing contract(s) with American Can Company, of Oak Brook, IL.

MC 144630 (Sub-53), filed January 15, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in IN and OH, on the one hand, and, on the other, points in the U.S.

MC 144910 (Sub-19), filed January 14, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between the facilities used by The Pillsbury Company, at points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 146800 (Sub-3), filed January 14, 1981. Applicant: VERMILLION BROTHERS, INC., Main Street Rd., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *metal products*, between points in Lee County, IA, on the one hand, and, on the other hand, points in CA and NV.

MC 147321 (Sub-6F), filed December 29, 1980. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of toilet preparations, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 147911 (Sub-5F), filed January 8, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *limestone, limestone products and building materials*, between points in Cumberland and Davidson Counties, TN, 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 148401 (Sub-3), filed January 13, 1981. Applicant: HENRY F. JOHNSON, d.b.a. GREENLEAF TRANSPORTATION, 1150 Sunnyhills Ave., Brea, CA 92621. Representative: Henry F. Johnson (same address as applicant). Transporting *food and related products*, between points in AZ, on the one hand, and, on the other, points in CA.

MC 150751 (Sub-2), filed January 19, 1981. Applicant: HAROLD A. YOUNG, d.b.a. YOUNG'S EXPRESS, 21 Glenwood Ave., Southbridge, MA 01550. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI.

MC 151471 (Sub-4), filed January 21, 1981. Applicant: STEINBECKER BROS., Box 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 151630 (Sub-1F), filed December 22, 1980. Applicant: PAUL D. WARE, d.b.a. WARE TRANSPORTATION, 17190 Valley Blvd., Fontana, CA 92335. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting *iron and steel articles*, between points in CA, on the one hand, and, on the other, points in AZ, NV, UT, and CO.

MC 152230 (Sub-2), filed January 13, 1981. Applicant: THEODORE F. MILLER, d.b.a. T and L MILLER, 36 West Eighth St., Bloomsburg, PA 17815. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *food and related articles*, between points in Montgomery and Northumberland Counties, PA, on the one hand, and, on the other, points in FL, GA, NC, and SC.

MC 152270 (Sub-1), filed January 9, 1981. Applicant: CARSON CARRIERS OF DALLAS, INC., 3422 Gilbert Road, Grand Prarie, TX 75050. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *construction equipment, forklifts, and machine tools*, between points in Dallas County, TX, on the one hand, and, on the other, points in MI, KY, and those in and south of CA, AZ, NM, OK, AR, TN, and NC.

MC 152421 (Sub-1), filed January 13, 1981. Applicant: C. GULLEY TRUCK SERVICE, INC., 180 Arthur Drive, Shreveport, LA 71105. Representative: Edward A. Winter, 235 Rosewood Dr., Metairie, LA 70005. Transporting *general commodities* (except classes A and B explosives), between points in LA, those points in TX on and east of a line beginning at the OK-TX State Line, then along U.S. Hwy 75 to junction Interstate Hwy 45, then along Interstate Hwy 45 to the Gulf of Mexico, and those points in AR on and south of a line beginning at the AR-OK State Line, then along U.S. Hwy 270 to junction U.S. Hwy 65, then along U.S. Hwy 65 to the AR-LA State line.

MC 152610 (Sub-1F), filed December 31, 1980. Applicant: RAVEN DISTRIBUTORS, INC., 6705 E. Marginal Way S., Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting (1) *foodstuffs and food products*, and (2) *materials, equipment and supplies* used in the distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Miller-Cascade, Inc. of Seattle, WA.

MC 152641F, filed November 7, 1980. Applicant: T LINE EXPRESS, INC., 4425 Rising Sun Avenue, Philadelphia, PA 19140. Representative: Ronald N. Cobert, 1730 M St NW., Washington, DC 20036. Transporting *tires and rubber products*, between points in the U.S., under continuing contract(s) with Lee Tire and Rubber Company of Conshohocken, PA.

MC 153561F, filed January 9, 1981. Applicant: SPINNAKER, INC., Route One, Bethel, PA 19507. Representative: Patrick M. Murray (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, (a) between points in PA and Rock Island County, IL, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA, RI, VA, WV, WI, and DC, and (b) between St. Louis, MO, and points in CT, IL, NY, NJ, OH, and WI, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA, RI, VA, WV, WI, and DC.

MC 153600, filed January 13, 1981. Applicant: EMPIRE TRUCK LINES, INC., P.O. Box 15235, Houston, TX 77020. Representative: David R. Acker (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Brazoria, Jefferson, Harris and Orange Counties, TX.

MC 153620, filed January 14, 1981. Applicant: CUSTOM TRUCK SERVICE, INC., 5600 Ferguson Dr., P.O. Box 22115, Los Angeles, CA 90022. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 153680, filed January 16, 1981. Applicant: DEE AND VEE MAHAN TRUCKING, Route 2, Box 179½, Lakeview Acres, Elwood, NE 68937. Representative: Max H. Johnson, P.O. Box 6597, Lincoln, NE 68506. Transporting *meats and packing-house*

products, (1) between points in Adams, Logan, and Morgan Counties, CO, on the one hand, and, on the other, points in the U.S., and (2) between points in Dawson County, NE, on the one hand, and, on the other, points in CO, IL, IA, KS, MO, TX, and WI.

W-81 (Sub-5), filed January 12, 1981. Applicant: McALLISTER LIGHTERAGE LINE, INC., 17 Battery Place, New York, NY 10004. Representative: Peter A. Greene, 1920 N St. NW., Suite 700, Washington, DC 20006. To operate as a *common carrier*, by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* and by towing vessels in the performance of *general towage* between ports and points along the Atlantic Coast and tributary waterways, the Gulf of Mexico Coast and tributary waterways (excluding the Mississippi River above Baton Rouge, LA and the Alabama River above Mobile, AL) and the Pacific Coast and tributary waterways. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8). Accordingly, applicant must submit the information required by 49 CFR 1106.7(a). Upon submission of such information, an appropriate statement of energy impact will be prepared.

Volume No. OP2-162

Decided: January 27, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 69492 (Sub-77), filed December 30, 1980. Applicant: HENRY EDWARDS TRUCKING CO., INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except classes A and B explosives), between points in Fulton, Hickman, Carlisle, Ballard, McCracken, and Graves Counties, KY, and Obion County, TN, on the one hand, and, on the other, points in the U.S.

MC 110012 (Sub-78), filed November 28, 1980. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. 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), from those points in TN in and east of Pickett, Overton, Fentress, Morgan, Anderson, Knox, and Blount Counties, TN, to points in the U.S. (except AK and HI).

MC 153322 (Sub-1F), filed December 30, 1980. Applicant: A-Z WASTE SERVICE, INC., 60 Harmon Ave., Falconer, NY 14733. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. Transporting *hazardous waste, toxic waste, and waste materials*, for disposal and recycling and reuse, between points in PA, NY, and OH.

MC 152463 (Sub-1), filed December 30, 1980. Applicant: H & S TRUCKING, INC., 5119 South 302nd Place, Auburn, WA 98002. Representative: Jack R. Davis, 1100 IBM Bldg, Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA.

Volume No. OP2-169

Decided: January 29, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 152173, filed January 16, 1981. Applicant: TONAWANDA TANK TRANSPORT SERVICE INC., 1140 Military Rd., Buffalo, NY 14217. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716-853-0200. Transporting *hazardous waste and toxic materials*, between points in the U.S.

MC 153642F, filed January 9, 1981. Applicant: ROBERT RATAJCZAK and/or JEROME J. RATAJCZAK, d.b.a. RO-ZAK TRUCKING, 5305 W. 102d St., Suite 8, Los Angeles, CA 90045. Representative: Steve Szueber (same address as applicant), 213-670-6384. Transporting *general commodities*, between points in CA. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

Volume No. OP2-170

Decided: January 29, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

FF 102 (Sub-1), filed December 17, 1980. Applicant: INTER STATE EXPRESS, INC., 120 Apollo St., Brooklyn, NY 11222. Representative: Marvin Rosenberg (same address as applicant). As a Freight Forwarder, in connection with the transportation of *general commodities*, between points in the U.S.

MC 63562 (Sub-78), filed December 16, 1980. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Over *regular routes*, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) (1) Between Los Angeles, CA and Denver, CO: from Los Angeles over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Denver, and return over the same route, serving junctions Interstate Hwys 10 and 15, Interstate Hwys 15 and 40, and Interstate Hwys 15 and 70, for the purpose of joinder only, (2) Between Los Angeles, CA and Butte, MT: from Los Angeles over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Butte, and return over the same route, serving junctions Interstate Hwys 15 and 80, Interstate Hwys 15 and 80N/84, Interstate Hwys 15 and 70, Interstate Hwys 15 and 86, Interstate Hwys 10 and 15, and Interstate Hwys 15 and 40, for the purpose of joinder only, (3) Between Los Angeles, CA and Portland, OR, over Interstate Hwy 5, and (4) Between Los Angeles, CA and St. Louis, MO: (a) from Los Angeles over Interstate Hwy 10 to junction Interstate Hwy 17, then over Interstate Hwy 17 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, and return over the same route, serving junctions Interstate Hwys 10 and 15, Interstate Hwys 10 and 17, Interstate Hwys 17 and 40, Interstate Hwys 35 and 40, and Interstate Hwys 40 and 55, for the purpose of joinder only, and (b) from Los Angeles over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 44, then over Interstate Hwy 44 to St. Louis, and return over the same route, serving junctions Interstate Hwys 35 and 40, Interstate Hyws 17 and 40, Interstate Hwys 15 and 40, and Interstate Hwys 10 and 15, for the purpose of joinder only.

MC 103993 (Sub-1072), filed January 2, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same as applicant), (219) 295-2200. Transporting *transportation equipment* between points in Wayne County, IN, on the one hand, and, on the other, points in the U.S.

MC 113362 (Sub-406), filed January 2, 1981. Applicant: ELLSWORTH

FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507–433–3427. Transporting *foodstuffs*, between the facilities of Hiram Walker & Sons, Inc., and its suppliers in IL, on the one hand, and, on the other, points in WI, the Upper Peninsula of MI, MN, IA, MO, ND, SD, NE, and KS.

MC 135152 (Sub-44), filed October 14, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, OH 45202, (513) 241–4037. Transporting *containers and closures* for containers, between Solon and Cleveland, OH, and Leetsdale, PA, on the one hand, and, on the other, points in IL, MI, NJ, NY, TN, and WV.

MC 144363 (Sub-11(M1)), filed January 9, 1981 (notice of petition for modification of permit). Petitioner: HIRSCHBACH MOTOR LINES, INC., P.O. Box 155; 920 West 21st St., South Sioux City, NE 68776. Representative: George L. Hirschbach (same address as petitioner), (402) 494–5466. Petitioner holds a permit in MC–144363 (Sub-No. 11 F)/to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail stores and mail order houses, and *materials and supplies* used in conducting such business between points in the United States, under continuing contract(s) with (1) The Fingerhut Corporation, of St. Cloud, MN, (2) Ardan Wholesale, Inc., of Des Moines, IA, (3) Modern Merchandising, Inc., of Minneapolis, MN, and (4) Dayton's of Minneapolis, MN. Petitioner seeks to modify the above permit by adding Minnnetonka, Inc., of Minetonka, MN; Aalfs Manufacturing Company of Sioux City, IA; Trans-Consolidated, Inc., of Cedar, MN; and Curry Floor and Acoustics, Inc., of South Sioux City, NE, as contracting shippers.

MC 151262 (Sub-1), filed January 8, 1981. Applicant: CAR CARE, INC., Bldg. 302, Port Newark, NJ 07114. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *transportation equipment* between points in the U.S., under continuing contract(s) with Peugeot Motors of America, Inc., of Lyndhurst, NJ.

MC 152013 (Sub-1), filed January 5, 1981. Applicant: DISTRIBUTION CARRIER, INC., 2310 Grant Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., (same address as applicant), 412–471–1800. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, MD, MA, MI, NJ, NY, OH, PA, VA, WV, and DC. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 153393 (Sub-1), filed January 5, 1981. Applicant: T.B.S TRUCKING, INC., 3008 East Grauwyler Rd., Irving, TX 75061. Representative: James W. Hightower, 5801 Marvin D. Love Freeway #301, Dallas, TX 75237, 214–339–4108. Transporting *printed matter*, between Dallas, TX and points in AR, LA, MS, OK, and TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4040 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: January 29, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-4150 Filed 2-3-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-93]

Certain Universal Joint Kits, Components Thereof, and Trunnion Seals Used Therewith; Designation of Investigative Attorney

Notice is hereby given that *David J. Dir* is designated as investigative attorney in the above captioned investigation as of this date. The Secretary is requested to publish this notice in the **Federal Register.**

Dated: January 26, 1981.

Wilhelm A. Zeitler,

Supervisory Attorney, Unfair Import Investigations.

[FR Doc. 81-4151 Filed 2-3-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-24]

Clifton Jack Alexander, M.D.; Termination of Proceedings

On August 22, 1980, the Administrator of the Drug Enforcement Administration issued an Order to Show Cause to Clifton Jack Alexander, M.D. (Respondent) as to why the application he executed on April 11, 1980 to dispense and distribute Schedule IV and V controlled substances should not be denied. The predicate for the Order to Show Cause was Respondent's conviction on March 14, 1975, in the United States District Court for the District of Arizona of two (2) counts of unlawful distribution of controlled substances listed in Schedule II, in violation of 21 U.S.C. 841(a)(1). This is a controlled substance-related felony providing statutory grounds for the denial of Respondent's application under 21 U.S.C. 824(a)(2).

By letter dated September 8, 1980, Respondent, *pro se*, requested a hearing on the issues raised by the Order to Show Cause. On September 12, 1980, the Honorable Francis L. Young, Administrative Law Judge, ordered the Government and Respondent to submit to him by October 6, 1980, prehearing statements listing issues perceived and evidence to be introduced at the hearing. Upon request from Government counsel, Judge Young extended the date for submission of prehearing statements to October 14, 1980. The Government and Respondent, *pro se*, submitted prehearing statements.

Respondent indicated in a telephone conversation with the hearing clerk that he was represented in this matter by an attorney in Tucson, Arizona. On November 13, 1980, Judge Young conducted a prehearing conference by telephone with Government counsel and the attorney Respondent had stated represented him. Judge Young issued a prehearing ruling on November 18, 1980, in which he required Respondent's counsel to enter his appearance forthwith, and gave Respondent until December 1, 1980 to file a supplemental prehearing statement identifying additional witnesses and giving a reasonably detailed summary of their anticipated testimony. The hearing was set to begin on Tuesday, January 27, 1981, in Tucson.

Counsel for Respondent did not file an appearance or submit a supplemental prehearing statement. In a letter to Respondent dated December 2, 1980, Judge Young stated that, without a

written appearance, the administrative law judge could not recognize the attorney as Respondent's counsel, due to lack of courtroom space, the proceedings were moved from Tucson to Phoenix. Respondent was informed of the change in a letter dated January 7, 1981, in which the Hearing Clerk informed Respondent and Governemnt counsel that the hearing would commence January 29, 1981 at 10:00 a.m. local time. When courtroom facilities again became available in Tucson for January 29, 1981, Respondent and Government counsel were so informed in a letter from the Hearing Clerk dated January 12, 1981.

In a letter to Judge Young dated January 9, 1981, Respondent withdrew his application for Schedule IV and V registration. His former counsel, in a letter to Judge Young dated January 6, 1981, stated that he did not enter an appearance since Respondent was unable to retain counsel for economic reasons. The Government moved to terminate proceedings on January 19, 1981, and Judge Young granted the motion on January 21, 1981.

The withdrawal of Respondent's application obviates the necessity for a hearing in this matter since this Administration has nothing before it on which to act. Therefore, the Administrator orders the termination of the proceedings precipitated by his issuance of the Order to Show Cause on August 22, 1980.

Dated January 29, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-4046 Filed 2-3-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export/Import; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before March 6, 1981. Any request for hearing or petition for leave to invtervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated January 23, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End use	Country of destination
		Total element	Total isotope		
Nuklearna Elektrarna Krsko, Dec. 11, 1980, Dec. 22, 1980, IU80020	Natural uranium	126.000		For conversion from U_3O_8 to UF_6 and export to Yugoslavia for use in Krsko Reactor.	From Canada.
Transnuclear, Dec. 23, 1980, Dec. 24, 1980, IU80022	Unlimited depleted and natural uranium.			Imported in a variety of chemcial and physical forms to a number of various types of facilities depending on the specific contract involved.	From any country.
Transnuclear, Dec. 23, 1980, Dec. 24, 1980, ISNMO1699(05)	89.8 pct enriched uranium	[1]291.966	[1]262.557	Increase quantity of material authorized for import for reprocessing at SR00.	From West Germany.
	Plutonium	[2]420.67			
Transnuclear, Dec. 30, 1980, Dec. 30, 1980, XSNMO1774	3.35 pct enriched uranium	127,013.00	4,254,944	Multipe reloads for Goesgen-Daeniken.	Switzerland.
Nissho-Iwai, Dec. 30, 1980, Jan. 12, 1981, XSNMO1776	45.40 pct enriched uranium	21.473	9.749	Fuel for JMTR	Japan.
Nissho-Iwai, Dec. 30, 1980, Jan. 12, 1981, XSNMO1779	45.40 pct enriched uranium	14.712	6.679	Fuel for JRR-2	Japan.
Nissho-Iwai, Dec. 30, 1980, Jan. 12, 1981, XSNMO1780	19.95 pct enriched uranium	131.884	6.361	Fuel for JRR-4	Japan.

[1]Additional [2]Grams.

[FR Doc. 81-4093 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Connecticut Light and Power et. al. (Millstone Nuclear Power Station, Unit No. 1); Order for Modification of License and Grant of Extension of Exemption

I.

Connecticut Light and Power, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR-21, which authorizes operation of the Millstone Nuclear Power Station, Unit No. 1 at steady-state reactor power levels not in excess of 2011 megawatts thermal rated power. The facility consists of a boiling water reactor located at the licensee's site in Waterford, Connecticut.

II.

On February 28, 1978, the Commission granted to the licensees an interim exemption from the requirements of General Design Criterion 50, "Containment Design Basis," of Appendix A to 10 CFR Part 50 (**Federal Register** Vol. 43, No. 61, March 29, 1978). This exemption is related to the demonstrated safety margin of the Mark I containment system to withstand recently identified suppression pool hydrodynamic loads associated with postulated design basis loss-of-coolant accidents and primary system transients. Although there was a reduction in the margin of safety from that called for by General Design Criterion 50, the Commission found that a sufficient margin would exist to preclude undue risk to the health and safety of the public for an interim period

while a more detailed review was being conducted.

The Commission's evaluation was documented in the NRC staff's "Mark I Containment Short-Term Program Safety Evaluation Report," NUREG–0408, dated December 1977, which concluded that the BWR facilities with the Mark I containment design could continue to operate without undue risk to the health and safety of the public while a more comprehensive Long-Term Program was being conducted. The purpose of the Long-Term Program was to define design basis (i.e., conservative) loads that are appropriate for the anticipated life (40 years) of each BWR/Mark I facility, and to restore the original intended design safety margins for each Mark I containment system. In order to provide uniform, consistent, and explicable acceptance criteria for the Long-Term Program, the Summer 1977 Addenda of the ASME Boiler and Pressure Vessel Code have been used as the basis for defining the intended margin of safety, rather than using the particular version of the ASME Code which was applicable to the intitial licensing of each facility. In some instances, the allowable stresses are higher under the later edition of the Code. The basis for acceptance criteria is described in the "Mark I Containment Long-Term Program Safety Evaluation Report," NUREG–0661, dated July 1980.

As a result of our review of the extensive experimental and analytical programs conducted by the Mark I Owners Group, the NRC staff has concluded that the Owners Group's proposed load definition and structural assessment techniques, as set forth in the "Mark I Containment Program Loan Definition Report," NEDO–21888, dated December 1978, and the "Mark I Containment Program Criteria, will provide a conservative basis for determining whether any structural or other plant modifications are needed to restore the original intended margin of safety in the containment design. The staff's Acceptance Criteria are contained in Appendix A to NUREG–0661. The basis for the staff's requirements and conclusions is also described in NUREG–0661.

III.

In letters dated March 12, 1979, each BWR/Mark I licensee was requested by the NRC to submit a schedule for carrying out an assessment of the need for plant modifications for each of the licensee's BWR/Mark I units, based on the Owners Group's proposed generic load definition and assessment techniques, and for the subsequent installation of the plant modifications determined to be needed by such an assessment. In response to our letter, the licensee's letter dated June 20, 1979 indicated its commitment to undertake plant-unique assessments based on the Owners Group's generic assessment techniques, to modify the plant systems as needed, and also indicated that its schedule for this effort would result in a plant shutdown to complete the plant modifications by April 30, 1982.

On October 31, 1979, the staff issued an intitial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

The modification schedules submitted in response to the March 12, 1979 letter have subsequently been revised to reflect the development of the acceptance criteria and additional information concerning plant modifications that will be needed to demonstrate conformance with those criteria. In consideration of the range of completion estimates reflected by all of the affected licensees and the staff's assessment of the nature of the effort involved in the reassessment work and in the design and installation of the needed plant modifications, the staff has concluded that the licensee's proposed completion schedule is both prompt and practicable.

Under the circumstances, the NRC staff has determined that the licensee's commitment to undertake the reassessment of suppression pool hydrodynamic loads and to design and complete installation of the plant modifications, if any, needed to conform to the generic acceptance criteria by April 30, 1982 should be confirmed and formalized by Order.

IV.

The Commission hereby extends the exemption from General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted to the licensee on February 28, 1978, only for the time necessary to complete the actions required by Section V or VI of this Order. Substantial improvements have already been made in the margins of safety of the containment systems and will continue to be improved during this period whenever practicable, and, in any event, all needed improvements, if any, must be completed in accordance with the provisions of Section V or VI of this Order.

The Commission has determined that good cause exists for the extension of this exemption, that such exemption is authorized by law, will not endanger life or property or the common defense and security, and is in the public interest. The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5 (d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

V.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT the license be amended to include the following conditions:

1. the licensee shall promptly assess the suppression pool hydrodynamic loads in accordance with NEDO–21888 and NEDO–24583–1 and the Acceptance Criteria contained in Appendix A to NUREG–0661.

2. any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661 shall be designed and its installation shall be completed not later than April 30, 1982 or, if the plant is shut down on that date, before the resumption of power thereafter

VI.

The licensee or any person whose interest may be affected by the Order set forth in Section V hereof may request a hearing within thirty days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

If a hearing is held concerning such Order, the issues to be considered at the hearing shall be:

1. whether the licensees should be required to promptly assess the suppression pool hydrodynamic loads in accordance with the requirements of Section V of this Order; and,

2. whether the licensees should be required, as set forth in Section V of this Order, to complete the design and installation of plant modifications, if any, needed to assure that the facility

conforms to the Acceptance Criteria contained in Appendix A to NUREG–0661.

The Order set forth in Section V hereof will become effective on expiration of the period during which the licensees may request a hearing or, in the event a hearing is held, on the date specified in an order issued following further proceedings on this Order.

VII.

For further details concerning this action, refer to the following documents which are available for inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, DC 20555 or through the Commission's local public document room at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

1. "Mark I Containment Program Load Definition Report," General Electric Topical Report, NEDO–21888, December 1978.

2. "Mark I Containment Program Structural Acceptance Criteria Plant Unique Analysis Applications Guide," General Electric Topical Report, NEDO–24583–1, October 1979.

3. "Mark I Containment Long Term Program Safety Evaluation Report," NUREG–0661, July 1980.

4. Letter, W. G. Counsil, Northeast Utilities, to D. M. Crutchfield, NRC dated June 20, 1980.

5. Letter to licensee dated January 13, 1981.

Dated January 13, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–4095 Filed 2–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247–OLA]

Consolidated Edison Company of New York; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

CONSOLIDATED EDISON COMPANY OF NEW YORK

(Indian Point Nuclear Generating Plant, Unit No. 2)

Facility Operating License No. DPR–26

This Board is being constituted pursuant to a notice published by the Commission on May 28, 1980, in the Federal Register (45 FR 35948–49) entitled, "Proposed Issuance of Amendment to Facility Operating License".

This Board is comprised of the following Administrative Judges:

Marshall E. Miller, Esquire, Chairman, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Dr. Richard F. Cole, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Mr. Glenn O. Bright, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 28th day of January, 1981.

Robert M. Lazo,

Vice Chairman (Executive), Atomic Safety and Licensing Board Panel.

[FR Doc. 81–4096 Filed 2–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–369]

Duke Power Co.; Issuance of Amendment to License No. NPF–9 For Fuel Loading and Zero Power Testing

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to License No. NPF–9 for Fuel Loading and Zero Power Testing for the McGuire Nuclear Station, Unit 1. This amendment was issued to Duke Power (licensee) to revise the wording of the beginning sentence of Condition 2.C(12) of the original license from "Prior to fuel loading" to "Prior to Initial Criticality". The McGuire Nuclear Station, Unit 1 is located near Charlotte, North Carolina in Mecklenburg County. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated January 27, 1981; (2) Amendment No. 1 to License No. NPF–9 for Fuel Loading and Zero Power Testing; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspection at the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina Charlotte (UNCC Station) North Carolina 28223 or may be requested by writing to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 28th day of January 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81–4098 Filed 2–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR–67, issued to Florida Power and Light Company, which revised Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specification to add requirements associated with actions taken to satisfy the NRC's "Category A" Lessons Learned Recommendations. These changes include adding operability requirements for relief block valves, adding safety injection as an actuation signal for containment isolation and adding requirements for accident monitoring instrumentation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated January 22 and October 31, 1980, (2) Amendment No. 37 to License No. DPR-67 and (3) the Commission's related letter dated January 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of January 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-4009 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-448, 50-470, and 50-480]

The General Electric Co. et. al.; Notice of Issuance of Temporary Extensions of Preliminary Design Approvals

The U.S. Nuclear Regulatory Commission (the Commission) has issued temporary six-month extensions for the preliminary design approval (PDA) of the General Electric GESSAR-238 Nuclear Island (PDA-1), Combustion Engineering CESSAR System 80 (PDA-2), and Westinghouse RESAR-41 (PDA-3) standard nuclear steam supply systems. These extensions apply to the applicability period during which a utility may reference these standard designs in construction permit applications.

If a utility's application is received, referencing an extended PDA, it will be reviewed against current licensing requirements. Consequently, we expect that the preliminary design would be updated at that time to reflect the licensing requirements which have evolved since the PDA was issued.

The Commission has taken this action in order to conserve the resources that have been expended in the review of the preliminary design of these nuclear steam systems and to make effective use of the standardization concept, while new guidelines for PDA extensions are under consideration.

Copies of the PDA extension, dated December 31, 1980, are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. Copies of the PDA extensions may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Divison of Licensing.

Dated at Bethesda, Maryland, this 15th day of January 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81-4100 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised the license for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

This amendment revised the license condition related to Fire Protection by deleting the requirement to install a sprinkler system for the facility's recirculation pumps in the drywell.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 29, 1980, (2) Amendment No. 20 to License No. NPF-5, and (3) the Commission's letter to Georgia Power Company dated January 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW, Washington, DC, and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of January 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing

[FR Doc. 81-4101 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

McGuire Nuclear Station, Unit No. 1; Issuance of License NPF-9 for Fuel Loading and Zero Power Testing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued License No. NPF-9 to the Duke Power Company for Fuel Loading and Zero Power Testing for its McGuire Nuclear Station, Unit 1. The McGuire Nuclear Station, Unit 1 is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. The application the license complies with the standards and requirements of the Act and the Commission's regulations.

The license is effective as of its date of issuance and shall expire one year after that date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action.

For further details in respect to this action, see (1) License NPF–6 for Fuel Loading and Zero Power Testing complete with Technical Specifications (NUREG–0759) and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (3) The Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated March 1978 (NUREG–0422), and Supplements 1 through 4; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Final Environmental Statement, dated April 1976 (NUREG–0083) and addendum thereto; (6) the Environmental Report, dated May 30, 1974 and supplements thereto; and (7) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980.

Items, 1, 2 and 7 are available upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of items 3 and 5 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All items (1 through 7) are available at the Commission's Public Document Room, 1717 H Streets, N.W., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina Charlotte (UNCC Station) North Carolina 28223.

Dated at Bethesda, Maryland, this 23rd day of January 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-4097 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. et al.; Availability of Control Room Design Review Report for TMI–1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published a Control Room Design Review Report for TMI–1

This report provides the results of the staff's Control Room Design Review conducted at the Three Mile Island site July 21–25, 1980.

Based on our human factors engineering review and evaluation of the TMI–1 control room, we conclude that correction of the deficiencies herein identified and discussed prior to restart will permit safe operation of the TMI–1 nuclear plant. Prior to restart, we will arrange to audit the control room to ensure all human factor engineering improvements are implemented.

The report is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania, for public inspection and copying. The report (Document No. NUREG–0752) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 22nd day of December 1980.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Acting Chief Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-4102 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Company, et al.; Issuance of Amendement to Facility Operating License and Grant of Exemption

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendement No. 60 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the Licensee) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Londonderry Township, Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit irradiation of the facility's reactor vessel surveillance specimens at Crystal River Unit No. 3. In connection with this action, the Commission has granted an exemption to the provisions of Appendix H to Title 10 of the Code of Federal Regulations Part 50. Appendix H requires the irradiation program to be performed within the facility's vessel or at the same site for multi-reactor sites.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

As set forth in the Commission's letter to the licensee dated January 2, 1981, the exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated April 11, 1980 and the licensee's request for exemption dated July 9, 1980, (2) the Commission's letter to the licensee dated January 22, 1981, (3) Amendment No. 60 to License No. DPR–50, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of January 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-4100 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR–65 issued to the Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The

amendment is effective on January 20, 1981.

The amendment adds operability trip setpoint and surveillance requirements for automatic initiation of the auxiliary feedwater system and increases the surveillance requirements on the auxiliary feedwater pumps and related flow paths.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 31, May 20 and August 29, 1980, (2) Amendment No. 63 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of January 1981.

For the Nuclear Regulatory Commission.

R. A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-4104 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of a Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-22 to Northern Power Company (the licensee) authorizing operation of the Monticello Nuclear Generating Plant, Unit, No. 1, at steady state reactor core power levels not in excess of 1670 megawatts (thermal) in accordance with the provisions of the license and the Technical Specifications. The Monticello Nuclear Generating Plant, Unit No. 1, is a boiling light water reactor located in Wright County, Minnesota.

The Monticello Nuclear Generating Plant, Unit No. 1, has operated since September 8, 1970 under Provisional Operating License No. DPR-22. Facility Operating No. DPR-22 supersedes Provisional Operating License No. DPR-22 in its entirely.

Notice of Consideration of Conversion of Provisional Operating License to a full-term operating license was published in the **Federal Register** on August 25, 1972 (37 FR 17231). The full-term operating license was not issued previously, pending completion of proceedings before the Atomic Safety and Licensing Board. On October 25, 1979, subsequent to the withdrawal of all intervenors, the Licensing Board dismissed this proceeding. On November 24, 1980, subsequent to the filing of additional information by the Nuclear Regulatory Commission (NRC) staff with regard to unresolved generic safety issues it had brought to light over the years which might affect safe operation of the Monticello facility, the Atomic Safety and Licensing Appeal Board affirmed the Order of the licensing Board dismissing this proceeding. The final Environmental Statement in connection with the convention to a full-term operating license was in November, 1972 (notice of which was published in the **Federal Register** on November 25, 1972 (37 FR 25065).

The application for the full-term operating license complies with the standards and requirements of the Atomic Energy Act of 1954 as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license.

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

The license is effective as of its date of issuance and shall expire on June 19, 2007.

For further information concerning this action, see (1) the licensee's application for a full-term operating license dated June 15, 1972, (2) Northern States Power Company "Monticello Nuclear Generating Station Environmental Report" November 1971, (3) the Commission's Draft Environmental Statement, May 1972, (4) the Commission's Final Environmental Statement, November 1972, (5) Facility Operating License No. DPR-22, complete with Technical Specifications (Appendices A and B), (6) the related Safety Evaluation prepared by the Directorate of Licensing, dated February 5, 1973, (7) Supplement No. 1 to this Safety Evaluation Report dated December 1980, (8) the staff's Evaluation of Licensee's Compliance with Category 'A' items of NRC Recommendations Resulting from Three Mile Island, Unit No. 2 (TMI-2) Lessons Learned, dated March 21, 1980, and (9) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated December 1980, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota.

A copy of items 4, 5, 6, 7, 8, and 9 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of Licensing.

Dated at Bethesda, Maryland this 9th day of January 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-4105 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment adds two License Conditions and changes the Technical Specifications to incorporate additional requirements as a result of reviews and

modifications accomplished to satisfy the Category "A", TMI-2 Lessons Learned recommendations.

The applicant for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further detailes with respect to this action, see (1) the licensee's submittal dated October 14, 1980, (2) Amendment No. 54 to License No. DPR-40, and (3) the related letter dated January 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 19th day of January 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-4106 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment incorporates new requirements in the form of license conditions, limiting conditions for operation, and surveillance requirements for instruments and equipment as well as shift manning requirements resulting from the NRC's assessment of the accident at Three Mile Island Unit 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 28, 1979 and October 31, 1980, (2) Amendment No. 56 to License No. NPF-1 and (3) the Commission's related letters dated April 23, July 2, and January 21, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051 until January 26, 1981 and at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205 after January 26, 1981. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of January 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-4107 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the Memorandum and Order of its Atomic Safety and Licensing Appeal Board dated January 6, 1981 (ALAB-627), issued Amendment No. 55 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised the license for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises license condition 2.C.(12) which relates to the Control Building modification program. The revision requires accelerated reporting by the licensee of any deviations or changes to the approved modification program accomplished in accordance with the provisions of 10 CFR 50.59.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

On May 26, 1978, the NRC's Director of Nuclear Reactor Regulation issued an Order for Modification of License that set forth findings that design errors in the Control Building shear walls had reduced the seismic capability of the Control Building and that the originally intended seismic capability should be substantially restored by modifications to that structure.

The Order also provided opportunity for hearing and was published in the **Federal Register** on June 1, 1978 (43 FR 23768). Numerous requests for hearing were received, and the hearing which followed was divided into two phases: (1) the safety of interim operation prior to correction of the design errors, and (2) the structural adequacy of the proposed modifications and the safety aspects of their implementation. The Initial Decision regarding the modification program (Phse II) was issued by the Atomic Safety and Licensing Board on July 11, 1980 (LBP-80-20, 12 NRC 77), and a conforming amendment (No. 47) was issued on July 25, 1980. The State of Oregon, participating in the proceeding under the "interested State" provisions of 10 CFR 2.715(c), appealed the Initial

Decision in respect to its perceived need for accelerated reporting to NRC of any design deviations or changes to the approved modification program accomplished in accordance with 10 CFR 50.59, which is the subject of the Appeal Board's Memorandum and Order of January 6, 1981 (ALAB-627) and this license amendment, which conforms to the Appeal Board's Order.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Atomic Safety and Licensing Appeal Board's Memorandum and Order of January 6, 1981 (ALAB-627) and (2) Amendment No. 55 to License No. NPF-1.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051 until January 26, 1981 and at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97204 after January 26, 1981. Copies may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of January 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-4108 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[License No. SUA-1119], EA-80-53]

Rio Algom Corp.; Order Imposing Civil Monetary Penalties

I

Rio Algom Corporation, P.O. Box 610, Moab, Utah, (the "licensee"), is the holder of License No SUA-1119 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). License No. SUA-1119 authorizes uranium milling operations and possession of source material in the production of yellowcake and is due to expire on September 30, 1982.

II

An inspection of the licensee's activities under the license was conducted on June 25-27, 1980, at the licensee's Humeca Mill facility located near Moab, Utah. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with the conditions of its license and with the requirements of the Nuclear Regulatory Commission's "Standards for Protection Against Radiation," Part 20, Title 10, Code of Federal Regulations. A written Notice of Violation was served upon the licensee by letter dated October 8, 1980, specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties dated October 8, 1980, was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation, which stated the nature of the items of noncompliance and the provisions of Nuclear Regulatory Commission regulations and license conditions. An answer, dated October 28, 1980, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for deferral, compromise, mitigation, or cancellation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed, except for Item 2 which is remitted in its entirety.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of Six Thousand, One Hundred Dollars ($6,100) within twenty-five days of the date of this Order, by check, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, DC. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license as set forth in the Notice of Violation referenced in Sections II and III above; and,

(b) whether, on the basis of such items of noncompliance, this Order should be sustained.

Dated this 13th days of *January*, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusion

For each item of noncompliance and associated civil penalty identified in the Notice of Violation dated October 8, 1980, the original item of noncompliance is restated and the Office of Inspection and Enforcement evaluation and conclusion regarding the licensee's response to each item (October 8, 1980), is presented.

Statement of Noncompliance

1. 10 CFR 20.201 requires that the licensee make or cause to be made such surveys (evaluations) as may be necessary to comply with the regulations in this part.

Contrary to the requirement, adequate surveys (evaluations) were not made since July 1979 in regard to: 10 CFR 20.103 which requires that no licensee shall use U-238 in soluble form in such a manner as to permit any individual in a restricted area to inhale a quantity of such material in excess of the intake limits specified in Appendix B, Table I, Column 1 of this part. As a result of these inadequate surveys, actions were not taken to assure against recurrence whenever the intake of uranium ore dust by any individual exceeded the 40-hour control measure.

This is an infraction (Civil Penalty-$1,500).

Evaluation of Licensee Response

The licensee has denied this violation on the basis that it "has had and continues to have a monitoring program in place which meets the standards of this provision and ensures that no individuals exceed the exposure limits of 10 CFR 20.103." However, the response fails to deal with the substance of the violation, that surveys conducted were inadequate to assure against recurrence whenever the intake of uranium ore dust by any individual exceeded the 40-hour control measure. Surveys conducted were inadequate in that, in some cases, calculations used to evaluate exposures were in error in such a manner that air concentrations of uranium ore dust were underestimated by as much as a factor of one hundred.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action. Item 1 is similar to items found during the inspection conducted on July 31–August 1–2, 1978.

Statement of Noncompliance

2. 10 CFR 20.103(b)(1) requires that the licensee, as a precautionary procedure, use process or other engineering controls, to the extent practicable, to limit concentrations of radioactive materials in air to levels below those which delimit an airborne radioactivity area as defined in 10 CFR 20.203(d)(1)(ii).

Contrary to this requirement, engineering controls had not been instituted or considered for airborne radioactivity areas existing in the Crusher Building and Main Mill Building since January 1, 1979.

This is an infraction (Civil Penalty-$1,000).

Evaluation of Licensee Response

The licensee denies this violation on the basis that the necessary engineering and administrative controls have been installed. The licensee notes specifically that several of the engineering controls described had been installed since January 1, 1979, and that two were in the process of being installed at the time of the inspection. During our inspection on June 25–27, 1980, our inspector was unable to establish that any effort existed to specifically meet the stated criteria, and he was informed, during the management meeting at the conclusion of the inspection on June 25–27, that licensee management had no knowledge of a regulatory requirement for engineering controls.

However, in view of the information now provided by the licensee that engineering controls had been instituted or considered for the crusher and mill building since January 1, 1979, the NRC staff is withdrawing this item of noncompliance.

Conclusion

Since the licensee has provided information indicating that engineering controls have been installed since January 1, 1979, the penalty is hereby remitted in its entirety.

Statement of Noncompliance

3. License Condition 10 requires that source material be used in accordance with statements, representations and conditions contained in the supplement dated August 6, 1976.

Reply No. 7 in the supplement states that semi-annual or more frequent audits are to be made by environmental personnel from the corporate office for the purpose of reviewing plant environmental programs.

Contrary to the above, such audits had not been performed since July 1979.

This is an infraction (Civil Penalty-$1,000).

Evaluation of License Response

The Licensee has admitted the item of noncompliance. No mitigating circumstances were identified by the licensee and no reduction of civil penalty was requested.

Statement of Noncompliance

4. License Condition 10 requires that source material be used in accordance with statements, representations and conditions contained in the supplement dated August 6, 1976.

Reply No. 8 in the supplement states that personal air samplers will be worn by designated workers each normal work day and that discharge volumes from dust control sytems will be measured at least twice each month.

Contrary to the above, personal air samplers had not been worn by designated workers on twenty-two (22) normal work days during January through April of 1980, and discharge volumes had been determined only monthly since July 1979.

This is an infraction (Civil Penalty—$1,000).

Evaluation of Licensee Response

The licensee admitted this item of noncompliance; however, it has requested a reduction in civil penalty based on mitigating circumstances, i.e., that the deficiency was corrected, that no threat to worker health or safety occurred, and that some uncertainty exists regarding plant operating dates versus the need to wear air samplers.

Insofar as the staff has been able to determine, any corrective action relative to this matter occurred as a result of the NRC June 25-27 inspection, not as a result of the licensee's discovery of the noncompliance. Moreover, the licensee has been cited for a similar violation on two previous occasions. Lasting corrective action has apparently not been effective. Additionally, it is the staff's view that the noncompliance did constitute a threat to worker health and safety. Although no one appears to have been subject to excessive airborne exposures, in the absence of required control measures to assure that over-exposures do not occur, the potential for excessive worker exposures did, in fact, exist.

Conclusion

The information presented by the licensee does not provide a basis for modification of this enforcement action. A reduction in civil penalty is not warranted. Item 4 is similar to items found during inspections on July 31–August 1–2, 1978, and July 16–17, 1979.

Statement of Noncompliance

5. License Condition 10 requires that source material be used in accordance with statements, representations, and conditions contained in the license application dated August 26, 1971.

Pages 31 and 26 of the application state that monthly air sampling will be performed at thirty-five (35) locations in the mill.

Contrary to the above, sampling was performed at only twenty-one (21) locations during July 1979.

This is a deficiency (Civil Penalty—$500)

Evaluation of Licensee Response

The licensee has admitted the item of noncompliance. However, it has requested a reduction of the civil penalty because the incident was an isolated one and was discovered and corrected by the licensee.

The item of noncompliance involves directly the health and safety of workers. While the incident was corrected by the licensee, similar items of noncompliance had been found during two previous inspections. This indicates a lack of attention during the past to this vital area of licensed activities. In this instance, the civil penalty is appropriate to assure lasting corrective action.

Conclusion

The item as stated is an item of noncompliance involving protection of personnel. The information presented by the licensee does not provide a basis for modification of this enforcement action. Item 5 is similar to items found during inspections conducted on July 31, August 1–2, 1978, and July 16–17, 1979.

Statement of Noncompliance

6. License Condition 18 requries that the licensee maintain an operational environmental monitoring program in accordance with Section II. E.2 of NUREG–0046 dated April 1976.

Contrary to the above, the following analyses had not been performed since July 1979.

a. Ambient air samples for uranium had been obtained monthly instead of the required frequency of twice per month.

b. Well water samples has not been analyzed for sulphate.

c. Water from Rattlesnake Pond had not been analyzed for aluminum and molybdenum.

d. Ventilation shaft water had not been analyzed for nitrate, iron, and total alpha activity.

e. Discharge water from the treatment facility for radium removal had not been analyzed for iron.

This is a deficiency (Civil Penalty—$500).

Evaluation of Licensee Response

The licensee has admitted the item of noncompliance; however, it has requested mitigation of the civil penalty because the deficiencies represented no specific threat to human health and because of the numerous back-up and cross checks which occur in environmental monitoring and because of the nature of the omissions.

The NRC's concern in making this citation was that it represented a failure to follow a license condition. Although in some instances redundant steps were associated with this particular program of sampling, three of the five analyses involved are not in this category and were not followed as required. While the actual threat to human health may have been minimal as the licensee has stated, this fact was reflected in the classification of the item of noncompliance as a deficiency. Nevertheless, the noncompliance represents failure to follow a license condition, and a civil penalty is appropriate.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action. Item 6 is similar to items found during inspections conducted on July 31—August 1–2, 1978, and on July 16–17, 1979.

Statement of Noncompliance

7. 10 CFR 20.203(b) requires that each radiation area be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER)—RADIATION AREA.

10 CFR 20.202(b)(2) states that a "radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive a dose in excess of 100 millirems in any five (5) consecutive days.

Contrary to these requirements, a fenced concentrate storage area with a measured perimeter dose rate of 3 mR/hour was not posted as a radiation area on the days of the inspection.

This is a deficiency (Civil Penalty—$300).

Evaluation of Licensee Response

The licensee has admitted this item of noncompliance; however, it has requested mitigation of the civil penalty because the possibility of a worker receiving overexposure in the area is remote.

The NRC staff's concern in proposing the item of noncompliance, was not for an imminent threat to the health and safety of workers but for the generic aspect of identifying and posting *all* areas required to be posted in accordance with the regulations. The minimal potential for overexposure of personnel had already been taken into account and is reflected by the minimal civil penalty proposed.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

Statement of Noncompliance

8. 10 CFR 20.203(d)(2) requires that each airborne radioactivity area be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER)—AIRBORNE RADIOACTIVITY AREA.

Contrary to this requirement, various airborne radioactivity areas in the Crusher Building and the Main Mill Building were not conspicuously posted on the days of the inspection.

This is a deficiency (Civil Penalty—$300).

Evaluation of Licensee Response

The licensee has admitted the item of noncompliance, however, licensee requests remission of the item based on an oversight in replacing signs on doors which had been replaced. This item as stated is an item of noncompliance. The information supplied by the licensee does not provide a basis for modification of this enforcement action.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

Statement of Noncompliance

9. 10 CFR 40.65 requires that semi-annual effluent monitoring reports be submitted to the Nuclear Regulatory Commission specifying the quantity of each of the principal radionuclides released to unrestricted areas in gaseous effluents.

Contrary to this requirement, principal stack releases of radium-226 and thorium-230 were not reported during calendar year 1979.

This is a deficiency (Civil Penalty—$0).

Evaluation of Licensee Response

The licensee denied this item of noncompliance, asserting that its applicable license condition requires only measurement, not reporting, and that the NRC merely requested by letter of September 1, 1977 that the licensee submit its reports. The NCR staff notes that the letter and the license condition are not germane; the Violation is based in the licensee's failure to report in accordance with 10 CFR Part, 65, a report clearly required and not submitted as indicated in the Notice of Violation. Any future failure to make this report will be considered a repeat violation and civil penalties may be considered.

Conclusions

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

Statement of Noncompliance

10. License Condition 10 requires that source material be used in accordance with statements, representations and conditions contained in the supplement dated August 6, 1976.

Reply No. 3 in the supplement states that whole body counts will be performed annually on affected employees.

Contrary to this requirement, such counts had not need preformed since July 1978.

This is a deficiency (Civil Penalty—$500).

Evaluation of Licensee Response

This violation has been denied by the licensee with the explanation that it interprets the word "affected" to mean that analyses will be performed only when external factors indicate a need for such and analysis on an individual basis. If a urinalysis sample indicates concentrations of 30 micrograms per liter, then *in vivo* analysis (whole body counting) will be performed. In the NRC staff's view, the license condition refers to all dryer workers, *i.e.*, all those employees who, because of the nature of their work, have a high potential for intake. However, even under the licensee's more restricted reading of its license condition, the Notice of Violation continues to be valid as stated. Licensee's records show that at least two workers exceeded the 30 micrograms per liter limit (53.3 and 33.9 micrograms per liter) without receiving whole body counts.

Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

Statement of Noncompliance

11. License Condition 23 requires that the licensee minimize the dusting of dried tailings, as necessary, by the installation of a sprinkler system, chemical stabilization, covering with soil, or other equivalent means.

Contrary to this requirement, the licensee had not implemented effective means to control dusting of tailings as observed by the inspectors on June 26, 1980.

This is a deficiency (Civil Penalty-$500).

Evaluation of Licensee Response

The licensee has denied this item of noncompliance, contending that its license condition does not require that dusting be controlled in every conceivable environmental circumstance and that all practical measures had been taken to control dusting.

The NRC stall agrees that the licensee is not required to eliminate the dusting of tailings under all environmental circumstances. However, during the day of the inspection, in the NRC staff's view, the control systems in place could have been more efficiently used to minimize the dusting.

Moreover, the staff does not concur that reasonable efforts to minimize dusting were taken, in that sprinkler systems which were installed and operating at the time, were obviously not capable of maintaining the beach areas in a condition which would minimize dusting of dry tailings.

Conclusion

In view of the above, the licensee is required to provide further response to this item in conjuction with payment of civil penalty as imposed.

[FR Doc. 81-4109 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Company and San Diego Gas and Electric Company; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the license for operation of the San Onofre Nuclear Generating Station located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment adds license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as part of the license. The Contingency Plan is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b). The Guard Training and Qualification Plan is to be fully implemented within 60 days of Commission approval in accordance with 10 CFR 73.55(b)(4).

The licensee's filings [1] Comply with the standards and requirements of the Atomic Enery Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission' rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not reuired since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated August 28, 1980, and September 3, 1980, are being withinheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 51 to License No. DPR-13, and (2) the Commission's related letter to the licensee dated January 22, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission, Viejo, California 92676. A copy of items (1) and (2) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washinton, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of January, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-4110 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-296]

Tennessee Valley Authority; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-68 issued to the Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 3, located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to: (1) incorporate the limiting conditions for operation during the fourth fuel cycle, (2) reflect new primary containment hydrogen monitoring instrumentation being installed during the current refueling outage and (3) reflect the addition of 480 volt motor generator sets during the refueling outage to supply reactor motor operated valve boards 3D and 3E.

[1] Which have been handled by the Commission as an application

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 27, 1980, as supplemented by letters dated September 23, 1980 and October 14, 1980 and September 5, 1980 and October 17, 1980, (2) Amendment No. 37 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of January 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-4111 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on San Onofre Units 2 and 3; Meeting

The ACRS Subcommittee on San Onofre Units 2 and 3 will hold a meeting on February 18, 1981 at 1717 H Street, NW., Washington, DC in Room 1046, 8:30 a.m. The Subcommittee will meet with representatives of the Southern California Edison Company and the NRC Staff to discuss plant related items with regard to the San Onofre Units 2 and 3 Operating License review.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, February 18, 1981, 8:45 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Southern California Edison Company, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary R. Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 30, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-4087 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.23, Revision 1, "Radiation Safety Surveys at Medical Institutions," identifies the types and frequencies of surveys that are acceptable to the NRC staff for complying with certain of the Commission's regulations applicable to medical institutions licensed by the NRC to use radioactive materials for purposes of diagnosis, therapy, or research. This guide has been revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 26th day of January 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-4094 Filed 2-3-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17492; File No. SR-NSCC-80-35]

National Securities Clearing Corp.; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 19, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

There are two major substantive changes in the proposed Rule changes. These are the formalization of the hearing procedure and the consolidation of all prior authorizations in the Rules in the area of oversight of participants' financial responsibility and operational capability. An effort has been made to combine existing Rules where appropriate for ease of reference. Standards of financial responsibility, operational capability, experience and competence for initial as well as continued membership and guidelines for the application of such membership standards have been established. The proposed rule amendments and standards are attached as Exhibit 3 to NSCC's filing on Form 19b-4A, File No. SR-NSCC-80-35.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed Rule change is as follows:

The proposed Rule changes will enhance NSCC's ability to:

(i) Safeguard securities and funds for which NSCC is responsible by adding criteria to be used in determining when a security shall cease to be a cleared security when continued clearance would pose an unacceptable risk to the Corporation and/or its participants;

(ii) Enforce compliance by its participants with its Rules by confirming the authority and conditions under which the Corporation may take disciplinary action;

(iii) More appropriately screen applicants to become participants by formalizing admission requirements;

(iv) Protect investors and the public interest by formalizing requirements that participants must meet in order to continue as participants;

(v) Enable the Corporation to comply with Section 17(a)(b)(5) of the Securities Exchange Act of 1934, as amended, by creating a definitive procedure for the resolution of actions affecting participants and applicants to become participants.

In an October 13, 1980 memorandum sent to all NSCC participants, the Corporation requested comment from its participants on the proposed Rule changes. No written comments have been received.

NSCC does not perceive that the proposed Rule changes would constitute a burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed Rule change, or

(B) Institute proceedings to determine whether the proposed Rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by February 25, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 28, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-3732 Filed 2-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11587; 812-4773]

InterCapital Tax-Free Daily Income Fund Inc.; Filing of Application

January 28, 1981.

Notice is hereby given that InterCapital Tax-Free Daily Income Fund Inc. ("Applicant"), Five World Trade Center, New York, New York 10048, registered under the Investment Company Act of 1940 ("Act"), as a diversified, open-end management investment company, filed an application on December 1, 1980, and an amendment thereto on December 24, 1980, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets in accordance with the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it is designed as a vehicle for investors seeking the highest level of income exempt from federal income tax as is consistent with stability of principal and liquidity. It states that at least 80% of its portfolio will be invested in the following types of municipal obligations:

1. Municipal Bonds with remaining maturities of one year or less which are rated Aaa or Aa by Moody's Investors Service, Inc., ("Moody's"), or AAA or AA by Standard & Poor's Corporation ("S&P"), or, if not rated, are of comparable quality as determined by Applicant's board of directors.

2. Municipal Notes which are rated at the date of purchase MIG-1 or MIG-2 by Moody's or, if not rated, are of comparable quality as determined by the board of directors.

3. Municipal Commercial Paper which is rated P-1 or P-2 by Moody's or A-1 or A-2 by S&P or, if not rated, is of comparable quality as determined by the board of directors.

Applicant states that it may invest in the foregoing types of securities on a "when-issued" basis. Applicant further represents that at least 80% of its portfolio will be invested in such municipal obligations, and that, under certain circumstances, it may invest temporarily in taxable short-term fixed income securities (maturing in one year or less form the time of purchase).[1]

[1] Applicant states that its taxable investments will be limited to the following classes of securities:

(i) obligations of the United States Government or its agencies, instrumentalities or authorities;

(ii) prime commercial paper rated P-1 by Moody's or A-1 by S&P;

(iii) certificates of deposit of domestic banks with assests of $1 billion or more; and

(iv) repurchase agreements with respect to any of the foregoing portfolio securities.

Applicant states that the above classes of taxable securities may be acquired under the following circumstances:

As here pertinent, Section 2(a)(41) of the Act defines value to mean (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company, used in computing its price for purposes 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 other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 21, 1977).

Section 6(c) provides, in pertinent 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 view of the foregoing, Applicant requests an order, pursuant to Section 6(c) of the Act, exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value its assets using the amortized cost method of valuation.

In support of the relief requested, Applicant states that it has been the experience of Applicant's investment adviser in managing other funds, including another "money market fund", that in order to attract and retain sophisticated investors, a fund should possess the two attributes of: (i) stability of principal, i.e. a stable net asset value, and (ii) a steady flow of investment income. Applicant states further that its management believes that these attributes can be achieved through an investment policy of investing only in instruments having a remaining maturity of one year or less and valuing them on the basis of amortized cost. Applicant asserts, moreover, that its experience indicates that, with respect to such securities, there is normally a negligible discrepancy between market value and amortized cost value. Thus, Applicant believes that valuation of its assets on the basis of amortized cost, by enabling the maintenance of a stable price per share while at the same time allowing a flow of investment income less subject to fluctuation than under procedures whereby its dividend would be adjusted by all realized gains and losses, will benefit its shareholders. It is represented that Applicant's board of directors has determined in good faith that, in light of Applicant's characteristics as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the fund and reflects the fair value of such securities.

In addition, Applicant asserts that its adherence to the following conditions in the course of managing its portfolio will substantially reduce the likelihood of significant variation from a constant share price and the likelihood of any dilution of the assets and yield of incoming or outgoing shareholders:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its stockholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the board of directors 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 Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[2]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing stockholders, 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 portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[3]

(a) pending investment of proceeds of sale of Applicant's shares or of portfolio securities;

(b) pending settlement of purchases of portfolio securities;

(c) to maintain liquidity for the purpose of meeting anticipated redemptions; or

(d) to maintain a "defensive" posture when, in the opinion of Applicant's Investment Manager, it is advisable to do so because of market conditions.

[2] 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.

[3] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a

Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board's 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 though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit its portfolio investments, including repurchase agreements to those U.S. dollar-denominated instruments which Applicant's board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any 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 or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–4027 Filed 2–3–81; 8:45 am]

BILLING CODE 8010–11–M

manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 17501; SR–NASD–79–12]

National Association of Securities Dealers, Inc.; Order Approving Amended Proposed Rulechange

January 29, 1981.

On October 19, 1979, the National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006 (the "NASD") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change to revise Article XVIII, Schedule G of the NASD By-Laws. Schedule G sets forth the procedures for reporting last sale information with respect to over-the-counter transactions in exchange-traded securities that are required to be reported on the Consolidated Transaction Reporting System (the "Consolidated System"). Among other things, the proposed rule change would have (1) required NASD members to report as one transaction, at an average price, consecutive offsetting principal transactions involving blocks of 5,000 or more shares executed within a five minute period; (2) required "riskless principal" transactions [1] effected by a member who is not a market maker in the security to be reported as a single transaction excluding the mark-up or mark-down; and (3) raised the real-time reporting exemption limits from 500 shares and $5,000 on a single trading day to 1,000 shares and $25,000 in any one trading day.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16462 (December 14, 1979)) and by publication in the **Federal Register** (44 FR 75542 (1979)). On January 9, 1980, the NASD made a technical amendment to the filing to clarify the reporting procedures with respect to block transactions.[2] A second amendment was filed on October 8, 1980, and published in Securities Exchange Act Release No. 17226 (October 17, 1980) (45 FR 70610 (1980)). The amended proposed rule change eliminates the portion of the proposed rule change dealing with block transactions and clarifies that "riskless principal" transactions in which one of the transactions is executed on an exchange and the other in the over-the-counter market should be reported as a single transaction by the exchange. The amended proposed rule change retained that portion of the proposed rule change which expanded the exception to the real-time reporting requirements for members. The amendment also conforms Schedule G to the revisions approved by the Commission on July 7, 1980,[3] to provide for the reporting of all over-the-counter trades, including block transactions, on a "gross" rather than a "net" basis, i.e., exclusive of any commission, mark-up, mark-down, or other charge in the reported transaction price.

All written statements with respect to the amended proposed rule change which are filed with the Commission and all written communications relating to the amended proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room. The Commission received three comments [4] on the original proposed rule change during the extended comment period.[5] The commentators were primarily concerned with the proposed manner of reporting block transactions to the Consolidated System. These concerns were obviated

[1] A "riskless principal" transaction is a transaction in which a member, after having received from a customer an order to buy (or sell), purchases (sells) the security as principal from (to) another member or customer to satisfy the order.

[2] The amendment consisted of two additional examples of how block transactions should be reported.

[3] Those revisions, contained in File No. SR–NASD–80–3, were approved in Securities Exchange Act Release No. 16960 (July 7, 1980) (45 FR 47291 (1980)).

[4] Letter from R. T. O'Connell, Treasurer, General Motors Corporation, to George A. Fitzsimmons, Secretary of the Commission, dated January 30, 1980; letter from Robert J. Birnbaum, President, American Stock Exchange, Inc., to George A. Fitzsimmons, Secretary of the Commission, dated February 21, 1980; and letter from James E. Buck, Secretary, The New York Stock Exchange, to George A. Fitzsimmons, Secretary of the Commission, dated February 22, 1980.

[5] In Securities Exchange Act Release No. 16549 (January 31, 1980), the Commission extended the comment period on the proposed rule change to February 22, 1980.

by the amendments to the proposed rule change which deleted the section dealing with block transaction reporting. The New York Stock Exchange (the "NYSE") had no objection to the expansion of the exceptions to the real-time reporting requirements, but suggested that the NASD should regularly monitor the effect of the change to insure that there is no significant increase in the number of unreported transactions. In is letter, the NYSE also expressed the view that a riskless principal transaction involves two separate and distinct transactions, one between the customer and the broker, and a second between the broker and another customer or broker. The NYSE commented that each of the transactions should be reported to the Consolidated System. In addition, the NYSE expressed the view that it was inappropriate to distinguish between riskless principal trades effected by a member who is a market maker and such trades effected by a member who is not a market maker.

The proposed exemption levels appear appropriate to limit the burdens of transaction reporting on market makers who are not actively trading reported securities. However, as the NYSE suggests, it is important for the NASD to monitor the effect of the expansion of its exception to the realtime reporting requirements. Accordingly, the NASD should develop an appropriate monitoring system and notify the Commission of any adverse effects on the accuracy and usefulness of transaction reports for reported securities resulting from the expanded exception.

It also appears that, for reporting purposes, it is appropriate to treat riskless principal transactions as one trade, since such trades are economically equivalent to agency trades. However, it is appropriate to distinguish between riskless principal trades effected by a member who is a market maker and those trades effected by a member who is not a market maker. In connection with the adoption of its customer confirmation rule, Securities Exchange Act Rule 10b–10, the Commission determined that a market maker making a continuous two-sided market would have difficulty identifying when a riskless principal transaction has been effected. Accordingly, the rule contains an exemption for market makers in an effort to avoid the possibility that substantial compliance problems and interpretive difficulties would arise. Similar difficulties in identifying riskless principal trades by market makers could arise in the reporting context and therefore the NASD's determination that market makers should not be required to be subject to these requirements is appropriate.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular the requirements of Sections 11A and 15A, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved, effective February 27, 1981.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4028 Filed 2-3-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/363]

Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 3, 1981 from 9:00 a.m. until 5:00 p.m., in the Aspen Room of the National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is a review of the work under way in preparation for the international meeting of Study Group 5 in August–September 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: January 22, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-4027 Filed 2-3-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/365]

Advisory Committee on the Law of the Sea; Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) as amended by Pub. L. 94–409 Section 5(c), notice is hereby given that a group, cutting across subcommittee lines, of the Advisory Committee on the Law of the Sea will meet in closed session on Wednesday, February 18 at 9:30 a.m. in the Loy Henderson Conference Room, U.S. Department of State, 21st and C Streets, N.W., Washington, D.C.

The purpose of the closed meeting is to draw upon the expertise of the Committee to advise U.S. negotiators on matters relating to potential reciprocal arrangements among like-minded nations that have enacted or may enact, domestic mining legislation prior to the entry into force for those nations of a comprehensive Law of the Sea Convention. During the closed session, documents classified under the provisions of Executive Order 12065 will be discussed.

These documents relate to the issues which the United States has negotiated or may negotiate. The documents are exempt under 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9), and may be withheld from disclosure in the public interest.

The group will meet to advise the U.S. negotiators on the implementation of the purposes of the current series of meetings of the United States and other potential mining nations on reciprocal arrangements. Because these meetings will be concerned with matters relating to on-going discussions affecting the foreign relations interests of the United States, the meetings will not be open to the public. Premature disclosure could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions,

academic disciplines, and other public groups. As such, it will comprehensively review and make suggestions concerning reciprocal arrangements.

The giving of less than 15 days public notice of this meeting was necessitated by our inability to hold the meeting at a later date because of scheduling conflicts with the meeting of the Drafting Committee of the Third UN Conference on the Law of the Sea currently being held in New York, and the consequent non-availability of key participants, as well as conflicts with certain bilateral and multilateral international meetings scheduled just prior to the commencement of the Tenth Session of the Conference on March 9, 1981.

January 27, 1981.

George Taft,

Director, Office of the Law of the Sea Negotiations.

[FR Doc. 81-4148 Filed 2-3-81; 8:45 am]

BILLING CODE 4710-10-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 23
Wednesday, February 4, 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).

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published.]

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 28, 1981.

CHANGES IN THE MEETING: Additional meeting.

The following item will be considered by the Commission at a closed meeting scheduled for Monday, February 2, 1981, at 2:00 p.m.

Opinion.

Commissioners Loomis, Evans, and Friedman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272-2467.

January 29, 1981.

[S-193-81 Filed 1-30-81; 4:04 pm]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

Vol. 46, No. 23

Wednesday, February 4, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

10135-10450.....2
10451-10704.....3
10705-10894.....4

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12092 (Revoked by EO 12288).....10135
12288.....10135

4 CFR

20.....10451

7 CFR

29.....10451
1421.....10137
Proposed Rules:
1701.....10498
1747.....10746
2651.....10498

9 CFR

Proposed Rules:
318.....10500
381.....10500

10 CFR

Proposed Rules:
Ch. I.....10747
50.....10501

12 CFR

217.....10452
544.....10705
545.....10705
546.....10705
571.....10705
Proposed Rules:
Ch. II.....10747

13 CFR

118.....10455
119.....10455
Proposed Rules:
124.....10501

14 CFR

39.....10140
43.....10705
91.....10705
121.....10705
123.....10705
125.....10705
135.....10705
145.....10705
207.....10455
208.....10457
212.....10457
214.....10457
Proposed Rules:
39.....10163
71.....10164
207.....10164
208.....10164
212.....10164
214.....10164

15 CFR

938.....10141

16 CFR

1212.....10458
Proposed Rules:
Ch. I.....10502
423.....10165
457.....10747

18 CFR

4.....10458
271.....10141, 10460
282.....10148
Proposed Rules:
2.....10165
4.....10165
5.....10165
16.....10165
131.....10165

21 CFR

178.....10461
510.....10462, 10464
520.....10463
522.....10463
558.....10464
1030.....10465

23 CFR

140.....10706
450.....10706
630.....10706
655.....10706
656.....10706
765.....10706
Proposed Rules:
635.....10177

25 CFR

52.....10707
53.....10707

26 CFR

15A.....10708
31.....10148
Proposed Rules:
1.....10510, 10749

27 CFR

Proposed Rules:
181.....10512

29 CFR

1.....10465
2.....10465
5.....10466
2520.....10465
2550.....10465

2608 10720
2615 10720
Proposed Rules:
Ch. XIV 10177
2520 10512

30 CFR

71 10465
90 10465
211 10707
221 10707
231 10707
250 10707
270 10707
700 10707
716 10707
785 10707
948 10707
950 10707

32 CFR

826 10708

33 CFR

117 10706
157 10706
161 10706
162 10706

34 CFR

75 ..... 10153, 10721
76 10721
776 10721
778 10721
208 10153
220 10153
Proposed Rules:
100 10516

36 CFR

223 10497

37 CFR

307 10466

39 CFR

111 ..... 10154, 10721
Proposed Rules:
776 10513

40 CFR

123 10487
401 10723
Proposed Rules:
Ch. I 10177
52 10750
60 10752

41 CFR

Ch. 18 (Parts 3, 4, 5) 10489
Ch. 18 (Parts 3, 20, Appendix E) 10495

43 CFR

9 10707
2090 10707
2091 10707
2200 10707
2210 10707
2220 10707
2250 10707
2260 10707
2270 10707
2300 10707
2310 10707
2320 10707
2340 10707
2350 10707
2920 10707
4100 10497
Public Land Orders:
5797 10707
5798 10707
5799 10707
5802 10707
5803 10155
5804 10707
5805 10707
5806 10707
5809 10707
5812 10707
5814 10707
5817 10707
5818 10707
5819 10707
5821 10707
5824 10707
5825 10707
5826 10707
5827 10707
5828 10707
5830 10707
5831 10707
5832 10707
5833 10707
5834 10707
5836 10707
5837 10707
5838 10707
5839 10707
5840 10707
5841 10707
5842 10707
5844 10707
5845 10707
5846 10707
5848 10707
5849 10707
5850 10707
5851 10707
5852 10707
5853 10707
5854 10707
5855 10707

44 CFR

Proposed Rules:
67 10753–10763

46 CFR

Proposed Rules:
381 10515
524 10177
549 10767

47 CFR

73 10724–10737
81 10155
Proposed Rules:
2 10768
22 10768
73 10772–10784
94 10768
73 10177

49 CFR

173 10706
179 10706
192 ..... 10157, 10706
195 ..... 10157, 10706
460 10706
613 10706
635 10706
639 10706
640 10706
642 10706
1033 ..... 10497, 10740–10743
1109 10162
1248 10745
Proposed Rules:
571 ..... 10179, 10428
575 10429
1044 10180
1109 ..... 10181, 10182

50 CFR

17 10707
Proposed Rules:
216 10785
611 10182
639 10515
643 10182
661 10182

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.

Deadlines for Comments On Proposed Rules for the Week of February 8 through February 14, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

81530 12-11-80 / Foreign quarantine notices; importation of certain articles of chrysanthemum spp. from Canada; comments by 2-9-81

81728 12-12-80 / Mediterranean fruit fly; additions to list of regulated areas; comments on final rule by 2-10-81

Commodity Credit Corporation—

81534 12-11-80 / Grain Reserve Program for 1980 and subsequent crops and alternative program for 1980 and prior crops; comments by 2-9-81

81533 12-11-80 / Regulations governing the Grain Reserve Program for 1979 and subsequent crops and alternative program for 1979 and prior crops; comments by 2-9-81

81211 12-10-80 / Community domestic water and waste water disposal systems, development grants; comments by 2-9-81

Farmers Home Administration—

9617 1-29-81 / Chattel security servicing and liquidation; rotation of grain crops; comments by 2-13-81

Food and Nutrition Service—

81030 12-9-80 / Food Stamp Program—Performance Reporting System; Quality Control; (emergency final rulemaking); comments by 2-9-81

Food Safety and Quality Service—

77332 11-21-80 / U.S. standards for grades of canned fruits; comments extended to 12-12-81

[*See also* 45 FR 18378, 3-21-80]

81764 12-12-80 / Use of hexagon-shaped brands for imported horsemeat and other equines; comments by 2-10-81

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

82080 12-12-80 / Handicapped persons; standards for access and use of buildings; attorney's fees and costs; comments by 2-10-81

CIVIL AERONAUTICS BOARD

81604 12-11-80 / Rules of conduct in Board Proceedings; comment period extended until 2-10-81

[Originally published at 45 FR 73087, November 4, 1980]

COMMERCE DEPARTMENT

Maritime Administration—

2370 1-9-81 / Cargo preference—U.S. flag vessels; geographical allocation of preference cargoes; comments by 2-9-81

COMMODITY FUTURES TRADING COMMISSION

3027 1-13-81 / Contract market rules; disapproval and alteration of proposal by Chicago Board of Trade; comments by 2-12-81

CONSUMER PRODUCT SAFETY COMMISSION

82066 12-12-80 / Sunshine Act meetings and meetings between agency personnel and outside parties; policy; comments by 2-10-81

EDUCATION DEPARTMENT

85082 12-24-80 / Handicapped children; nondiscrimination in programs and activities receiving or benefitting from Federal financial assistance; comments by 2-9-81

86304 12-30-80 / State Student Incentive Grant Program provisions; comments by 2-13-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

71 1-2-81 / Emergency interconnection of electric facilities and the transfer of electricity to alleviate an emergency shortage of electric power; comments by 2-13-81

Federal Energy Regulatory Commission—

1291 1–6–81 / Exemption from licensing requirements of category of small hydroelectric power projects with installed capacity of five megawatts or less; comments by 2–13–81

ENVIRONMENTAL PROTECTION AGENCY

2044 1–8–81 / Air pollution from aircraft and aircraft engines; comments by 2–9–81

3963 1–16–81 / Certain chemicals; premanufacture notices; comments by 2–9–81

81180 12–9–80 / Modification of effluent limitations guidelines and standards for pH values for point sources that continuously monitor their effluent; comments by 2–9–81

3033 1–13–81 / National emission standards for hazardous air pollutants; revisions and addition to test methods; comments by 2–13–81

81615 12–11–80 / Premanufacture notification requirements and review procedures; extension of comment period on the proposed economic impact and draft regulatory analyses; comments by 2–13–81

73699 11–6–80 / Proposed delayed compliance order for Atlantic City Electric Company's Deepwater Unit 8; comments by 2–8–81

79390 11–28–80 / Standards of performance for new stationary sources; surface coating of metal furniture; comments by 2–8–81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

81039 12–9–80 / Interim procedural regulations on timely filing of charges with the Commission in deferral jurisdictions; comments by 2–9–81

FEDERAL COMMUNICATIONS COMMISSION

3573 1–15–81 / AM stereophonic broadcasting; comment period extended to 2–9–81

[*See also* 45 FR 59350, 9–9–80 and 45 FR 81797, 12–12–80]

81217 12–10–80 / Cable television systems and divestiture requirement; reply comment period extended to 2–9–81

[*See also* 45 FR 63011, 9–23–80]

84833 12–23–80 / FM broadcast station in Ponca City, Okla.; proposed changes in table of assignments; comments by 2–10–81

76717 11–20–80 / FM quadraphonic broadcasting; reply comments period extended to 2–9–81

[*See also* 45 FR 55491, 8–20–80]

3939 1–16–81 / Regarding public coast station replies to general calls on channel 16; comments by 2–13–81

84835 12–23–80 / TV broadcast station in Kerrville, Tex.; proposed changes in table of assignments; comments by 2–9–81

FEDERAL HOME LOAN BANK BOARD

3909 1–16–81 / Washington, D.C.—Md.—Va. SMSA branching; comments by 2–13–81

FEDERAL RESERVE SYSTEM

84070 12–22–80 / International banking facilities; comments by 2–13–81

FEDERAL TRADE COMMISSION

82656 12–16–80 / Citicorp Financial, Inc.; consent agreement with analysis to aid public comment; comments by 2–13–81

80307 12–4–80 / Mobile home sales and service; comments by 2–13–81

[Originally published at 45 FR 53638, Aug. 3, 1980]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

3239 1–14–81 / Records management technical assistance program; comments by 2–13–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

81064 12–9–80 / Amendment of identity standards for flour and whole wheat flour; comments by 2–9–81

2339 1–9–81 / Canned fruits, canned berries; amendment of standard of identity; comments by 2–9–81

2992 1–13–81 / Cepha antibiotic drugs; certification of cefadroxil monohydrate tablets; comments by 2–12–81

2991 1–13–81 / Cepha antibiotic drugs; certification of new strength of cefadroxil capsules; comments by 2–12–81

2979 1–13–81 / Cyclacillin; amendment to antibiotic drug regulations; comments by 2–11–81

2989 1–13–81 / Erythromycin ethylsuccinate-sulfisoxazole acetyl for oral suspension; certification; comments by 2–12–81

2994 1–13–81 / Gentamicin sulfate injection; amendment to antibiotic drug regulations; comments by 2–12–81

2341 1–9–81 / Indirect food additives; adjuvants, production aids, and sanitizers; hydrogen peroxide; comments by 2–9–81

2996 1–13–81 / Linomycin antibiotic drug; certification of clindamycin phosphate topical solution; comments by 2–12–81

2995 1–13–81 / Macrolide antibiotic drugs; certification of erythromycin topical solution; comments by 2–12–81

81769 12–12–80 / Premarket approval of medical devices; proposed establishment of regulations; comments by 2–10–81

2987 1–13–81 / Sisomicin sulfate; amendments to antibiotic drug regulations; comments by 2–11–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development—

Office of the Assistant Secretary—

82272 12–15–80 / Community development block grants, entitlement grants; comments by 2–13–81

Federal Housing Commissioner—

Office of the Assistant Secretary—

82273 12–15–80 / Review of applications for housing assistance and allocation of housing assistance funds; comments by 2–13–81

INTERIOR DEPARTMENT

Hearings and Appeals Office—

81074 12–9–80 / Department hearings and appeals procedures; comments by 2–9–81

Indian Affairs Bureau—

2366 1–9–81 / Payment of Sioux benefits; eligibility criteria and application procedures governing benefits; comments by 2–9–81

Office of the Secretary—

85376 12–24–80 / Regulatory Flexability Act implementation; comments by 2–9–81

Surface Mining Reclamation and Enforcement Office—

3030 1–13–81 / Kentucky State Program; comments by 2–12–81

LABOR DEPARTMENT

Employment and Training Administration—

58143 9–2–80 / List of occupations meeting criteria for apprenticeability; comments period extended to 2–11–81

Pension and Welfare Benefit Programs Office—

85793 10–30–80 / Proposed revision of annual return report form and provisions for plans that participate in a master trust; comments by 2–13–81

MERIT SYSTEMS PROTECTION BOARD

2326 1–9–81 / Hearing procedures for original jurisdiction cases; comments by 2–13–81

PERSONNEL MANAGEMENT OFFICE

81764 12–12–80 / Federal Employees Health Benefits Survivor Annuitant Coverage; comments by 2–10–81

TRANSPORTATION DEPARTMENT

Coast Guard—

85488 12-29-80 / Marine engineering regulations for merchant vessels; acceptance of ASMEU or UM symbol stamp for pressure vessels, fittings, and accumulators; comments by 2-12-81

85471 12-29-80 / Prince William sound vessel traffic service; comments by 2-12-81

Federal Aviation Administration—

80815 12-8-80 / Procedural rules; expeditious and uniform issuance of airworthiness directives for certain domestic and foreign manufactured products; comments by 2-9-81

National Highway Traffic Safety Administration—

81625 12-11-80 / Federal motor vehicle safety standards; seat belt assembly anchorages; anchorages for child restraint systems; comments by 2-9-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

82275 12-15-80 / Labeling and advertising of wine (appellation of origin) under the Federal Alcohol Administration Act; comments by 2-13-81

82470 12-15-80 / Proposed establishment of five viticultural areas in California; comments by 2-13-81

Internal Revenue Service—

81066 12-9-80 / Treatment of income from qualified trade shows sponsored by certain exempt organizations; comments by 2-9-81

81606 12-11-80 / Windfall profit tax; definition of "producer"; comments by 2-9-81

Deadlines for Comments On Proposed Rules for the Week of February 15 through February 21, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

85767 12-30-80 / Handling of milk in Federal milk marketing areas; comments period extended to 2-16-81

[*See also* 44 FR 65989, 11-13-79 and 45 FR 75956, 11-17-80]

9956 1-30-81 / Lemons grown in Calif. and Ariz.; handling regulations; comments by 2-17-81

Animal and Plant Health Inspection Service—

82654 12-16-80 / Importation of carcasses, parts, or products of poultry, game birds, and other birds; comments by 2-17-81

Commodity Credit Corporation—

6973 1-22-81 / Milk price support program; terms and conditions of 1980-1981; comments by 2-17-81

Farmers Home Administration—

83244 12-18-80 / Borrower supervision, servicing, and collection of single family housing loan accounts; comments by 2-17-81

82653 12-16-80 / Provisions for disposal of acquired property; comments by 2-17-81

Food and Nutrition Service—

82890 12-16-80 / Food Distribution Program provisions; comments by 2-17-81

Foreign Agricultural Service—

83191 12-18-80 / Export sales reporting of peanuts; comments by 2-17-81

CIVIL AERONAUTICS BOARD

80117 12-3-80 / Canadian charter air taxi operators; registration procedure for operating authority; reply comments by 2-17-81

83510 12-19-80 / Establishment of service mail rate zones for air transportation; comments by 2-17-81

83254 2-18-80 / Guidelines for subsidizing air carriers providing essential air transportation; comments by 2-17-81

COMMERCE DEPARTMENT

International Trade Administration—

84021 12-22-81 / Revision of enforcement provisions of the Export Administration regulations; comments by 2-20-81

National Oceanic and Atmospheric Administration—

83412 12-18-80 / Fish and Wildlife Coordination Act; rulemaking and availability of Draft Environmental Statement; comments by 2-17-81

2153 1-8-81 / Taking of marine mammals incidental to commercial fishing operations; enforcement policy; comments by 2-15-81

COMMODITY FUTURES TRADING COMMISSION

84084 12-22-80 / Trading restrictions applicable to certain contract market and cleaning organization employees; comments by 2-20-81

CONSUMER PRODUCT SAFETY COMMISSION

82659 12-16-80 / Changes in requirements for full-size and non-full-size baby cribs; comments by 2-17-81

DEFENSE DEPARTMENT

Army Department—

3561 1-15-81 / Private organizations on Department of Army installations; comments by 2-17-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

85059 12-24-80 / Effective date of ceiling rates on Money Market Certificates and Small Saver Certificates; comments by 2-16-81

85056 12-24-80 / Penalty for early withdrawals of time deposit funds in the event of bankruptcy; comments by 2-16-81

EDUCATION DEPARTMENT

86932 12-31-80 / Cooperative Education Program; comments by 2-17-81

86502 12-31-80 / Education Appeal Board; proceedings, appeals less than $100,000; comments by 2-17-81

86886 12-31-80 / Institutional Grants for Graduate and Professional Study Program; comments by 2-17-81

86890 12-31-80 / Law School Clinical Experience Program; comments by 2-17-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

84920 12-23-80 / Amendments to propane pricing regulations; comments by 2-17-81

Federal Energy Regulatory Commission—

8568 1-27-81 / High-cost gas produced from tight formations; comments by 2-20-81

6901 1-22-81 / Natural gas from stripper wells; temporary pressure buildup; maximum lawful price; comments by 2-20-81

82957 12-17-80 / Public utilities, licensees, and natural gas companies; preservation of records; comments period extended to 2-17-81

[*See also* 45 FR 76696, 11-20-80]

ENVIRONMENTAL PROTECTION AGENCY

83126 12-17-80 / Air pollution; performance standards for limiting emissions of volatile organic compounds from gasoline tank truck loading racks at bulk gasoline terminals; comments by 2-17-81

3569 1-15-81 / Air quality implementation plans; Washington; revision; comments by 2-17-81

7005 1-22-81 / Air quality; Pa.; revision to State implementation plan for attainment of ozone standard in Scranton/Wilkes-Barre Metropolitan Region; comments by 2-21-81

84096 12-22-80 / Approval and promulgation of implementation plans; Rule revisions of Six Scramento Valley Air Pollution Control Districts in the State of California; comments by 2-20-81

6021 1-21-81 / Availability of implementation plan revision for the state of Oregon; comments by 2-20-81

6019 1-21-81 / Fully halogenated chlorofluoroalkanes; essential use exemption for pharmaceutical rotary tablet press punch lubricants; comments by 2-20-81

76631 11-19-80 / Hazardous waste management system; interim rule; comments by 2-17-81

5003 1-19-81 / Lecithin; exemption from the requirement of a tolerance; comments by 2-18-81

2120 1-8-81/ Rhode Island application for interim authorization, phase I, Hazardous Waste Management Program; comments by 2-17-81

3923 1-16-81 / State implementation plans; Connecticut; ambient monitoring network; comments by 2-17-81

FEDERAL COMMUNICATIONS COMMISSION

5008 1-19-81 / Communication Satellite Corporation, changes in corporate structure and operation; reply comments extended to 2-20-81

[Originally published at 45 FR 71629, 10-29-80]

85125 12-24-80 / Direct broadcast satellities for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (interim systems); reply comments by 2-17-81

5011 1-19-81 / FM broadcast stations in Andrews and Pawley's Island, S.C.; reply comments extended to 2-19-81

[*See also* 45 FR 73719, 11-6-80]

81215 12-10-80 / FM broadcast station in Lahaina, Maui, Hawaii; changes in table of assignments; reply comments by 2-16-81

81078 12-9-80 / FM broadcast station in Millersburg, Ohio; changes in table of assignments; reply comments by 2-16-81

81080 12-9-80 / FM broadcast station in Romney, West Va.; changes in table of assignments; reply comments by 2-16-81

6025 1-21-81 / MTS and WATS market structure; reply comments period extended to 2-16-81

[*See also* 45 FR 55777, 8-21-80]

72902 11-3-80 / Televison channel allotments at less than specified minimum mileage separation distances; reply comments by 2-15-81

[Corrected at 45 FR 78736, 11-26-80]

82283 12-15-80 / TV broadcast station in Middleton, Mass.; proposed changes in table of assignments; reply comments by 2-19-81

FEDERAL HOME LOAN BANK BOARD

85048 12-24-80 / Service Corporation activity; comments by 2-15-81

FEDERAL RESERVE SYSTEM

83510 12-19-80 / Credit by brokers and dealers; proposal to delete provision permitting use of Foreign currency in margin account; comments by 2-19-81

FEDERAL TRADE COMMISSION

82957 12-17-80 / Commissioners, disqualification in proceedings; comments by 2-17-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

3029 1-13-81 / Alpha-fetoprotein test kits; restriction of sale, distribution, and use; comments by 2-20-81

[*See also* 45 FR 74158, 11-7-80]

3831 1-16-81 / Antibiotic drugs; cefaclor; comments by 2-17-81

3835 1-16-81 / Antibiotic drugs; Meclocycline sulfosalicylate; comments by 2-17-81

69128 10-17-80 / Establishment of a monograph for ingrown toe nail relief drug products for over-the-counter human use; reply comments by 2-16-81

69122 11-17-80 / Establishment of monograph for nailbiting and thumbsucking deterrent drug products for over-the-counter human use; reply comments by 2-16-81

76183 11-18-80 / Medical devices; mandatory device experience reporting; comments by 2-17-81

3838 1-16-81 / Tests and methods of assay of antibiotic, containing drugs and lincomycin antibiotic drugs; microbiological turbidimetric assay for lincomycin hydrochloride monohydrate; comments by 2-17-81

Health Care Financing Administration—

83772 12-19-80 / Medicaid; administrative sanctions; suspension of convicted practitioners; comments by 2-17-81

Public Health Service—

82840 12-16-80 / Changes in provisions on eligibility for services of the Indian Health Service; comments by 2-17-81

83554 12-19-80 / Projects grants for community health services; comments by 2-17-81

83566 12-19-80 / Projects grants for migrant health; comments by 2-17-81

Social Security Administration—

84086 12-22-81 / Basic computation of benefits and lump sums; reduction in dropout years for disabled workers; comments by 2-20-81

84086 12-22-80 / Deductions; reductions; and nonpayments of benefits; limit on family disability insurance benefits; comments by 2-20-81

HISTORIC PRESERVATION ADVISORY COUNCIL

5578 1-19-81 / Historic preservation requirements of the urban development action grant program; comments by 2-18-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Assistant Secretary for Housing Office—

82958 12-17-80 / Multifamily projects covered by HUD mortgage insurance; increase of construction limit cost for assurance of completion; comments by 2-17-81

84046 12-22-80 / Rest supplement payments; comments by 2-20-81

Neighborhoods, Voluntary Associations and Consumer Protection—

84048 12-22-80 / Anti-Kickback regulations; clarification of certain terms; comments by 2-20-81

Office of the Secretary—

83261 12-18-80 / Siting of HUD-assisted projects in designated clear zones and accident potential zones at civil airports and military airfields; comments by 2-17-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

76012 11-17-80 / Endangered species; unarmored threespine stickleback (fish species); proposed critical habitat; comments by 2-17-81

Land Management Bureau—

82679 12-16-80 / Land use planning provisions; comments by 2-17-81

84102 12-22-80 / Sales of forest products—general; comments by 2-20-81

Office of the Secretary—

83412 12-18-80 / Fish and Wildlife Coordination Act; proposed rulemaking and availability of Draft Environmental Statement; comments by 2-17-81

Surface Mining Reclamation and Enforcement Office—

4951 1–19–81 / Surface coalmining and reclamation and enforcement under Federal program for Illinois; comments by 2–18–81

INTERSTATE COMMERCE COMMISSION

1323 1–6–81 / Business entertainment expenses; comments by 2–20–81

COMMERCE DEPARTMENT AND JUSTICE DEPARTMENT

9064 1–28–81 / Foreign Corrupt Practices Act; review procedures; effectiveness in reducing uncertainty as to meaning of antibribery provisions; inquiry; comments by 2–16–81

JUSTICE DEPARTMENT

Parole Commission—

84090 12–22–80 / Offense seventy table; upgrade seriousness of voluntary manslaughter; comments by 2–20–81

LABOR DEPARTMENT

83548 12–19–80 / Public contracts and property management; small and disadvantaged business program; comments by 2–17–81

Employment and Training Administration—

6017 1–21–81 / Changes to veterans preference indicators of compliance for FY 1981; comments by 2–20–81

Occupational Safety and Health Administration—

3919 1–16–81 / Withdrawal of the Indiana State Plan; comments by 2–17–81

Wage and Hour Division, Employment Standards Administration—

3916 1–16–81 / Employment of homeworkers in certain industries; comments by 2–17–81

83914 12–19–80 / Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; comments by 2–17–81

NATIONAL CREDIT UNION ADMINISTRATION

82955 12–17–80 / Federally insured credit unions; financial and statistical reports, semi-annual; comments by 2–17–81

NUCLEAR REGULATORY COMMISSION

86500 12–31–80 / Nuclear power plant codes and standards; construction of components and inservice inspection requirements; incorporation by reference; comments by 2–17–81

SECURITES AND EXCHANGE COMMISSION

83517 12–19–80 / Standardization of financial statement requirements in management investment company registration statements and reports to shareholders; comments by 2–16–81

STATE DEPARTMENT

Office of the Secretary—

3547 1–15–81 / Foreign Service Retirement and Disability System; benefits for spouses and former spouses; comments by 2–17–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

76872 11–20–80 / Aircraft engine regulatory review program; aircraft engine and related powerplant installation proposals; comments by 2–18–80

76894 11–20–80 / Operations review program notice No. 12; comments by 2–18–80

Federal Highway Administration—

60922 9–15–80 / National standards for traffic control devices; manual on uniform traffic control devices; railroad-highway projects; comments extended to 2–15–81

[*See also* 45 FR 40062, 6–12–80]

76924 11–20–80 / Utility relocations, adjustments, and reimbursement; comments by 2–18–81

Urban Mass Transportation Administration—

79669 12–1–80 / Innovative techniques and methods in the management and operation of public transportation; comments by 2–16–81

TREASURY DEPARTMENT

Customs Service—

82665 12–16–80 / Change in field organizations of the customs service; comments by 2–17–81

83260 12–18–80 / Inclusion of certain assist costs incurred in the United States as direct costs of processing operations and the generalized system of preferences; comments by 2–17–81

Internal Revenue Service—

84088 12–22–80 / Accumulated earnings tax; comments by 2–20–81

6018 1–21–81 / Limitation on foreign tax credit for foreign oil and gas taxes; comments period extended to 2–17–81

[*See also* 45 FR 75695, 11–17–81]

6019 1–21–81 / Payments to foreign countries for oil and gas that are not considered taxes; comments period extended to 2–17–81

[*See also* 45 FR 75692, 11–17–80]

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

7417 1–23–81 / Black Hills National Forest Grazing Advisory Board, Custer, S. Dak. (open), 2–11–81

7459 1–23–81 / Coal unsuitability recommendations for federal coal emergency lease application, Richfield, Utah (open), 2–10–81

6030 1–21–81 / Gila National Forest Grazing Advisory Board, Silver City, N. Mex. (open), 2–12–81

ARTS AND HUMANITIES NATIONAL FOUNDATION

9270 1–28–81 / Museum Panel, Washington, D.C. (closed), 2–12–81

9270 1–28–81 / National Council on the Arts, Washington, D.C. (partially open), 2–13 through 2–15–81

9270 1–28–81 / Visual Arts Panel of the National Council on the Arts, Washington, D.C. (closed), 2–10 and 2–11–81

CIVIL AERONAUTICS BOARD

9982 1–30–81 / John Wayne Airport environmental impact statement, Tustin, Calif. (open), 2–9–81

CIVIL RIGHTS COMMISSION

8632 1–27–81 / Maine Advisory Committee, Augusta, Maine (open), 2–12–81

8632 1–27–81 / Midwestern, New England, Central, Rocky Mountain, Southwestern and Northwestern Regions, Minneapolis, Minn., 2–12 and 2–13–81

8633 1–27–81 / Minnesota Advisory Committee, Minneapolis, Minn., 2–12–81

8638 1–27–81 / New England Fishery Management Council, Scientific and Statistical Committee, Boston, Mass (open), 2–11–81

8633 1–27–81 / Rhode Island Advisory Committee, Providence, R.I., 2–11–81

COMMERCE DEPARTMENT

International Trade Administration—

7039 1–22–81 / Semiconductor Technical Advisory Committee, Washington, D.C. (partially open), 2–11–81

7037 1–22–81 / Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (closed), 2–10–81

7038 1-22-81 / Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (closed), 2-10-81

7039 1-22-81 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 2-10-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administraton—

5032 1-19-81 / Proposed estuarine sanctuary at Mullica River, environmental impact statement, Washington, D.C. (open), 2-9-81

DEFENSE DEPARTMENT

Air Force Department—

7427 1-23-81 / Scientific Advisory Board, Los Angeles, Calif. (closed), 2-11 and 2-12-81

Office of the Secretary—

2376 1-9-81 / Defense Science Board, Advisory Committee, Arlington, Va. (closed), 2-12 and 2-13-81

9694 1-29-81 / Defense Science Board Task Force, Review of M-X environmental impact statement, Santa Barbara, Calif. (open), 2-12 and 2-13-81

85500 12-29-80 / Wage Committee, Arlington, Va. (closed), 2-10-81

EDUCATION DEPARTMENT

86894 12-31-80 / Educational Opportunity Centers Program; Washington, D.C., 2-9-81; Chicago, Ill., 2-11-81, (both sessions open)

86922 12-31-80 / Special Programs Staff and Leadership Personnel Training Program; Washington, D.C., 2-9-81; Chicago, Ill., 2-11-81; (both sessions open)

86900 12-31-80 / Special Services for Disadvantaged Students Program; Washington, D.C., 2-9-81; Chicago, Ill., 2-11-81 (both sessions open)

86908 12-31-80 / Talent Search Program; Washington, D.C., 2-9-81; Chicago, Ill., 2-11-81 (both sessions open)

86914 12-31-80 / Upward Bound Program; Washington, D.C., 2-9-81; Chicago, Ill., 2-11-81 (both sessions open)

ENERGY DEPARTMENT

Economic Regulatory Commission—

2170 1-6-81 / Environmental impact statement, Salem Harbor Generating Stations Units 1, 2, and 3, Salem, Mass. (open), 2-10-81

Energy Research Office—

7054 1-22-81 / DOE/NSF Nuclear Science Advisory Committee, Washington, D.C. (open), 2-9 and 2-10-81

3590 1-15-81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Exploration Task Group, San Francisco, Calif. (open), 2-11-81

FEDERAL COMMUNICATIONS COMMISSION

8720 1-27-81 / Marine Services Radio Technical Commission, Special Committee No. 74, Washington, D.C. (open), 2-11-81

8720 1-27-81 / Marine Services Radio Technical Commission, Special Committee No. 76, Washington, D.C. (open), 2-11-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

5069 1-19-81 / Alcohol Human Resource Development Review Committee, Rockville, Md. (partially open), 2-12 and 2-13-81

5069 1-19-81 / Community Processes and Social Policy Review Committee, Washington, D.C. (partially open), 2-12 through 2-14-81

Centers for Disease Control—

7441 1-23-81 / Assessment of Occupational Health Hazard Control Technology for the Manufacture and Industrial Use of Adhesives, Cincinnati, Ohio (open), 2-12-81

Food and Drug Administration—

10015 1-30-81 / Consumer exchange meeting, Little Amana, Iowa (open), 2-13-81

7445 1-23-81 / General Medical Devices Panel, General Hospital and Personal Use Device Section, Silver Spring, Md. (closed), 2-9-81

National Institutes of Health—

6071 1-21-81 / Biotechnology Resources Review Committee, Bethesda, Md. (partially open), 2-10-81

6072 1-21-81 / Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md. (partially open), 2-12 and 2-13-81

Public Health Service—

7071 1-22-81 / Health Care Technology National Council, Washington, D.C. (open), 2-13-81

INTERIOR DEPARTMENT

Land Management Bureau—

2391 1-9-81 / Arizona Strip District Multiple Use Advisory Council, St. George, Utah (open), 2-12-81

[Originally published at 45 FR 81129, Dec. 9, 1980]

3070 1-13-81 / Boise District Advisory Board, Boise, Idaho (open), 2-9 and 2-10-81

3071 1-13-81 / Boise District Advisory Council, Boise, Idaho (open), 2-12-81

7459 1-23-81 / Coal unsuitability recommendations for federal coal emergency lease application, Richfield, Utah (open), 2-10-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

7496 1-23-81 / International Food and Agricultural Development Board, Joint Research Committee, Rosslyn, Va. (open), 2-10 and 2-11-81

7496 1-23-81 / International Food and Agricultural Development Board, Joint Committee on Agricultural Development, Arlington, Va. (open), 2-9 and 2-10-81

INTERIOR DEPARTMENT

Office of the Secretary—

1781 1-7-81 / Outer Contintental Shelf Advisory Board annual meeting, Charleston, S.C. (open), 2-11 through 2-13-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

5104 1-19-81 / NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Geodynamics and Geology Ad Hoc Informal Advisory Subcommittee, Washington, D.C. (open), 2-9 through 2-11-81

NATIONAL SCIENCE FOUNDATION

8138 1-26-81 / Behavioral and Neural Sciences Advisory Committee, Subcommittee for Anthropology, Washington, D.C. (closed) 2-11 thru 2-13-81

5105 1-19-81 / Behavioral and Neural Sciences Advisory Committee, Memory and Cognitive Processes Subcommittee, Washington, D.C. (closed), 2-9 and 2-10-81

5105 1-19-81 / Behavioral and Neural Sciences Advisory Committee, Neurobiology Subcommittee, Washington, D.C. (closed), 2-9, 2-10, 2-12 and 2-13-81

5107 1-19-81 / Behavioral and Neural Sciences Advisory Committee, Social and Development Psychology Subcommittee, Washington, D.C. (closed), 2-12 and 2-13-81

8138 1-26-81 / Engineering and Applied Science Advisory Committee, Subcommittee for Earthquake Hazards Mitigation, Santa Barbara, Calif. (open), 2-11 and 2-12-81

8137 1-26-81 / Informational Science & Technology Advisory Committee, Washington, D.C. (open), 2-13-81

8138 1-26-81 / Materials Research Advisory Committee, Subcommittee on Facilities, Washington, D.C. (partially open), 2-9-81

5106 1-19-81 / Materials Research Advisory Committee, Facilities Subcommittee, Washington, D.C. (closed), 2-9 and 2-10-81

5107 1-19-81 / National Science Foundation Advisory Council, Task Group No. 14, Washington, D.C. (open), 2-11-81
[Rescheduled and relocated at 46 FR 8811, 1-27-81]

5107 1-19-81 / Physiology, Cellular, and Molecular Biology Advisory Committee, Genetic Biology Subcommittee, Washington, D.C. (closed), 2-12 through 2-14-81

5106 1-19-81 / Physiology, Cellular, and Molecular Biology Advisory Committee, Molecular Biology, Group A Subcommittee, Washington, D.C. (closed), 2-9 and 2-10-81

NUCLEAR REGULATORY COMMISSION

6107 1-21-81 / Advisory Panel for the Decontamination of Three Mile Island , Unit 2, Harrisburg, Pa. (open), 2-11-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

9837 1-29-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment, Washington, D.C. (open), 2-12 and 2-13-81

VETERANS ADMINISTRATION

4016 1-16-81 / Station Committee on Educational Allowances, Petersburg, Fla. (open), 2-10-81

7127 1-22-81 / Cooperative Studies Evaluation Committee, Miami Springs, Fla. (partially open), 2-9 and 2-10-81

5121 1-19-81 / Educational Allowances Station Committee, Nashville, Tenn., (open), 2-10-81

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

8638 1-27-81 / Gulf of Mexico and South Atlantic Fishery Management Councils; Marathon, Fla., 2-11-81; Key Largo, Fla., 2-12-81

COMMERCE DEPARTMENT

Office of the Secretary—

2375 1-9-81 / Definition of aerospace industry materials needs; invitation for expression of public and private sector materials needs and recommendations for Federal action, Gaithersburg, Md., 2-9 and 2-10-80

EDUCATION DEPARTMENT

Postsecondary Education Office—

8032 1-26-81 / Higher Education Amendments of 1980, Student Financial Assistance and Title I and TRIO Programs, Evanston, Ill., 2-11-81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8252 1-26-81 / Emergency Energy Conservation, Washington, D.C., 2-11-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

7445 1-23-81 / General Medical Devices Panel, General Hospital and Personal Use Device Section, Silver Spring, Md., 2-9-81

HEALTH AND HUMAN SERVICES ADMINISTRATION

Health Care Financing Administration—

85159 12-24-80 / Pharmaceutical Reimbursement Board's proposed maximum allowable cost for certain drugs, Baltimore, Md., 2-12-81

INTERIOR DEPARTMENT

Heritage Conservation and Recreation Service—

5566 1-19-81 / Archaeological Resources Protection Act of 1979; proposed uniform rulemaking, Atlanta, Ga., 2-14-81

Surface Mining Reclamation and Enforcement Office—

6983 1-22-81 / Surface coal mining and reclamation operations, regulatory program; use of explosives; Washington, D.C., Knoxville, Tenn., and Denver, Colo. 2-11-81

6997 1-22-81 / Surface coal mining and reclamation operations; State programs; approval procedures; Washington, D.C., 2-12-81

TRANSPORTATION DEPARTMENT

Coast Guard—

79258 11-28-80 / Licensing of vessel pilots, San Francisco, Calif., 2-10-81

Alcohol, Tobacco and Firearms Bureau—

82472 12-15-80 / Establishment of proposed viticultural areas, Finger Lakes, Calif., 2-11-81

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

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

9661 1-29-81 / CSA—Granted fiscal responsibility and auditing; comments by 3-30-81

8252 1-26-81 / DOE/SOLAR—Emergency Energy Conservation; comments by 2-25-81

8016 1-26-81 / DOE/SOLAR—Residential Energy Efficiency Program implementation; comments by 3-27-81

8996 1-27-81 / DOE/SOLAR—Residential conservation service program; comments by 3-30-81

9004 1-27-81 / DOE/SOLAR—Residential conservation service program; comments by 5-27-81

9005 1-27-81 / DOE/SOLAR—Residential conservation service programs, Federal RCS plans; comments by 3-10-81

9008 1-27-81 / Labor/ETA—Comprehensive Employment and Training Act; regulations concerning complaints, investigations and sanctions; comments by 3-30-81

APPLICATIONS DEADLINES

9983 1-30-81 / Commerce/MBDA—Financial assistance applications solicited for San Francisco Region projects; apply by 3-4-81

9838 1-29-80 / DOT/FLWA—Highway safety research and development program; solicitation of problem statements; apply by 4-29-81

7953 2-26-81 / DOT/NHTSA—Highway Safety Innovative Project Grants Program; apply by 3-1-81

9747 1-29-81 / EPA—Air pollution control; epidemiology study of particulates program; solicitation of institutional preproposals; apply by 3-9-81

10008 1-30-81 / FMCS—Labor-Management Cooperation Program; labor-management committees; apply by 4-3 or 4-10-81 depending on funding category

8121 1-26-81 / HHS/HDSO—Administration for children, youth and families child welfare, research and demonstration grants program; apply by 3-27-81

MEETINGS

8252 1-26-81 / DOE/SOLAR—Emergency Energy Conservation, Washington, D.C., 2-25-81

8016 2-26-81 / DOE/SOLAR—Residential Energy Efficiency Program, Washington, D.C., 3-6-81

8996 1-27-81 / DOE/SOLAR—Residential conservation service program, Washington, D.C., 2-20-81

9005 1-27-81 / DOE/SOLAR—Residential conservation service programs, Washington, D.C., 2-19 and 2-20-81; and Kansas City, Mo., 2-26 and 2-27-81

8016 1-26-81 / DOE/SOLAR—Residential Energy Efficiency Program implementation, Washington, D.C., 3-6-81

8032 1-26-81 / ED—Higher Education Amendments of 1980; implementation procedures; see document for listing of dates and locations of meetings

8032 1-26-81 / ED/Postsecondary Education Office—Student Financial Assistance and Title I and TRIO Programs, Arlington, Tex. (open), 2-19-81

8032 1-26-81 / ED/Postsecondary Education Office—Student Financial Assistance and Title I and TRIO Programs, Washington, D.C. (open), 2-25-81

8032 1-26-81 / ED/Postsecondary Education Office—Student Financial Assistance and Title I and TRIO Programs, San Francisco, Calif. (open), 2-17-81

8032 1-26-81 / ED/Postsecondary Education Office—Student Financial Assistance and Title I and TRIO Programs, Evanston, Ill. (open), 2-11-81

10014 1-30-81 / HHS/CDC/NIOSH—Safety and Occupational Health Study Section, Wheaton, Md. (partially open), 3-2 through 3-5-81

10015 1-30-81 / HHS/HSA—Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open), 2-25 through 2-27-81

8753 1-27-81 / HHS/NIH—National Cancer Advisory Board, Subcommittees on Organ Site Programs, Special Actions for Grants, Centers and Construction, and Planning and Budget, Bethesda, Md. (partially open) 2-1 through 2-4-81

9269 1-28-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 2-6 through 3-27-81

9270 1-28-81 / NFAH—Museum Panel, Washington, D.C. (closed), 2-12-81

9270 1-28-81 / NFAH—Museum Panel, Washington, D.C. (closed), 2-12-81

9270 1-28-81 / NFAH—Visual Arts Panel of the National Council on the Arts, Washington, D.C. (closed), 2-10 and 2-11-81

9270 1-28-81 / NFAH—Visual Arts Panel of the National Council on the Arts, Washington, D.C. (closed), 2-16 through 2-18-81

8138 1-26-81 / NSF—Behavioral and Neural Sciences Advisory Committee, Anthropology Subcommittee, Washington, D.C. (closed), 2-11 through 2-13-81

8138 1-26-81 / NSF—Engineering and Applied Sciences Advisory Committee, Subcommittee for Earthquake Hazards Mitigation, Santa Barbara, Calif. (open), 2-11 and 2-12-81

8137 1-26-81 / NSF—Information and Science Technology Advisory Committee, Washington, D.C. (open), 2-13-81

8138 1-26-81 / NSF—Materials Research Advisory Committee, Facilities Subcommittee, Washington, D.C. (partially open), 2-9-81

[*See also* 46 FR 5106, 1-19-81]

8137 1-26-81 / NSF—Physics Advisory Committee, cancellation of 2-7-81 session of meetings

[*See* 46 FR 5105, 1-19-81]

OTHER ITEMS OF INTEREST

9679 1-29-81 / ACTION—Mini-grants; final notice of guidelines

8158 1-26-81 / DOT/NHTSA—Highway safety research, development and demonstration plans for fiscal year 1980-1984; request for public comments

9947 1-30-81 / EPA—Treatment works construction; State and local assistance; correction to rule published at 45 FR 83497, 12-19-80

10022 1-30-81 / Labor/ETA—Receipt of applications for assistance under Rural Development Act; employment transfer and business competition determinations

8608 1-27-81 / USDA/FmHA—Fiscal year 1981 allocation

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: February 13 and 27; March 13 and 27; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.